

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Precourt offered the following:

2  
3 **Amendment (with title amendment)**

4 Remove everything after the enacting clause and insert:

5  
6 Section 1. Paragraph (f) of subsection (2) of section  
7 14.2015, Florida Statutes, is amended to read:

8 14.2015 Office of Tourism, Trade, and Economic  
9 Development; creation; powers and duties.—

10 (2) The purpose of the Office of Tourism, Trade, and  
11 Economic Development is to assist the Governor in working with  
12 the Legislature, state agencies, business leaders, and economic  
13 development professionals to formulate and implement coherent  
14 and consistent policies and strategies designed to provide  
15 economic opportunities for all Floridians. To accomplish such

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16 purposes, the Office of Tourism, Trade, and Economic Development  
17 shall:

18 (f)~~1.~~ Administer the Florida Enterprise Zone Act under ss.  
19 290.001-290.016, the community contribution tax credit program  
20 under ss. 220.183 and 624.5105, the tax refund program for  
21 qualified target industry businesses under s. 288.106, the tax-  
22 refund program for qualified defense contractors and space  
23 flight business contractors under s. 288.1045, contracts for  
24 transportation projects under s. 288.063, the sports franchise  
25 facility programs under ss. 288.1162 and 288.11621, the  
26 professional golf hall of fame facility program under s.  
27 288.1168, the expedited permitting process under s. 403.973, the  
28 Rural Community Development Revolving Loan Fund under s.  
29 288.065, the Regional Rural Development Grants Program under s.  
30 288.018, the Certified Capital Company Act under s. 288.99, the  
31 Florida State Rural Development Council, the Rural Economic  
32 Development Initiative, the corporate income tax credits for  
33 spaceflight projects under s. 220.194, and other programs that  
34 are specifically assigned to the office by law, by the  
35 appropriations process, or by the Governor.

36 1. Notwithstanding any other provisions of law, the office  
37 may expend interest earned from the investment of program funds  
38 deposited in the Grants and Donations Trust Fund to contract for  
39 the administration of the programs, or portions of the programs,  
40 enumerated in this paragraph or assigned to the office by law,  
41 by the appropriations process, or by the Governor. Such  
42 expenditures are ~~shall be~~ subject to review under chapter 216.

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43           2. The office may enter into contracts in connection with  
44 the fulfillment of its duties concerning the Florida First  
45 Business Bond Pool under chapter 159, tax incentives under  
46 chapters 212 and 220, tax incentives under the Certified Capital  
47 Company Act in chapter 288, foreign offices under chapter 288,  
48 the Enterprise Zone program under chapter 290, the Seaport  
49 Employment Training program under chapter 311, the Florida  
50 Professional Sports Team License Plates under chapter 320,  
51 Spaceport Florida under chapter 331, Expedited Permitting under  
52 chapter 403, and in carrying out other functions that are  
53 specifically assigned to the office by law, by the  
54 appropriations process, or by the Governor.

55           Section 2. Effective January 1, 2012, paragraph (a) of  
56 subsection (1) of section 72.011, Florida Statutes, is amended  
57 to read:

58           72.011 Jurisdiction of circuit courts in specific tax  
59 matters; administrative hearings and appeals; time for  
60 commencing action; parties; deposits.-

61           (1) (a) A taxpayer may contest the legality of any  
62 assessment or denial of refund of tax, fee, surcharge, permit,  
63 interest, or penalty provided for under s. 125.0104, s.  
64 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,  
65 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,  
66 chapter 212, chapter 213, chapter 220, ~~chapter 221~~, s.  
67 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s.  
68 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,  
69 chapter 563, chapter 564, chapter 565, chapter 624, or s.  
70 681.117 by filing an action in circuit court; or, alternatively,  
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71 the taxpayer may file a petition under the applicable provisions  
72 of chapter 120. However, once an action has been initiated under  
73 s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s.  
74 120.80(14)(b), no action relating to the same subject matter may  
75 be filed by the taxpayer in circuit court, and judicial review  
76 shall be exclusively limited to appellate review pursuant to s.  
77 120.68; and once an action has been initiated in circuit court,  
78 no action may be brought under chapter 120.

79 Section 3. Effective January 1, 2012, section 72.041,  
80 Florida Statutes, is amended to read:

81 72.041 Tax liabilities arising under the laws of other  
82 states.—Actions to enforce lawfully imposed sales, use, and  
83 corporate income taxes and motor and other fuel taxes of another  
84 state may be brought in a court of this state under the  
85 following conditions:

86 (1) The state seeking to institute an action for the  
87 collection, assessment, or enforcement of a lawfully imposed tax  
88 must have extended a like courtesy to this state;

89 (2) Venue for any action under this section shall be the  
90 circuit court of the county in which the defendant resides;

91 (3) This section does not apply to the enforcement of tax  
92 warrants of another state unless the warrant has been obtained  
93 as a result of a judgment entered by a court of competent  
94 jurisdiction in the taxing state or unless the courts of the  
95 state seeking to enforce its warrant allow the enforcement of  
96 the warrants issued by the Department of Revenue pursuant to  
97 chapters 206, 212, 213, and 220, ~~and~~ 221; and

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98 (4) All tax liabilities owing to this state or any of its  
99 subdivisions shall be paid first and shall be prior in right to  
100 any tax liability arising under the laws of other states.

101 Section 4. Section 216.138, Florida Statutes, is amended  
102 to read:

103 216.138 Authority to request additional analysis of  
104 legislative proposals ~~legislation~~.-

105 (1) The President of the Senate or the Speaker of the  
106 House of Representatives may request special impact ~~sessions of~~  
107 ~~consensus~~ estimating conferences to evaluate legislative  
108 proposals ~~proposed legislation~~ based on tools and models not  
109 generally employed by the consensus estimating conferences,  
110 including cost-benefit, return-on-investment, or dynamic scoring  
111 techniques, when suitable and appropriate for the legislative  
112 proposals ~~legislation~~ being evaluated.

113 (2) Unless exempt from s. 119.07(1), information used to  
114 develop the analyses shall be available to the public. In  
115 addition, all meetings of a special impact estimating conference  
116 shall be open to the public. The President of the Senate and the  
117 Speaker of the House of Representatives, jointly, shall be the  
118 sole judge for the interpretation, implementation, and  
119 enforcement of this subsection.

120 (3) A special impact estimating conference shall consist  
121 of four principals: one person from the Executive Office of the  
122 Governor; the coordinator of the Office of Economic and  
123 Demographic Research, or his or her designee; one person from  
124 the professional staff of the Senate; and one person from the  
125 professional staff of the House of Representatives. Each

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126 principal shall have appropriate fiscal expertise in the subject  
127 matter of the legislative proposal. A separate special impact  
128 estimating conference may be appointed for each proposal.

129 (4) After the designation of the four principals, a  
130 special impact estimating conference shall convene to adopt  
131 official information relating to the proposal.

132 (a) A principal may invite any person to participate in a  
133 special impact estimating conference. Such person shall be  
134 designated as a participant. A participant shall, at the request  
135 of any principal before or during any meeting of a conference,  
136 collect and supply data, perform analyses, or provide other  
137 information needed by a conference.

138 (b) The principal from the Office of Economic and  
139 Demographic Research may convene any of the conferences  
140 established in s. 216.136 to reach a consensus on supplemental  
141 information required for the analysis of the proposed  
142 legislation.

143 (c) All official information of a special impact  
144 estimating conference shall be adopted by consensus of all of  
145 the principals of the conference. For the purposes of this  
146 section, the terms "official information" and "consensus" have  
147 the same meanings as provided in s. 216.133.

148 Section 5. Subsection (8) of section 220.02, Florida  
149 Statutes, is amended to read:

150 220.02 Legislative intent.—

151 (8) It is the intent of the Legislature that credits  
152 against either the corporate income tax or the franchise tax be  
153 applied in the following order: those enumerated in s. 631.828,  
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154 those enumerated in s. 220.191, those enumerated in s. 220.181,  
155 those enumerated in s. 220.183, those enumerated in s. 220.182,  
156 those enumerated in s. 220.1895, those enumerated in s. 221.02,  
157 those enumerated in s. 220.184, those enumerated in s. 220.186,  
158 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
159 those enumerated in s. 220.185, those enumerated in s. 220.1875,  
160 those enumerated in s. 220.192, those enumerated in s. 220.193,  
161 those enumerated in s. 288.9916, those enumerated in s.  
162 220.1899, ~~and~~ those enumerated in s. 220.1896, those enumerated  
163 in s. 220.194, and those enumerated in s. 220.196.

164 Section 6. Effective January 1, 2012, subsection (8) of  
165 section 220.02, Florida Statutes, as amended by this act, is  
166 amended to read:

167 220.02 Legislative intent.—

168 (8) It is the intent of the Legislature that credits  
169 against either the corporate income tax or the franchise tax be  
170 applied in the following order: those enumerated in s. 631.828,  
171 those enumerated in s. 220.191, those enumerated in s. 220.181,  
172 those enumerated in s. 220.183, those enumerated in s. 220.182,  
173 those enumerated in s. 220.1895, those enumerated in s. 220.195  
174 ~~221.02~~, those enumerated in s. 220.184, those enumerated in s.  
175 220.186, those enumerated in s. 220.1845, those enumerated in s.  
176 220.19, those enumerated in s. 220.185, those enumerated in s.  
177 220.1875, those enumerated in s. 220.192, those enumerated in s.  
178 220.193, those enumerated in s. 288.9916, those enumerated in s.  
179 220.1899, those enumerated in s. 220.1896, those enumerated in  
180 s. 220.194, and those enumerated in 220.196.

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181 Section 7. Paragraphs (a) and (b) of subsection (1) of  
182 section 220.13, Florida Statutes, are amended to read:

183 220.13 "Adjusted federal income" defined.—

184 (1) The term "adjusted federal income" means an amount  
185 equal to the taxpayer's taxable income as defined in subsection  
186 (2), or such taxable income of more than one taxpayer as  
187 provided in s. 220.131, for the taxable year, adjusted as  
188 follows:

189 (a) Additions.—There shall be added to such taxable  
190 income:

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

196 2. The amount of interest which is excluded from taxable  
197 income under s. 103(a) of the Internal Revenue Code or any other  
198 federal law, less the associated expenses disallowed in the  
199 computation of taxable income under s. 265 of the Internal  
200 Revenue Code or any other law, excluding 60 percent of any  
201 amounts included in alternative minimum taxable income, as  
202 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
203 taxpayer pays tax under s. 220.11(3).

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

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208           4. That portion of the wages or salaries paid or incurred  
209 for the taxable year which is equal to the amount of the credit  
210 allowable for the taxable year under s. 220.181. This  
211 subparagraph shall expire on the date specified in s. 290.016  
212 for the expiration of the Florida Enterprise Zone Act.

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

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

222           7. That portion of assessments to fund a guaranty  
223 association incurred for the taxable year which is equal to the  
224 amount of the credit allowable for the taxable year.

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

230           9. The amount taken as a credit for the taxable year under  
231 s. 220.1895.

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

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235 11. The amount taken as a credit for the taxable year  
236 under s. 220.1875. The addition in this subparagraph is intended  
237 to ensure that the same amount is not allowed for the tax  
238 purposes of this state as both a deduction from income and a  
239 credit against the tax. This addition is not intended to result  
240 in adding the same expense back to income more than once.

241 12. The amount taken as a credit for the taxable year  
242 under s. 220.192.

243 13. The amount taken as a credit for the taxable year  
244 under s. 220.193.

245 14. Any portion of a qualified investment, as defined in  
246 s. 288.9913, which is claimed as a deduction by the taxpayer and  
247 taken as a credit against income tax pursuant to s. 288.9916.

248 15. The costs to acquire a tax credit pursuant to s.  
249 288.1254(5) that are deducted from or otherwise reduce federal  
250 taxable income for the taxable year.

251 16. The amount taken as a credit for the taxable year  
252 under s. 220.194.

253 17. The amount taken as a credit for the taxable year  
254 under s. 220.196. The addition in this subparagraph is intended  
255 to ensure that the same amount is not allowed for the tax  
256 purposes of this state as both a deduction from income and a  
257 credit against the tax. The addition is not intended to result  
258 in adding the same expense back to income more than once.

259 (b) Subtractions.—

260 1. There shall be subtracted from such taxable income:

261 a. The net operating loss deduction allowable for federal  
262 income tax purposes under s. 172 of the Internal Revenue Code  
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263 for the taxable year, except that any net operating loss that is  
264 transferred pursuant to s. 220.194(6) may not be deducted by the  
265 seller,

266       b. The net capital loss allowable for federal income tax  
267 purposes under s. 1212 of the Internal Revenue Code for the  
268 taxable year,

269       c. The excess charitable contribution deduction allowable  
270 for federal income tax purposes under s. 170(d)(2) of the  
271 Internal Revenue Code for the taxable year, and

272       d. The excess contributions deductions allowable for  
273 federal income tax purposes under s. 404 of the Internal Revenue  
274 Code for the taxable year.

275  
276 However, a net operating loss and a capital loss shall never be  
277 carried back as a deduction to a prior taxable year, but all  
278 deductions attributable to such losses shall be deemed net  
279 operating loss carryovers and capital loss carryovers,  
280 respectively, and treated in the same manner, to the same  
281 extent, and for the same time periods as are prescribed for such  
282 carryovers in ss. 172 and 1212, respectively, of the Internal  
283 Revenue Code.

284       2. There shall be subtracted from such taxable income any  
285 amount to the extent included therein the following:

286       a. Dividends treated as received from sources without the  
287 United States, as determined under s. 862 of the Internal  
288 Revenue Code.

289       b. All amounts included in taxable income under s. 78 or  
290 s. 951 of the Internal Revenue Code.

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291  
292 However, as to any amount subtracted under this subparagraph,  
293 there shall be added to such taxable income all expenses  
294 deducted on the taxpayer's return for the taxable year which are  
295 attributable, directly or indirectly, to such subtracted amount.  
296 Further, no amount shall be subtracted with respect to dividends  
297 paid or deemed paid by a Domestic International Sales  
298 Corporation.

299         3. In computing "adjusted federal income" for taxable  
300 years beginning after December 31, 1976, there shall be allowed  
301 as a deduction the amount of wages and salaries paid or incurred  
302 within this state for the taxable year for which no deduction is  
303 allowed pursuant to s. 280C(a) of the Internal Revenue Code  
304 (relating to credit for employment of certain new employees).

305         4. There shall be subtracted from such taxable income any  
306 amount of nonbusiness income included therein.

307         5. There shall be subtracted any amount of taxes of  
308 foreign countries allowable as credits for taxable years  
309 beginning on or after September 1, 1985, under s. 901 of the  
310 Internal Revenue Code to any corporation which derived less than  
311 20 percent of its gross income or loss for its taxable year  
312 ended in 1984 from sources within the United States, as  
313 described in s. 861(a)(2)(A) of the Internal Revenue Code, not  
314 including credits allowed under ss. 902 and 960 of the Internal  
315 Revenue Code, withholding taxes on dividends within the meaning  
316 of sub-subparagraph 2.a., and withholding taxes on royalties,  
317 interest, technical service fees, and capital gains.

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318           6. Notwithstanding any other provision of this code,  
319 except with respect to amounts subtracted pursuant to  
320 subparagraphs 1. and 3., any increment of any apportionment  
321 factor which is directly related to an increment of gross  
322 receipts or income which is deducted, subtracted, or otherwise  
323 excluded in determining adjusted federal income shall be  
324 excluded from both the numerator and denominator of such  
325 apportionment factor. Further, all valuations made for  
326 apportionment factor purposes shall be made on a basis  
327 consistent with the taxpayer's method of accounting for federal  
328 income tax purposes.

329           Section 8. Effective January 1, 2012, paragraph (a) of  
330 subsection (1) of section 220.13, Florida Statutes, as amended  
331 by this act, is amended to read:

332           220.13 "Adjusted federal income" defined.—

333           (1) The term "adjusted federal income" means an amount  
334 equal to the taxpayer's taxable income as defined in subsection  
335 (2), or such taxable income of more than one taxpayer as  
336 provided in s. 220.131, for the taxable year, adjusted as  
337 follows:

338           (a) Additions.—There shall be added to such taxable  
339 income:

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

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345           2. The amount of interest which is excluded from taxable  
346 income under s. 103(a) of the Internal Revenue Code or any other  
347 federal law, less the associated expenses disallowed in the  
348 computation of taxable income under s. 265 of the Internal  
349 Revenue Code or any other law, excluding 60 percent of any  
350 amounts included in alternative minimum taxable income, as  
351 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
352 taxpayer pays tax under s. 220.11(3).

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

357           4. That portion of the wages or salaries paid or incurred  
358 for the taxable year which is equal to the amount of the credit  
359 allowable for the taxable year under s. 220.181. This  
360 subparagraph shall expire on the date specified in s. 290.016  
361 for the expiration of the Florida Enterprise Zone Act.

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

367           6. The amount taken as a credit under s. 220.195 ~~of~~  
368 ~~emergency excise tax paid or accrued as a liability to this~~  
369 ~~state under chapter 221~~ which ~~tax~~ is deductible from gross  
370 income in the computation of taxable income for the taxable  
371 year.

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372 7. That portion of assessments to fund a guaranty  
373 association incurred for the taxable year which is equal to the  
374 amount of the credit allowable for the taxable year.

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

380 9. The amount taken as a credit for the taxable year under  
381 s. 220.1895.

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

385 11. The amount taken as a credit for the taxable year  
386 under s. 220.1875. The addition in this subparagraph is intended  
387 to ensure that the same amount is not allowed for the tax  
388 purposes of this state as both a deduction from income and a  
389 credit against the tax. This addition is not intended to result  
390 in adding the same expense back to income more than once.

391 12. The amount taken as a credit for the taxable year  
392 under s. 220.192.

393 13. The amount taken as a credit for the taxable year  
394 under s. 220.193.

395 14. Any portion of a qualified investment, as defined in  
396 s. 288.9913, which is claimed as a deduction by the taxpayer and  
397 taken as a credit against income tax pursuant to s. 288.9916.

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398 15. The costs to acquire a tax credit pursuant to s.  
399 288.1254(5) that are deducted from or otherwise reduce federal  
400 taxable income for the taxable year.

401 16. The amount taken as a credit for the taxable year  
402 pursuant to s. 220.194.

403 17. The amount taken as a credit for the taxable year  
404 under s. 220.196. The addition in this subparagraph is intended  
405 to ensure that the same amount is not allowed for the tax  
406 purposes of this state as both a deduction from income and a  
407 credit against the tax. The addition is not intended to result  
408 in adding the same expense back to income more than once.

409 Section 9. Subsection (5) of section 220.131, Florida  
410 Statutes, is amended to read:

411 220.131 Adjusted federal income; affiliated groups.—

412 (5) Each taxpayer shall apportion adjusted federal income  
413 under s. 220.15 as a member of an affiliated group which files a  
414 consolidated return under this section on the basis of  
415 apportionment factors described in s. 220.15. For the purposes  
416 of this subsection, each special industry member included in an  
417 affiliated group filing a consolidated return ~~hereunder~~, who  
418 ~~which member~~ would otherwise be permitted to use a special  
419 method of apportionment under s. 220.151 or s. 220.153, shall  
420 construct the numerator of its sales, property, and payroll  
421 factors, respectively, by multiplying the denominator of each  
422 such factor by the premiums, ~~or~~ revenue miles, or single sales  
423 factor ratio otherwise applicable under ~~pursuant to~~ s. 220.151  
424 or s. 220.153 in the manner prescribed by ~~the~~ department ~~by~~  
425 rule.

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426 Section 10. Subsection (1) of section 220.15, Florida  
427 Statutes, is amended to read:

428 220.15 Apportionment of adjusted federal income.—

429 (1) Except as provided in ss. 220.151, ~~and~~ 220.152, and  
430 220.153, adjusted federal income as defined in s. 220.13 shall  
431 be apportioned to this state by taxpayers doing business within  
432 and without this state by multiplying it by an apportionment  
433 fraction composed of a sales factor representing 50 percent of  
434 the fraction, a property factor representing 25 percent of the  
435 fraction, and a payroll factor representing 25 percent of the  
436 fraction. If any factor described in subsection (2), subsection  
437 (4), or subsection (5) has a denominator that is zero or is  
438 determined by the department to be insignificant, the relative  
439 weights of the other factors in the denominator of the  
440 apportionment fraction shall be as follows:

441 (a) If the denominators for any two factors are zero or  
442 are insignificant, the weighted percentage for the remaining  
443 factor shall be 100 percent.

444 (b) If the denominator for the sales factor is zero or is  
445 insignificant, the weighted percentage for the property and  
446 payroll factors shall change from 25 percent to 50 percent,  
447 respectively.

448 (c) If the denominator for either the property or payroll  
449 factor is zero or is insignificant, the weighted percentage for  
450 the other shall be 33 1/3 percent, and the weighted percentage  
451 for the sales factor shall be 66 2/3 percent.

452 Section 11. Section 220.153, Florida Statutes, is created  
453 to read:

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454 220.153 Apportionment by sales factor.-

455 (1) DEFINITIONS.-As used in this section, the term:

456 (a) "Office" means the Office of Tourism, Trade, and  
457 Economic Development.

458 (b) "Qualified capital expenditures" means expenditures in  
459 this state for purposes substantially related to a business's  
460 production or sale of goods or services. The expenditure must  
461 fund the acquisition of additional real property (land,  
462 buildings, including appurtenances, fixtures and fixed  
463 equipment, structures, etc.), including additions, replacements,  
464 major repairs, and renovations to real property which materially  
465 extend its useful life or materially improve or change its  
466 functional use and the furniture and equipment necessary to  
467 furnish and operate a new or improved facility. The term  
468 "qualified capital expenditures" does not include an expenditure  
469 for a passive investment or for an investment intended for the  
470 accumulation of reserves or the realization of profit for  
471 distribution to any person holding an ownership interest in the  
472 business. The term "qualified capital expenditures" does not  
473 include expenditures to acquire an existing business or  
474 expenditures in excess of \$125 million to acquire land or  
475 buildings.

476 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.-A taxpayer, not  
477 including a financial organization as defined in s. 220.15(6) or  
478 a bank, savings association, international banking facility, or  
479 banking organization as defined in s. 220.62, doing business  
480 within and without this state, who applies and demonstrates to  
481 the office that, within a 2-year period beginning on or after

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482 July 1, 2011, it has made qualified capital expenditures equal  
483 to or exceeding \$250 million may apportion its adjusted federal  
484 income solely by the sales factor set forth in s. 220.15(5),  
485 commencing in the taxable year that the office approves the  
486 application, but not before a taxable year that begins on or  
487 after January 1, 2013. Once approved, a taxpayer may elect to  
488 apportion its adjusted federal income for any taxable year using  
489 the method provided under this section or the method provided  
490 under s. 220.15.

491 (3) QUALIFICATION PROCESS.-

492 (a) To qualify as a taxpayer who is eligible to apportion  
493 its adjusted federal income under this section:

494 1. The taxpayer must notify the office of its intent to  
495 submit an application to apportion its adjusted federal income  
496 in order to commence the 2-year period for measuring qualified  
497 capital expenditures.

498 2. The taxpayer must submit an application to apportion  
499 its adjusted federal income under this section to the office  
500 within 2 years after notifying the office of the taxpayer's  
501 intent to qualify. The application must be made under oath and  
502 provide such information as the office reasonably requires by  
503 rule for determining the applicant's eligibility to apportion  
504 adjusted federal income under this section. The taxpayer is  
505 responsible for affirmatively demonstrating to the satisfaction  
506 of the office that it meets the eligibility requirements.

507 (b) The taxpayer notice and application forms shall be  
508 established by the office by rule. The office shall acknowledge

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509 receipt of the notice and approve or deny the application in  
510 writing within 45 days after receipt.

511 (4) REVIEW AUTHORITY; RECAPTURE OF TAX.—

512 (a) In addition to its existing audit authority, the  
513 department may perform any financial and technical review and  
514 investigation, including examining the accounts, books, and  
515 records of the taxpayer as necessary, to verify that the  
516 taxpayer's tax return correctly computes and apportions adjusted  
517 federal income and to ensure compliance with this chapter.

518 (b) The office may, by order, revoke its decision to grant  
519 eligibility for apportionment pursuant to this section, and may  
520 also order the recalculation of apportionment factors to those  
521 applicable under s. 220.15 if, as the result of an audit,  
522 investigation, or examination, it determines that information  
523 provided by the taxpayer in the application, or in a statement,  
524 representation, record, report, plan, or other document provided  
525 to the office to become eligible for apportionment, was  
526 materially false at the time it was made and that an individual  
527 acting on behalf of the taxpayer knew, or should have known,  
528 that the information submitted was false. The taxpayer shall pay  
529 such additional taxes and interest as may be due pursuant to  
530 this chapter computed as the difference between the tax that  
531 would have been due under the apportionment formula provided in  
532 s. 220.15 for such years and the tax actually paid. In addition,  
533 the department shall assess a penalty equal to 100 percent of  
534 the additional tax due.

535 (c) The office shall immediately notify the department of  
536 an order affecting a taxpayer's eligibility to apportion tax

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537 pursuant to this section. A taxpayer who is liable for past tax  
538 must file an amended return with the department, or such other  
539 report as the department prescribes by rule, and pay any  
540 required tax, interest, and penalty within 60 days after the  
541 taxpayer receives notification from the office that the  
542 previously approved credits have been revoked. If the revocation  
543 is contested, the taxpayer shall file an amended return or other  
544 report within 30 days after an order becomes final. A taxpayer  
545 who fails to pay the past tax, interest, and penalty by the due  
546 date is subject to the penalties provided in s. 220.803.

547 (5) RULES.—The office and the department may adopt rules  
548 to administer this section.

549 Section 12. Paragraph (f) of subsection (2) of section  
550 220.1845, Florida Statutes, is amended to read:

551 220.1845 Contaminated site rehabilitation tax credit.—

552 (2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

553 (f) The total amount of the tax credits which may be  
554 granted under this section is \$5 ~~\$2~~ million annually.

555 Section 13. Subsections (4), (5), and (11) of section  
556 376.30781, Florida Statutes, are amended to read:

557 376.30781 Tax credits for rehabilitation of drycleaning-  
558 solvent-contaminated sites and brownfield sites in designated  
559 brownfield areas; application process; rulemaking authority;  
560 revocation authority.—

561 (4) The Department of Environmental Protection is  
562 responsible for allocating the tax credits provided for in s.  
563 220.1845, which may not exceed a total of \$5 ~~\$2~~ million in tax  
564 credits annually.

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565 (5) To claim the credit for site rehabilitation or solid  
566 waste removal, each tax credit applicant must apply to the  
567 Department of Environmental Protection for an allocation of the  
568 \$5 ~~\$2~~ million annual credit by filing a tax credit application  
569 with the Division of Waste Management on a form developed by the  
570 Department of Environmental Protection in cooperation with the  
571 Department of Revenue. The form shall include an affidavit from  
572 each tax credit applicant certifying that all information  
573 contained in the application, including all records of costs  
574 incurred and claimed in the tax credit application, are true and  
575 correct. If the application is submitted pursuant to  
576 subparagraph (3)(a)2., the form must include an affidavit signed  
577 by the real property owner stating that it is not, and has never  
578 been, the owner or operator of the drycleaning facility where  
579 the contamination exists. Approval of tax credits must be  
580 accomplished on a first-come, first-served basis based upon the  
581 date and time complete applications are received by the Division  
582 of Waste Management, subject to the limitations of subsection  
583 (14). To be eligible for a tax credit, the tax credit applicant  
584 must:

585 (a) For site rehabilitation tax credits, have entered into  
586 a voluntary cleanup agreement with the Department of  
587 Environmental Protection for a drycleaning-solvent-contaminated  
588 site or a Brownfield Site Rehabilitation Agreement, as  
589 applicable, and have paid all deductibles pursuant to s.  
590 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program  
591 sites, as applicable. A site rehabilitation tax credit applicant  
592 must submit only a single completed application per site for  
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593 each calendar year's site rehabilitation costs. A site  
594 rehabilitation application must be received by the Division of  
595 Waste Management of the Department of Environmental Protection  
596 by January 31 of the year after the calendar year for which site  
597 rehabilitation costs are being claimed in a tax credit  
598 application. All site rehabilitation costs claimed must have  
599 been for work conducted between January 1 and December 31 of the  
600 year for which the application is being submitted. All payment  
601 requests must have been received and all costs must have been  
602 paid prior to submittal of the tax credit application, but no  
603 later than January 31 of the year after the calendar year for  
604 which site rehabilitation costs are being claimed.

605 (b) For solid waste removal tax credits, have entered into  
606 a brownfield site rehabilitation agreement with the Department  
607 of Environmental Protection. A solid waste removal tax credit  
608 applicant must submit only a single complete application per  
609 brownfield site, as defined in the brownfield site  
610 rehabilitation agreement, for solid waste removal costs. A solid  
611 waste removal tax credit application must be received by the  
612 Division of Waste Management of the Department of Environmental  
613 Protection subsequent to the completion of the requirements  
614 listed in paragraph (3) (e).

615 (11) If a tax credit applicant does not receive a tax  
616 credit allocation due to an exhaustion of the \$5 2 million  
617 annual tax credit authorization, such application will then be  
618 included in the same first-come, first-served order in the next  
619 year's annual tax credit allocation, if any, based on the prior  
620 year application.

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621 Section 14. Subsection (5) is added to section 220.16,  
622 Florida Statutes, to read:

623 220.16 Allocation of nonbusiness income.—Nonbusiness  
624 income shall be allocated as follows:

625 (5) The amount of payments received in exchange for  
626 transferring a net operating loss authorized by s. 220.194 is  
627 allocable to the state.

628 Section 15. Section 220.194, Florida Statutes, is created  
629 to read:

630 220.194 Corporate income tax credits for spaceflight  
631 projects.—

632 (1) SHORT TITLE.—This section may be cited as the "Florida  
633 Space Business Incentives Act."

634 (2) PURPOSE.—The purpose of this section is to create  
635 incentives to attract launch, payload, research and development,  
636 and other space business to this state.

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

638 (a) "Administrative support" means that 51 percent or more  
639 of an activity supports a certified spaceflight business.

640 (b) "Certified" means that a spaceflight business has been  
641 certified by the office as meeting all of the requirements  
642 necessary to obtain at least one of the approved tax credits  
643 available under this section, including approval to transfer a  
644 credit.

645 (c) "New employee" means a state resident who begins or  
646 maintains full-time employment in this state with a spaceflight  
647 business on or after October 1, 2011. The term does not include  
648 a person who is a partner, majority stockholder, or owner of the

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649 business or a person who is employed in a temporary construction  
650 job or primarily involved with the construction of real  
651 property.

652 (d) "New job" means the full-time employment of an  
653 employee in a manner that is consistent with terms used by the  
654 Agency for Workforce Innovation and the United States Department  
655 of Labor for purposes of unemployment compensation tax  
656 administration and employment estimation. In order to meet the  
657 requirement for certification specified in paragraph (5) (b), a  
658 new job must:

659 1. Pay new employees at least 115 percent of the statewide  
660 or countywide average annual private-sector wage for the 3  
661 taxable years immediately preceding filing an application for  
662 certification;

663 2. Require a new employee to perform duties on a regular  
664 full-time basis in this state for an average of at least 36  
665 hours per week each month for the 3 taxable years immediately  
666 preceding filing an application for certification; and

667 3. Not be held by a person who has previously been  
668 included as a new employee on an application for any credit  
669 authorized under this section.

670 (e) "Office" means the Office of Tourism, Trade, and  
671 Economic Development.

672 (f) "Payload" means an object built or assembled in this  
673 state to be placed into earth's upper atmospheres or space.

674 (g) "Reentry" means to return or attempt to return an  
675 object from earth's upper atmospheres or space.

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676 (h) "Reentry service" means an activity conducted in this  
677 state related to preparing a reentry vehicle and any payload for  
678 reentry and the reentry.

679 (i) "Space vehicle" means any spacecraft, satellite, space  
680 station, upper-stage, launch vehicle, reentry vehicle, and  
681 related ground-support systems and equipment.

682 (j) "Spaceflight business" means a business that:

683 1. Is registered with the Secretary of State to do  
684 business in this state; and

685 2. Is currently engaged in a spaceflight project. A  
686 spaceflight business may participate in more than one  
687 spaceflight project at a time and may conduct work on a  
688 commercial, governmental, or United States defense-related  
689 spaceflight project.

690 (k) "Spaceflight project" means any of the following  
691 activities performed in this state:

692 1. Designing, manufacturing, testing, or assembling a  
693 space vehicle or components thereof;

694 2. Providing a launch service, payload processing service,  
695 or reentry service; or

696 3. Providing the payload for a launch vehicle or reentry  
697 space vehicle;

698 4. Administrative support; or

699 5. Providing the launch vehicle or the reentry vehicle for  
700 space tourists.

701 (l) "Taxpayer" has the same meaning as provided in s.  
702 220.03.

703 (4) TAX CREDITS.—

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704 (a) If approved and certified pursuant to subsection (5),  
705 the following tax credits may be taken on a return for a taxable  
706 year beginning on or after October 1, 2015:

707 1. A certified spaceflight business may take a  
708 nontransferable corporate income tax credit for up to 50 percent  
709 of the business's tax liability under this chapter for the  
710 taxable year in which the credit is taken. The maximum  
711 nontransferable tax credit amount that may be approved per  
712 taxpayer for a taxable year is \$1 million. No more than \$3  
713 million in total tax credits pursuant to this subparagraph may  
714 be certified pursuant to subsection (5). No credit may be  
715 approved after October 1, 2017.

716 2. A certified spaceflight business may transfer, in whole  
717 or in part, its Florida net operating loss that would otherwise  
718 be available to be taken on a return filed under this chapter,  
719 provided that the activity giving rise to such net operating  
720 loss must have occurred after July 1, 2011. The transfer allowed  
721 under this subparagraph will be in the form of a transferable  
722 tax credit equal to the amount of the net operating loss  
723 eligible to be transferred. The maximum transferable tax credit  
724 amount that may be approved per taxpayer for a taxable year is  
725 \$2.5 million. No more than \$7 million in total tax credits  
726 pursuant to this subparagraph may be certified pursuant to  
727 subsection (5). No credit may be approved after October 1, 2017.

728 a. In order to transfer the credit, the business must:

729 (I) Have been approved to transfer the tax credit for the  
730 taxable year in which it is transferred;

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731 (II) Have incurred a qualifying net operating loss on  
732 activity in this state after July 1, 2011, directly associated  
733 with one or more spaceflight projects in any of its 3 previous  
734 taxable years;

735 (III) Not be 50 percent or more owned or controlled,  
736 directly or indirectly, by another corporation that has  
737 demonstrated positive net income in any of the 3 previous  
738 taxable years of ongoing operations; and

739 (IV) Not be part of a consolidated group of affiliated  
740 corporations, as filed for federal income tax purposes, which in  
741 the aggregate demonstrated positive net income in any of the 3  
742 previous taxable years.

743 b. The credit that may be transferred by a certified  
744 spaceflight business:

745 (I) Is limited to the amount of eligible net operating  
746 losses incurred in the immediate 3 taxable years before the  
747 transfer; and

748 (II) Must be directly associated with a spaceflight  
749 project in this state as verified through an audit or  
750 examination by a certified public accountant licensed to do  
751 business in this state and as verified by the office.

752 (b) Each certified spaceflight business may only be  
753 approved for a credit under subparagraph (a)1. once and may only  
754 be approved to transfer a tax credit under subparagraph (a)2.  
755 once, and a certified spaceflight business may not be approved  
756 for both in a single state fiscal year.

757 (c) Credits approved under subparagraph (a)1. may be taken  
758 only against the corporate income tax liability generated by or  
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759 arising out of a spaceflight project in this state, as verified  
760 through an audit or examination by a certified public accountant  
761 licensed to do business in this state and as verified by the  
762 office.

763 (d) A certified spaceflight business may not file a  
764 consolidated return in order to claim the tax incentives  
765 described in this subsection.

766 (e) The certified spaceflight business or transferee must  
767 demonstrate to the satisfaction of the office and the department  
768 that it is eligible to take the credits approved under this  
769 section.

770 (5) APPLICATION AND CERTIFICATION.—

771 (a) In order to claim a tax credit under this section, a  
772 spaceflight business must first submit an application to the  
773 office for approval to earn tax credits or create transferable  
774 tax credits. The application must be filed by the date  
775 established by the office. In addition to any information that  
776 the office may require, the applicant must provide a complete  
777 description of the activity in this state which demonstrates to  
778 the office the applicant's likelihood to be certified to take or  
779 transfer a credit. The applicant must also provide a description  
780 of the total amount and type of credits for which approval is  
781 sought. The office may consult with Space Florida regarding the  
782 qualifications of an applicant. The applicant shall provide an  
783 affidavit certifying that all information contained in the  
784 application is true and correct.

785 1. Approval of the credits shall be provided on a first-  
786 come, first-served basis, based on the date the completed

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787 applications are received by the office. A taxpayer may not  
788 submit more than one completed application per state fiscal  
789 year. The office may not accept an incomplete placeholder  
790 application, and the submission of such an application will not  
791 secure a place in the first-come, first-served application line.

792 2. The office has 60 days after the receipt of a completed  
793 application within which to issue a notice of intent to deny or  
794 approve an application for credits. The office must ensure that  
795 the corporate income tax credits approved for all applicants  
796 does not exceed the limits provided in this section.

797 (b) In order to take a tax credit under subparagraph (a)1.  
798 or, if applicable, to transfer an approved credit under  
799 subparagraph (a)2., a spaceflight business must submit an  
800 application for certification to the office along with a  
801 nonrefundable \$250 fee.

802 1. The application must include:

803 a. The name and physical in-state address of the taxpayer.

804 b. Documentation demonstrating to the satisfaction of the  
805 office that:

806 (I) The taxpayer is a spaceflight business.

807 (II) The business has engaged in a qualifying spaceflight  
808 project before taking or transferring a credit under this  
809 section.

810 c. In addition to any requirement specific to a credit,  
811 documentation that the business has:

812 (I) Created 35 new jobs in this state directly associated  
813 with spaceflight projects during its immediately preceding 3  
814 taxable years. The business shall be deemed to have created new

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815 jobs if the number of full-time jobs located in this state at  
816 the time of application for certification is greater than the  
817 total number of full-time jobs located in this state at the time  
818 of application for approval to earn credits; and

819 (II) Invested a total of at least \$15 million in this  
820 state on a spaceflight project during its immediately preceding  
821 3 taxable years.

822 d. The total amount and types of credits sought.

823 e. An acknowledgment that a transfer of a tax credit is to  
824 be accomplished pursuant to subsection (5).

825 f. A copy of an audit or audits of the preceding 3 taxable  
826 years, prepared by a certified public accountant licensed to  
827 practice in this state, which identifies that portion of the  
828 business's activities in this state related to spaceflight  
829 projects in this state.

830 g. An acknowledgement that the business must file an  
831 annual report on the spaceflight project's progress with the  
832 office.

833 h. Any other information necessary to demonstrate that the  
834 applicant meets the job creation, investment, and other  
835 requirements of this section.

836 2. Within 60 days after receipt of the application for  
837 certification, the office shall evaluate the application and  
838 recommend the business for certification or denial. The  
839 executive director of the office must approve or deny the  
840 application within 30 days after receiving the recommendation.  
841 If approved, the office must provide a letter of certification  
842 to the applicant consistent with any restrictions imposed. If

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843 the office denies any part of the requested credit, the office  
844 must inform the applicant of the grounds for the denial. A copy  
845 of the certification shall be submitted to the department within  
846 10 days after the executive director's approval.

847 (6) TRANSFERABILITY OF CREDIT.—

848 (a) A certified spaceflight business allowed to transfer  
849 an approved credit, in whole or in part, to a taxpayer by  
850 written agreement may do so without transferring any ownership  
851 interest in the property generating the credit or any interest  
852 in the entity owning such property.

853 (b) In order to perfect the transfer, the transferor shall  
854 provide the department with a written transfer statement that  
855 has been approved by the office notifying the department of the  
856 transferor's intent to transfer the tax credits to the  
857 transferee; the date that the transfer is effective; the  
858 transferee's name, address, and federal taxpayer identification  
859 number; the tax period; and the amount of tax credits to be  
860 transferred. Upon receipt of the approved transfer statement,  
861 the department shall provide the transferee and the office with  
862 a certificate reflecting the tax credit amounts transferred. A  
863 copy of the certificate must be attached to each tax return for  
864 which the transferee seeks to apply the credits.

865 (7) AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

866 (a) In addition to its existing audit and investigative  
867 authority, the department may perform any additional financial  
868 and technical audits and investigations, including examining the  
869 accounts, books, and financial records of the tax credit  
870 applicant, which are necessary for verifying the accuracy of the

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871 return and to ensure compliance with this section. If requested  
872 by the department, the office and Space Florida must provide  
873 technical assistance for any technical audits or examinations  
874 performed under this subsection.

875 (b) Grounds for forfeiture of previously claimed tax  
876 credits approved under this section exist if the department  
877 determines, as a result of an audit or examination, or from  
878 information received from the office, that a certified  
879 spaceflight business, or in the case of transferred tax credits,  
880 a taxpayer received tax credits for which the certified  
881 spaceflight business or taxpayer was not entitled. The  
882 spaceflight business or transferee must file an amended return  
883 reflecting the disallowed credits and paying any tax due as a  
884 result of the amendment.

885 (c) If an amendment to, recomputation of, or  
886 redetermination of a certified spaceflight business's Florida  
887 corporate income tax return changes an item entered into the  
888 computation of a claimed credit, the taxpayer must notify the  
889 department by filing an amended return. The amount of any credit  
890 award not supported by the amended return shall be deemed a  
891 deficiency that must be remitted with the amended return and is  
892 subject to s. 220.23. The spaceflight business is also liable  
893 for a penalty equal to the credit claimed or transferred,  
894 reduced in proportion to the amount of the net operating loss  
895 certified for transfer which is disallowed over the amount of  
896 the net operating loss certified for the credit. The certified  
897 business and its successors must maintain all records necessary  
898 to support the reported net operating loss.

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899       (d) The office may revoke or modify a certification  
900 granting eligibility for tax credits if it finds that the  
901 certified spaceflight business made a false statement or  
902 representation in any application, record, report, plan, or  
903 other document filed in an attempt to receive tax credits under  
904 this section. The office shall immediately notify the department  
905 of any revoked or modified orders affecting previously granted  
906 tax credits. The certified spaceflight business must also notify  
907 the department of any change in its claimed tax credit.

908       (e) The certified spaceflight business must file with the  
909 department an amended return or other report required by the  
910 department by rule and pay any required tax and interest within  
911 60 days after the certified business receives notification from  
912 the office that previously approved tax credits have been  
913 revoked or modified. If the revocation or modification order is  
914 contested, the spaceflight business must file the amended return  
915 or other report within 60 days after a final order is issued.

916       (f) The department may assess an additional tax, penalty,  
917 or interest pursuant to s. 95.091.

918       (8) RULES.-

919       (a) The office, in consultation with Space Florida, shall  
920 adopt rules to administer this section, including rules relating  
921 to application forms for credit approval and certification, and  
922 the application and certification procedures, guidelines, and  
923 requirements necessary to administer this section.

924       (b) The department may adopt rules to administer this  
925 section, including rules relating to:

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926 1. The forms required to claim a tax credit under this  
927 section, the requirements and basis for establishing an  
928 entitlement to a credit, and the examination and audit  
929 procedures required to administer this section.

930 2. The implementation and administration of provisions  
931 allowing the transfer of a net operating loss as a tax credit,  
932 including rules that prescribe forms, reporting requirements,  
933 and specific procedures, guidelines, and requirements necessary  
934 to perform the transfer.

935 3. The minimum portion of the credit which is available  
936 for transfer.

937 (9) ANNUAL REPORT.—Beginning in 2014, the office, in  
938 cooperation with Space Florida and the department, shall submit  
939 an annual report summarizing activities relating to the Florida  
940 Space Business Incentives Act established under this section to  
941 the Governor, the President of the Senate, and the Speaker of  
942 the House of Representatives by each November 30.

943 (10) NONAPPLICABILITY.—This section does not apply to  
944 returns filed for any tax period before October 1, 2015.

945 Section 16. Effective January 1, 2012, section 220.195,  
946 Florida Statutes, is created to read:

947 220.195 Emergency excise tax credit.—

948 (1) Beginning with taxable years ending in 2012, a  
949 taxpayer who has earned, but not yet taken, a credit for  
950 emergency excise tax paid under former s. 221.02 may take such  
951 credit against the tax imposed by this chapter.

952 (2) If a credit granted pursuant to this section is not  
953 fully used in taxable years ending in 2012 because of

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954 insufficient tax liability on the part of the taxpayer, the  
955 unused amount may be carried forward for a period not to exceed  
956 5 years. The carryover credit may be used in a subsequent year  
957 when the tax imposed by this chapter for such year exceeds the  
958 credit for such year, after applying the other credits and  
959 unused credit carryovers in the order provided in s. 220.02(8).

960 Section 17. Effective July 1, 2011, and applicable to  
961 taxable years beginning on or after January 1, 2012, section  
962 220.196, Florida Statutes, is created to read:

963 220.196 Research and development tax credit.—

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

965 (a) "Base amount" means the average of the business  
966 enterprise's qualified research expenses in this state allowed  
967 under 26 U.S.C. s. 41 for the 4 taxable years preceding the  
968 taxable year for which the credit is determined. The qualified  
969 research expenses taken into account in computing the base  
970 amount shall be determined on a basis consistent with the  
971 determination of qualified research expenses for the taxable  
972 year.

973 (b) "Business enterprise" means any corporation as defined  
974 in s. 220.03 which meets the definition of a target industry  
975 business as defined in s. 288.106.

976 (c) "Qualified research expenses" mean research expenses  
977 qualifying for the credit under 26 U.S.C. s. 41 for in-house  
978 research expenses incurred in this state or contract research  
979 expenses incurred in this state. The term does not include  
980 research conducted outside this state or research expenses that  
981 do not qualify for a credit under 26 U.S.C. s. 41.

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982       (2) TAX CREDIT.—Subject to the limitations contained in  
983 paragraph (e), a business enterprise is eligible for a credit  
984 against the tax imposed by this chapter if the business  
985 enterprise has qualified research expenses in this state in the  
986 taxable year exceeding the base amount and, for the same taxable  
987 year, claims and is allowed a research credit for such qualified  
988 research expenses under 26 U.S.C. s. 41.

989       (a) The tax credit shall be 10 percent of the excess  
990 qualified research expenses over the base amount. However, the  
991 maximum tax credit for a business enterprise that has not been  
992 in existence for at least 4 taxable years immediately preceding  
993 the taxable year is reduced by 25 percent for each taxable year  
994 for which the business enterprise, or a predecessor corporation  
995 that was a business enterprise, did not exist.

996       (b) The credit taken in any taxable year may not exceed 50  
997 percent of the business enterprise's remaining net income tax  
998 liability under this chapter after all other credits have been  
999 applied under s. 220.02(8).

1000       (c) Any unused credit authorized under this section may be  
1001 carried forward and claimed by the taxpayer for up to 5 years.

1002       (d) The combined total amount of tax credits which may be  
1003 granted to all business enterprises under this section during  
1004 any calendar year is \$9 million. Applications may be filed with  
1005 the department on or after March 20 for qualified research  
1006 expenses incurred within the preceding calendar year, and  
1007 credits shall be granted in the order in which completed  
1008 applications are received.

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1009       (3) RECALCULATION OF CREDIT AMOUNT.—If the amount of  
1010 qualified research expenses is reduced as a result of a federal  
1011 audit or examination, the credit granted pursuant to this  
1012 section must be recalculated. The taxpayer must file amended  
1013 returns for all affected years pursuant to s. 220.23(2), and the  
1014 taxpayer must pay to the department the difference between the  
1015 initial credit amount taken and the recalculated credit amount  
1016 with interest.

1017       (4) RULES.—The department may adopt rules to administer  
1018 this section, including, but not limited to, rules prescribing  
1019 forms and application procedures and dates, and may establish  
1020 guidelines for making an affirmative showing of qualification  
1021 for a credit and any evidence needed to substantiate a claim for  
1022 credit under this section.

1023       Section 18. Effective January 1, 2012, subsection (4) of  
1024 section 220.801, Florida Statutes, is amended to read:

1025       220.801 Penalties; failure to timely file returns.—

1026       (4) The provisions of this section shall specifically  
1027 apply to the notice of federal change required under s. 220.23,  
1028 ~~and to any tax returns required under chapter 221, relating to~~  
1029 ~~the emergency excise tax.~~

1030       Section 19. Effective January 1, 2012, section 213.05,  
1031 Florida Statutes, is amended to read:

1032       213.05 Department of Revenue; control and administration  
1033 of revenue laws.—The Department of Revenue shall have only those  
1034 responsibilities for ad valorem taxation specified to the  
1035 department in chapter 192, taxation, general provisions; chapter  
1036 193, assessments; chapter 194, administrative and judicial

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1037 review of property taxes; chapter 195, property assessment  
1038 administration and finance; chapter 196, exemption; chapter 197,  
1039 tax collections, sales, and liens; chapter 199, intangible  
1040 personal property taxes; and chapter 200, determination of  
1041 millage. The Department of Revenue shall have the responsibility  
1042 of regulating, controlling, and administering all revenue laws  
1043 and performing all duties as provided in s. 125.0104, the Local  
1044 Option Tourist Development Act; s. 125.0108, tourist impact tax;  
1045 chapter 198, estate taxes; chapter 201, excise tax on documents;  
1046 chapter 202, communications services tax; chapter 203, gross  
1047 receipts taxes; chapter 206, motor and other fuel taxes; chapter  
1048 211, tax on production of oil and gas and severance of solid  
1049 minerals; chapter 212, tax on sales, use, and other  
1050 transactions; chapter 220, income tax code; ~~chapter 221,~~  
1051 ~~emergency excise tax;~~ ss. 336.021 and 336.025, taxes on motor  
1052 fuel and special fuel; s. 376.11, pollutant spill prevention and  
1053 control; s. 403.718, waste tire fees; s. 403.7185, lead-acid  
1054 battery fees; s. 538.09, registration of secondhand dealers; s.  
1055 538.25, registration of secondary metals recyclers; s. 624.4621,  
1056 group self-insurer's fund premium tax; s. 624.5091, retaliatory  
1057 tax; s. 624.475, commercial self-insurance fund premium tax; ss.  
1058 624.509-624.511, insurance code: administration and general  
1059 provisions; s. 624.515, State Fire Marshal regulatory  
1060 assessment; s. 627.357, medical malpractice self-insurance  
1061 premium tax; s. 629.5011, reciprocal insurers premium tax; and  
1062 s. 681.117, motor vehicle warranty enforcement.

1063 Section 20. Paragraph (dd) is added to subsection (8) of  
1064 section 213.053, Florida Statutes, as amended by chapter 2010-  
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1065 280, Laws of Florida, and effective January 1, 2012, subsection  
1066 (1) and paragraph (k) of subsection (8) of that section are  
1067 amended, to read:

1068 213.053 Confidentiality and information sharing.—

1069 (1) This section applies to:

1070 (a) Section 125.0104, county government;

1071 (b) Section 125.0108, tourist impact tax;

1072 (c) Chapter 175, municipal firefighters' pension trust  
1073 funds;

1074 (d) Chapter 185, municipal police officers' retirement  
1075 trust funds;

1076 (e) Chapter 198, estate taxes;

1077 (f) Chapter 199, intangible personal property taxes;

1078 (g) Chapter 201, excise tax on documents;

1079 (h) Chapter 202, the Communications Services Tax

1080 Simplification Law;

1081 (i) Chapter 203, gross receipts taxes;

1082 (j) Chapter 211, tax on severance and production of  
1083 minerals;

1084 (k) Chapter 212, tax on sales, use, and other  
1085 transactions;

1086 (l) Chapter 220, income tax code;

1087 ~~(m) Chapter 221, emergency excise tax;~~

1088 (m) ~~(n)~~ Section 252.372, emergency management,  
1089 preparedness, and assistance surcharge;

1090 (n) ~~(o)~~ Section 379.362(3), Apalachicola Bay oyster  
1091 surcharge;

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- 1092        ~~(o)~~~~(p)~~ Chapter 376, pollutant spill prevention and  
1093 control;
- 1094        ~~(p)~~~~(q)~~ Section 403.718, waste tire fees;
- 1095        ~~(q)~~~~(r)~~ Section 403.7185, lead-acid battery fees;
- 1096        ~~(r)~~~~(s)~~ Section 538.09, registration of secondhand dealers;
- 1097        ~~(s)~~~~(t)~~ Section 538.25, registration of secondary metals  
1098 recyclers;
- 1099        ~~(t)~~~~(u)~~ Sections 624.501 and 624.509-624.515, insurance  
1100 code;
- 1101        ~~(u)~~~~(v)~~ Section 681.117, motor vehicle warranty  
1102 enforcement; and
- 1103        ~~(v)~~~~(w)~~ Section 896.102, reports of financial transactions  
1104 in trade or business.

1105        (8) Notwithstanding any other provision of this section,  
1106 the department may provide:

1107        (k)1. Payment information relative to chapters 199, 201,  
1108 202, 212, 220, ~~221~~, and 624 and former chapter 221 to the Office  
1109 of Tourism, Trade, and Economic Development, or its employees or  
1110 agents that are identified in writing by the office to the  
1111 department, in the administration of the tax refund program for  
1112 qualified defense contractors and space flight business  
1113 contractors authorized by s. 288.1045 and the tax refund program  
1114 for qualified target industry businesses authorized by s.  
1115 288.106.

1116        2. Information relative to tax credits taken by a business  
1117 under s. 220.191 and exemptions or tax refunds received by a  
1118 business under s. 212.08(5)(j) to the Office of Tourism, Trade,  
1119 and Economic Development, or its employees or agents that are  
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1120 identified in writing by the office to the department, in the  
1121 administration and evaluation of the capital investment tax  
1122 credit program authorized in s. 220.191 and the semiconductor,  
1123 defense, and space tax exemption program authorized in s.  
1124 212.08(5)(j).

1125 3. Information relative to tax credits taken by a taxpayer  
1126 pursuant to the tax credit programs created in ss. 193.017;  
1127 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;  
1128 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;  
1129 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;  
1130 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;  
1131 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to  
1132 the Office of Tourism, Trade, and Economic Development, or its  
1133 employees or agents that are identified in writing by the office  
1134 to the department, for use in the administration or evaluation  
1135 of such programs.

1136 4. Information relative to single sales factor  
1137 apportionment used by a taxpayer to the Office of Tourism,  
1138 Trade, and Economic Development or its employees or agents who  
1139 are identified in writing by the office to the department for  
1140 use by the office to administer s. 220.153.

1141 (dd) Information relating to tax credits taken under s.  
1142 220.194 to the Office of Tourism, Trade, and Economic  
1143 Development or to Space Florida.

1144  
1145 Disclosure of information under this subsection shall be  
1146 pursuant to a written agreement between the executive director  
1147 and the agency. Such agencies, governmental or nongovernmental,  
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1148 shall be bound by the same requirements of confidentiality as  
1149 the Department of Revenue. Breach of confidentiality is a  
1150 misdemeanor of the first degree, punishable as provided by s.  
1151 775.082 or s. 775.083.

1152 Section 21. Effective January 1, 2012, subsection (12) of  
1153 section 213.255, Florida Statutes, is amended to read:

1154 213.255 Interest.—Interest shall be paid on overpayments  
1155 of taxes, payment of taxes not due, or taxes paid in error,  
1156 subject to the following conditions:

1157 (12) The rate of interest shall be the adjusted rate  
1158 established pursuant to s. 213.235, except that the annual rate  
1159 of interest shall never be greater than 11 percent. This annual  
1160 rate of interest shall be applied to all refunds of taxes  
1161 administered by the department except for corporate income taxes  
1162 ~~and emergency excise taxes~~ governed by ss. 220.721 and 220.723.

1163 Section 22. Effective January 1, 2012, chapter 221,  
1164 Florida Statutes, consisting of sections 221.01, 221.02, 221.04,  
1165 and 221.05, is repealed.

1166 Section 23. Effective January 1, 2012, paragraph (a) of  
1167 subsection (6) of section 288.075, Florida Statutes, is amended  
1168 to read:

1169 288.075 Confidentiality of records.—

1170 (6) ECONOMIC INCENTIVE PROGRAMS.—

1171 (a) The following information held by an economic  
1172 development agency pursuant to the administration of an economic  
1173 incentive program for qualified businesses is confidential and  
1174 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1175 Constitution for a period not to exceed the duration of the  
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1176 incentive agreement, including an agreement authorizing a tax  
1177 refund or tax credit, or upon termination of the incentive  
1178 agreement:

1179 1. The percentage of the business's sales occurring  
1180 outside this state and, for businesses applying under s.  
1181 288.1045, the percentage of the business's gross receipts  
1182 derived from Department of Defense contracts during the 5 years  
1183 immediately preceding the date the business's application is  
1184 submitted.

1185 2. The anticipated wages for the project jobs that the  
1186 business plans to create, as reported on the application for  
1187 certification.

1188 3. The average wage actually paid by the business for  
1189 those jobs created by the project or an employee's personal  
1190 identifying information which is held as evidence of the  
1191 achievement or nonachievement of the wage requirements of the  
1192 tax refund, tax credit, or incentive agreement programs or of  
1193 the job creation requirements of such programs.

1194 4. The amount of:

1195 a. Taxes on sales, use, and other transactions paid  
1196 pursuant to chapter 212;

1197 b. Corporate income taxes paid pursuant to chapter 220;

1198 c. Intangible personal property taxes paid pursuant to  
1199 chapter 199;

1200 ~~d. Emergency excise taxes paid pursuant to chapter 221;~~

1201 ~~d.e.~~ Insurance premium taxes paid pursuant to chapter 624;

1202 ~~e.f.~~ Excise taxes paid on documents pursuant to chapter  
1203 201;

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1204 ~~f.g.~~ Ad valorem taxes paid, as defined in s. 220.03(1); or  
1205 ~~g.h.~~ State communications services taxes paid pursuant to  
1206 chapter 202.

1207 Section 24. Paragraph (c) of subsection (2) of section  
1208 288.1045, Florida Statutes, and effective January 1, 2012,  
1209 paragraph (f) of that subsection, are amended to read:

1210 288.1045 Qualified defense contractor and space flight  
1211 business tax refund program.—

1212 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1213 (c) A qualified applicant may not receive more than ~~\$7~~ \$5  
1214 million in tax refunds pursuant to this section in all fiscal  
1215 years.

1216 (f) After entering into a tax refund agreement pursuant to  
1217 subsection (4), a qualified applicant may:

1218 1. Receive refunds from the account for corporate income  
1219 taxes due and paid pursuant to chapter 220 by that business  
1220 beginning with the first taxable year of the business which  
1221 begins after entering into the agreement.

1222 2. Receive refunds from the account for the following  
1223 taxes due and paid by that business after entering into the  
1224 agreement:

1225 a. Taxes on sales, use, and other transactions paid  
1226 pursuant to chapter 212.

1227 b. Intangible personal property taxes paid pursuant to  
1228 chapter 199.

1229 ~~e. Emergency excise taxes paid pursuant to chapter 221.~~

1230 ~~c.d.~~ Excise taxes paid on documents pursuant to chapter  
1231 201.

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1232 ~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1)(a)  
1233 on June 1, 1996.

1234 ~~e.f.~~ State communications services taxes administered  
1235 under chapter 202. This provision does not apply to the gross  
1236 receipts tax imposed under chapter 203 and administered under  
1237 chapter 202 or the local communications services tax authorized  
1238 under s. 202.19.

1239  
1240 However, a qualified applicant may not receive a tax refund  
1241 pursuant to this section for any amount of credit, refund, or  
1242 exemption granted such contractor for any of such taxes. If a  
1243 refund for such taxes is provided by the office, which taxes are  
1244 subsequently adjusted by the application of any credit, refund,  
1245 or exemption granted to the qualified applicant other than that  
1246 provided in this section, the qualified applicant shall  
1247 reimburse the Economic Development Trust Fund for the amount of  
1248 such credit, refund, or exemption. A qualified applicant must  
1249 notify and tender payment to the office within 20 days after  
1250 receiving a credit, refund, or exemption, other than that  
1251 provided in this section. The addition of communications  
1252 services taxes administered under chapter 202 is remedial in  
1253 nature and retroactive to October 1, 2001. The office may make  
1254 supplemental tax refund payments to allow for tax refunds for  
1255 communications services taxes paid by an eligible qualified  
1256 defense contractor after October 1, 2001.

1257 Section 25. Paragraph (c) of subsection (3) of section  
1258 288.106, Florida Statutes, and effective January 1, 2012,  
1259 paragraph (d) of that subsection, are amended to read:

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1260 288.106 Tax refund program for qualified target industry  
1261 businesses.—

1262 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

1263 (c) A qualified target industry business may not receive  
1264 refund payments of more than 25 percent of the total tax refunds  
1265 specified in the tax refund agreement under subparagraph  
1266 (5)(a)1. in any fiscal year. Further, a qualified target  
1267 industry business may not receive more than \$1.5 million in  
1268 refunds under this section in any single fiscal year, or more  
1269 than \$2.5 million in any single fiscal year if the project is  
1270 located in an enterprise zone. A qualified target industry  
1271 business may not receive more than \$7 ~~\$5~~ million in refund  
1272 payments under this section in all fiscal years, or more than  
1273 \$7.5 million if the project is located in an enterprise zone.

1274 (d) After entering into a tax refund agreement under  
1275 subsection (5), a qualified target industry business may:

1276 1. Receive refunds from the account for the following  
1277 taxes due and paid by that business beginning with the first  
1278 taxable year of the business that begins after entering into the  
1279 agreement:

1280 a. Corporate income taxes under chapter 220.

1281 b. Insurance premium tax under s. 624.509.

1282 2. Receive refunds from the account for the following  
1283 taxes due and paid by that business after entering into the  
1284 agreement:

1285 a. Taxes on sales, use, and other transactions under  
1286 chapter 212.

1287 b. Intangible personal property taxes under chapter 199.

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1288 ~~e. Emergency excise taxes under chapter 221.~~  
1289 ~~c.d.~~ Excise taxes on documents under chapter 201.  
1290 ~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1).  
1291 ~~e.f.~~ State communications services taxes administered  
1292 under chapter 202. This provision does not apply to the gross  
1293 receipts tax imposed under chapter 203 and administered under  
1294 chapter 202 or the local communications services tax authorized  
1295 under s. 202.19.

1296 Section 26. Paragraphs (b), (h), and (i) of subsection  
1297 (1), paragraphs (c) and (e) of subsection (3), paragraph (b) of  
1298 subsection (4), paragraph (c) of subsection (5), paragraph (a)  
1299 of subsection (7), and subsection (10) of section 288.1254,  
1300 Florida Statutes, are amended, and paragraphs (k), (l), (m),  
1301 (n), and (o) are added to subsection (1) of that section, to  
1302 read:

1303 288.1254 Entertainment industry financial incentive  
1304 program.—

1305 (1) DEFINITIONS.—As used in this section, the term:

1306 (b) "Digital media project" means a production of  
1307 interactive entertainment that is produced for distribution in  
1308 commercial or educational markets. The term includes a video  
1309 game or production intended for Internet or wireless  
1310 distribution. The term does not include a production that  
1311 contains ~~deemed by the Office of Film and Entertainment to~~  
1312 ~~contain~~ obscene content as defined in s. 847.001(10).

1313 (f) "Production" means a theatrical or direct-to-video  
1314 motion picture; a made-for-television motion picture; visual  
1315 effects or digital animation sequences produced in conjunction  
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1316 with a motion picture; a commercial; a music video; an  
1317 industrial or educational film; an infomercial; a documentary  
1318 film; a television pilot program; a presentation for a  
1319 television pilot program; a television series, including, but  
1320 not limited to, a drama, a reality show, a comedy, a soap opera,  
1321 a telenovela, a game show, an awards show, or a miniseries  
1322 production; or a digital media project by the entertainment  
1323 industry. One season of a television series is considered one  
1324 production. The term does not include a weather or market  
1325 program; a sporting event; a sports show; a gala; a production  
1326 that solicits funds; a home shopping program; a political  
1327 program; a political documentary; political advertising; a  
1328 gambling-related project or production; a concert production; or  
1329 a local, regional, or Internet-distributed-only news show,  
1330 current-events show, pornographic production, or current-affairs  
1331 show. A production may be produced on or by film, tape, or  
1332 otherwise by means of a motion picture camera; electronic camera  
1333 or device; tape device; computer; any combination of the  
1334 foregoing; or any other means, method, or device.

1335 (h) "Qualified expenditures" means production expenditures  
1336 incurred in this state by a qualified production for:

1337 1. Goods purchased or leased from, or services, including,  
1338 but not limited to, insurance costs and bonding, payroll  
1339 services, and legal fees, which are provided by, a vendor or  
1340 supplier in this state that is registered with the Department of  
1341 State or the Department of Revenue, has a physical location in  
1342 this state, and employs one or more legal residents of this  
1343 state. This does not include re-billed goods or services

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1344 provided by an in-state company from out-of-state vendors or  
1345 suppliers. When services are provided by the vendor or supplier  
1346 include personal services or labor, only personal services or  
1347 labor provided by residents of this state, evidenced by the  
1348 required documentation of residency in this state, qualify.

1349 2. Payments to legal residents of this state in the form  
1350 of salary, wages, or other compensation up to a maximum of  
1351 \$400,000 per resident unless otherwise specified in subsection  
1352 (4). A completed declaration of residency in this state must  
1353 accompany the documentation submitted to the office for  
1354 reimbursement.

1355  
1356 For a qualified production involving an event, such as an awards  
1357 show, the term does not include expenditures solely associated  
1358 with the event itself and not directly required by the  
1359 production. The term does not include expenditures incurred  
1360 before certification, with the exception of those incurred for a  
1361 commercial, a music video, or the pickup of additional episodes  
1362 of a high-impact television series within a single season. Under  
1363 no circumstances may the qualified production include in the  
1364 calculation for qualified expenditures the original purchase  
1365 price for equipment or other tangible property that is later  
1366 sold or transferred by the qualified production for  
1367 consideration. In such cases, the qualified expenditure is the  
1368 net of the original purchase price minus the consideration  
1369 received upon sale or transfer.

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1370 (i) "Qualified production" means a production in this  
1371 state meeting the requirements of this section. The term does  
1372 not include a production:

1373 1. In which, for the first 2 years of the incentive  
1374 program, less than 50 percent, and thereafter, less than 60  
1375 percent, of the positions that make up its production cast and  
1376 below-the-line production crew, or, in the case of digital media  
1377 projects, less than 75 percent of such positions, are filled by  
1378 legal residents of this state, whose residency is demonstrated  
1379 by a valid Florida driver's license or other state-issued  
1380 identification confirming residency, or students enrolled full-  
1381 time in a film-and-entertainment-related course of study at an  
1382 institution of higher education in this state; or

1383 2. That contains ~~is deemed by the Office of Film and~~  
1384 ~~Entertainment to contain~~ obscene content as defined in s.  
1385 847.001(10).

1386 (k) "Qualified digital media production facility" means a  
1387 building or series of buildings and their improvements in which  
1388 data processing, visualization, and sound synchronization  
1389 technologies are regularly applied for the production of  
1390 qualified digital media projects or the digital animation  
1391 components of qualified productions.

1392 (l) "Qualified production facility" means a building or  
1393 complex of buildings and their improvements and associated  
1394 backlot facilities in which regular filming activity for film or  
1395 television has occurred for a period of no less than one year  
1396 and which contain at least one sound stage of at least 7,800  
1397 square feet.

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1398       (m) "Regional population ratio" means the ratio of the  
1399 population of a region to the population of this state. The  
1400 regional population ratio applicable to a given fiscal year is  
1401 the regional population ratio calculated by the Office of Film  
1402 and Entertainment using the latest official estimates of  
1403 population certified under s. 186.901, available on the first  
1404 day of that fiscal year.

1405       (n) "Regional tax credit ratio" means a ratio the  
1406 numerator of which is the sum of tax credits awarded to  
1407 productions in a region to date plus the tax credits certified,  
1408 but not yet awarded, to productions currently in that region and  
1409 the denominator of which is the sum of all tax credits awarded  
1410 in the state to date plus all tax credits certified, but not yet  
1411 awarded, to productions currently in the state. The regional tax  
1412 credit ratio applicable to a given year is the regional tax  
1413 credit ratio calculated by the Office of Film and Entertainment  
1414 using credit award and certification information available on  
1415 the first day of that fiscal year.

1416       (o) "Underutilized region" for a given state fiscal year  
1417 means a region with a regional tax credit ratio applicable to  
1418 that fiscal year that is lower than its regional population  
1419 ratio applicable to that fiscal year. The following regions are  
1420 established for purposes of making this determination:

1421       1. North Region, consisting of Alachua, Baker, Bay,  
1422 Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia,  
1423 Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson,  
1424 Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau,

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1425 Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor,  
1426 Union, Wakulla, Walton, and Washington counties.

1427 2. Central East Region, consisting of Brevard, Flagler,  
1428 Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.  
1429 Lucie, and Volusia counties.

1430 3. Central West Region, consisting of Citrus, Hernando,  
1431 Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,  
1432 and Sumter counties.

1433 4. Southwest Region, consisting of Charlotte, Collier,  
1434 DeSoto, Glades, Hardee, Hendry, Highlands, and Lee counties.

1435 5. Southeast Region, consisting of Broward, Martin, Miami-  
1436 Dade, Monroe, and Palm Beach counties.

1437 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

1438 (c) Application process.—The Office of Film and  
1439 Entertainment shall establish a process by which an application  
1440 is accepted and reviewed and by which tax credit eligibility and  
1441 award amount are determined. The Office of Film and  
1442 Entertainment may request assistance from a duly appointed local  
1443 film commission in determining compliance with this section. A  
1444 certified high-impact television series may submit an initial  
1445 application for no more than two successive seasons,  
1446 notwithstanding the fact that the successive seasons have not  
1447 been ordered. The successive season's qualified expenditure  
1448 amounts shall be based on the current season's estimated  
1449 qualified expenditures. Upon the completion of production of  
1450 each season, a high-impact television series may submit an  
1451 application for no more than one additional season.

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1452 (e) Grounds for denial.—The Office of Film and  
1453 Entertainment shall deny an application if it determines that  
1454 the application is not complete or the production or application  
1455 does not meet the requirements of this section. Within 90 days  
1456 after submitting a program application, except with respect to  
1457 applications in the independent and emerging media queue, a  
1458 production must provide proof of project financing to the Office  
1459 of Film and Entertainment, otherwise the project is deemed  
1460 denied and withdrawn. A project that has been withdrawn may  
1461 submit a new application upon providing the Office of Film and  
1462 Entertainment proof of financing.

1463 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;  
1464 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;  
1465 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND  
1466 ACQUISITIONS.—

1467 (b) Tax credit eligibility.—

1468 1. General production queue.—Ninety-four percent of tax  
1469 credits authorized pursuant to subsection (6) in any state  
1470 fiscal year must be dedicated to the general production queue.  
1471 The general production queue consists of all qualified  
1472 productions other than those eligible for the commercial and  
1473 music video queue or the independent and emerging media  
1474 production queue. A qualified production that demonstrates a  
1475 minimum of \$625,000 in qualified expenditures is eligible for  
1476 tax credits equal to 20 percent of its actual qualified  
1477 expenditures, up to a maximum of \$8 million. A qualified  
1478 production that incurs qualified expenditures during multiple

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1479 state fiscal years may combine those expenditures to satisfy the  
1480 \$625,000 minimum threshold.

1481 a. An off-season certified production that is a feature  
1482 film, independent film, or television series or pilot is  
1483 eligible for an additional 5-percent tax credit on actual  
1484 qualified expenditures. An off-season certified production that  
1485 does not complete 75 percent of principal photography due to a  
1486 disruption caused by a hurricane or tropical storm may not be  
1487 disqualified from eligibility for the additional 5-percent  
1488 credit as a result of the disruption.

1489 b. If more than 25 percent of the sum of total tax credits  
1490 awarded to productions after July 1, 2010, and total tax credits  
1491 certified, but not yet awarded, to productions currently in this  
1492 state has been awarded for television series, then no television  
1493 series or pilot shall be eligible for tax credits under this  
1494 subparagraph.

1495 c. The calculations required by this sub-subparagraph  
1496 shall use only credits available to be certified and awarded on  
1497 or after July 1, 2011.

1498 (I) If the provisions of sub-subparagraph b. are not  
1499 applicable and less than 25 percent of the sum of the total tax  
1500 credits awarded to productions and the total tax credits  
1501 certified, but not yet awarded, to productions currently in this  
1502 state has been to high-impact television series, any A qualified  
1503 high-impact television series shall be allowed first position in  
1504 this queue for tax credit awards not yet certified.

1505 (II) If less than 20 percent of the sum of the total tax  
1506 credits awarded to productions and the total tax credits

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1507 certified, but not yet awarded, to productions currently in this  
1508 state has been to digital media projects, any digital media  
1509 project with qualified expenditures of greater than \$4,500,000  
1510 shall be allowed first position in this queue for tax credit  
1511 awards not yet certified.

1512 (III) For the purposes of determining position between a  
1513 high-impact television series allowed first position and a  
1514 digital media project allowed first position under this sub-  
1515 subparagraph, tax credits shall be awarded on a first-come,  
1516 first-served basis.

1517 d. A qualified production that incurs at least 85 percent  
1518 of its qualified expenditures within a region designated as an  
1519 underutilized region at the time that the production is  
1520 certified is eligible for an additional 5 percent tax credit.

1521 e. Any qualified production that employs students enrolled  
1522 full-time in a film and entertainment-related or digital media-  
1523 related course of study at an institution of higher education in  
1524 this state is eligible for an additional 15 percent tax credit  
1525 on qualified expenditures that are wages, salaries, or other  
1526 compensation paid to such students. The additional 15 percent  
1527 tax credit shall also be applicable to persons hired within 12  
1528 months of graduating from a film and entertainment-related or  
1529 digital media-related course of study at an institution of  
1530 higher education in this state. The additional 15 percent tax  
1531 credit shall apply to qualified expenditures that are wages,  
1532 salaries, or other compensation paid to such recent graduates  
1533 for one year from the date of hiring.

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1534 f. A qualified production for which 50 percent or more of  
1535 its principal photography occurs at a qualified production  
1536 facility, or a qualified digital media project or the digital  
1537 animation component of a qualified production for which 50  
1538 percent or more of the project's or component's qualified  
1539 expenditures are related to a qualified digital media production  
1540 facility shall be eligible for an additional 5 percent tax  
1541 credit on actual qualified expenditures for production activity  
1542 at that facility.

1543 g. No qualified production shall be eligible for tax  
1544 credits provided under this paragraph totaling more than 30  
1545 percent of its actual qualified expenses.

1546 2. Commercial and music video queue.—Three percent of tax  
1547 credits authorized pursuant to subsection (6) in any state  
1548 fiscal year must be dedicated to the commercial and music video  
1549 queue. A qualified production company that produces national or  
1550 regional commercials or music videos may be eligible for a tax  
1551 credit award if it demonstrates a minimum of \$100,000 in  
1552 qualified expenditures per national or regional commercial or  
1553 music video and exceeds a combined threshold of \$500,000 after  
1554 combining actual qualified expenditures from qualified  
1555 commercials and music videos during a single state fiscal year.  
1556 After a qualified production company that produces commercials,  
1557 music videos, or both reaches the threshold of \$500,000, it is  
1558 eligible to apply for certification for a tax credit award. The  
1559 maximum credit award shall be equal to 20 percent of its actual  
1560 qualified expenditures up to a maximum of \$500,000. If there is  
1561 a surplus at the end of a fiscal year after the Office of Film  
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1562 and Entertainment certifies and determines the tax credits for  
1563 all qualified commercial and video projects, such surplus tax  
1564 credits shall be carried forward to the following fiscal year  
1565 and be available to any eligible qualified productions under the  
1566 general production queue.

1567 3. Independent and emerging media production queue.—Three  
1568 percent of tax credits authorized pursuant to subsection (6) in  
1569 any state fiscal year must be dedicated to the independent and  
1570 emerging media production queue. This queue is intended to  
1571 encourage Florida independent film and emerging media  
1572 production. Any qualified production, excluding commercials,  
1573 infomercials, or music videos, that demonstrates at least  
1574 \$100,000, but not more than \$625,000, in total qualified  
1575 expenditures is eligible for tax credits equal to 20 percent of  
1576 its actual qualified expenditures. If a surplus exists at the  
1577 end of a fiscal year after the Office of Film and Entertainment  
1578 certifies and determines the tax credits for all qualified  
1579 independent and emerging media production projects, such surplus  
1580 tax credits shall be carried forward to the following fiscal  
1581 year and be available to any eligible qualified productions  
1582 under the general production queue.

1583 4. Family-friendly productions.—A certified theatrical or  
1584 direct-to-video motion picture production or video game  
1585 determined by the Commissioner of Film and Entertainment, with  
1586 the advice of the Florida Film and Entertainment Advisory  
1587 Council, to be family-friendly, based on the review of the  
1588 script and the review of the final release version, is eligible  
1589 for an additional tax credit equal to 5 percent of its actual  
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1590 qualified expenditures. Family-friendly productions are those  
1591 that have cross-generational appeal; would be considered  
1592 suitable for viewing by children age 5 or older; are appropriate  
1593 in theme, content, and language for a broad family audience;  
1594 embody a responsible resolution of issues; and do not exhibit or  
1595 imply any act of smoking, sex, nudity, or vulgar or profane  
1596 language.

1597 (5) TRANSFER OF TAX CREDITS.—

1598 (c) Transferee rights and limitations.—The transferee is  
1599 subject to the same rights and limitations as the certified  
1600 production company awarded the tax credit, except that the  
1601 initial transferee shall be permitted a one-time transfer of  
1602 unused credits to no more than two subsequent transferees, and  
1603 such transfers must occur in the same taxable year as the  
1604 credits were received by the initial transferee, after which the  
1605 subsequent transferees may not sell or otherwise transfer the  
1606 tax credit.

1607 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

1608 (a) The aggregate amount of the tax credits that may be  
1609 certified pursuant to paragraph (3) (d) may not exceed:

- 1610 1. For fiscal year 2010-2011, \$53.5 million.
- 1611 2. For fiscal year 2011-2012, \$74.5 million.
- 1612 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,  
1613 \$42 ~~\$38~~ million per fiscal year.

1614 (10) ANNUAL REPORT.—Each October 1, the Office of Film and  
1615 Entertainment shall provide an annual report for the previous  
1616 fiscal year to the Governor, the President of the Senate, and  
1617 the Speaker of the House of Representatives which outlines the  
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1618 return on investment and economic benefits to the state. The  
1619 report shall also include an estimate of the full-time  
1620 equivalent positions created by each production that received  
1621 tax credits under s. 288.1254 and information relating to the  
1622 distribution of productions receiving credits by geographic  
1623 region and type of production.

1624 Section 27. Subsection (5) of section 288.1258, Florida  
1625 Statutes, is amended to read:

1626 288.1258 Entertainment industry qualified production  
1627 companies; application procedure; categories; duties of the  
1628 Department of Revenue; records and reports.—

1629 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
1630 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film  
1631 and Entertainment shall keep annual records from the information  
1632 provided on taxpayer applications for tax exemption certificates  
1633 beginning January 1, 2001. ~~These records shall reflect a ratio~~  
1634 ~~of the annual amount of sales and use tax exemptions under this~~  
1635 ~~section and incentives awarded pursuant to s. 288.1254 to the~~  
1636 ~~estimated amount of funds expended by certified productions,~~  
1637 ~~including productions that received incentives pursuant to s.~~  
1638 ~~288.1254.~~ These records also shall reflect a ~~separate~~ ratio of  
1639 the annual amount of sales and use tax exemptions under this  
1640 section, plus the incentives awarded pursuant to s. 288.1254 to  
1641 the estimated amount of funds expended by certified productions.  
1642 In addition, the office shall maintain data showing annual  
1643 growth in Florida-based entertainment industry companies and  
1644 entertainment industry employment and wages. The employment  
1645 information shall include an estimate of the full-time

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1646 equivalent positions created by each production that received  
1647 tax credits pursuant to s. 288.1254. The Office of Film and  
1648 Entertainment shall report this information to the Legislature  
1649 no later than December 1 of each year.

1650 Section 28. Effective January 1, 2012, paragraph (d) is  
1651 added to subsection (6) of section 290.0055, Florida Statutes,  
1652 to read:

1653 290.0055 Local nominating procedure.—

1654 (6)

1655 (d)1. The governing body of a jurisdiction which has  
1656 nominated an application for an enterprise zone that is no  
1657 larger than 12 square miles and includes a portion of the state  
1658 designated as a rural area of critical economic concern under s.  
1659 288.0656(7) may apply to the Office of Tourism, Trade, and  
1660 Economic Development to expand the boundary of the enterprise  
1661 zone by not more than 3 square miles. An application to expand  
1662 the boundary of an enterprise zone under this paragraph must be  
1663 submitted by December 31, 2012.

1664 2. Notwithstanding the area limitations specified in  
1665 subsection (4), the Office of Tourism, Trade, and Economic  
1666 Development may approve the request for a boundary amendment if  
1667 the area continues to satisfy the remaining requirements of this  
1668 section.

1669 3. The Office of Tourism, Trade, and Economic Development  
1670 shall establish the initial effective date of an enterprise zone  
1671 designated under this paragraph.

1672 Section 29. Effective January 1, 2012, section 290.00726,  
1673 Florida Statutes, is created to read:

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1674 290.00726 Enterprise zone designation for Martin County.-  
1675 Martin County may apply to the Office of Tourism, Trade, and  
1676 Economic Development for designation of one enterprise zone for  
1677 an area within Martin County, which zone shall encompass an area  
1678 of up to 10 square miles consisting of land within the primary  
1679 urban services boundary and focusing on Indiantown, but  
1680 excluding property owned by Florida Power and Light to the west,  
1681 two areas to the north designated as estate residential, and the  
1682 county-owned Timer Powers Recreational Area. Within the  
1683 designated enterprise zone, Martin County shall exempt  
1684 residential condominiums from benefiting from state enterprise  
1685 zone incentives, unless prohibited by law. The application must  
1686 have been submitted by December 31, 2011, and must comply with  
1687 the requirements of s. 290.0055. Notwithstanding s. 290.0065  
1688 limiting the total number of enterprise zones designated and the  
1689 number of enterprise zones within a population category, the  
1690 Office of Tourism, Trade, and Economic Development may designate  
1691 one enterprise zone under this section. The Office of Tourism,  
1692 Trade, and Economic Development shall establish the initial  
1693 effective date of the enterprise zone designated under this  
1694 section.

1695 Section 30. Section 290.00727, Florida Statutes, is  
1696 created to read:

1697 290.00727 Enterprise zone designation for the City of Palm  
1698 Bay.-The City of Palm Bay may apply to the Office of Tourism,  
1699 Trade, and Economic Development for designation of one  
1700 enterprise zone for an area within the northeast portion of the  
1701 city, which zone shall encompass an area of up to 5 square

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1702 miles. The application must have been submitted by December 31,  
1703 2011, and must comply with the requirements of s. 290.0055.  
1704 Notwithstanding s. 290.0065 limiting the total number of  
1705 enterprise zones designated and the number of enterprise zones  
1706 within a population category, the Office of Tourism, Trade, and  
1707 Economic Development may designate one enterprise zone under  
1708 this section. The Office of Tourism, Trade, and Economic  
1709 Development shall establish the initial effective date of the  
1710 enterprise zone designated under this section.

1711 Section 31. Section 290.00728, Florida Statutes, is  
1712 created to read:

1713 290.00728 Enterprise zone designation for Lake County.-  
1714 Lake County may apply to the Office of Tourism, Trade, and  
1715 Economic Development for designation of one enterprise zone,  
1716 which zone shall encompass an area of up to 10 square miles  
1717 within Lake County. The application must have been submitted by  
1718 December 31, 2011, and must comply with the requirements of s.  
1719 290.0055. Notwithstanding s. 290.0065 limiting the total number  
1720 of enterprise zones designated and the number of enterprise  
1721 zones within a population category, the Office of Tourism,  
1722 Trade, and Economic Development may designate one enterprise  
1723 zone under this section. The Office of Tourism, Trade, and  
1724 Economic Development shall establish the initial effective date  
1725 of the enterprise zone designated under this section.

1726 Section 32. Effective January 1, 2012, subsection (1) of  
1727 section 334.30, Florida Statutes, is amended to read:

1728 334.30 Public-private transportation facilities.-The  
1729 Legislature finds and declares that there is a public need for  
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1730 the rapid construction of safe and efficient transportation  
1731 facilities for the purpose of traveling within the state, and  
1732 that it is in the public's interest to provide for the  
1733 construction of additional safe, convenient, and economical  
1734 transportation facilities.

1735 (1) The department may receive or solicit proposals and,  
1736 with legislative approval as evidenced by approval of the  
1737 project in the department's work program, enter into agreements  
1738 with private entities, or consortia thereof, for the building,  
1739 operation, ownership, or financing of transportation facilities.  
1740 The department may advance projects programmed in the adopted 5-  
1741 year work program or projects increasing transportation capacity  
1742 and greater than \$500 million in the 10-year Strategic  
1743 Intermodal Plan using funds provided by public-private  
1744 partnerships or private entities to be reimbursed from  
1745 department funds for the project as programmed in the adopted  
1746 work program. The department shall by rule establish an  
1747 application fee for the submission of unsolicited proposals  
1748 under this section. The fee must be sufficient to pay the costs  
1749 of evaluating the proposals. The department may engage the  
1750 services of private consultants to assist in the evaluation.  
1751 Before approval, the department must determine that the proposed  
1752 project:

1753 (a) Is in the public's best interest;

1754 (b) Would not require state funds to be used unless the  
1755 project is on the State Highway System;

1756 (c) Would have adequate safeguards in place to ensure that  
1757 no additional costs or service disruptions would be realized by  
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1758 the traveling public and residents of the state in the event of  
1759 default or cancellation of the agreement by the department;

1760 (d) Would have adequate safeguards in place to ensure that  
1761 the department or the private entity has the opportunity to add  
1762 capacity to the proposed project and other transportation  
1763 facilities serving similar origins and destinations; and

1764 (e) Would be owned by the department upon completion or  
1765 termination of the agreement.

1766  
1767 The department shall ensure that all reasonable costs to the  
1768 state, related to transportation facilities that are not part of  
1769 the State Highway System, are borne by the private entity. The  
1770 department shall also ensure that all reasonable costs to the  
1771 state and substantially affected local governments and  
1772 utilities, related to the private transportation facility, are  
1773 borne by the private entity for transportation facilities that  
1774 are owned by private entities. For projects on the State Highway  
1775 System, the department may use state resources to participate in  
1776 funding and financing the project as provided for under the  
1777 department's enabling legislation. Because the Legislature  
1778 recognizes that private entities or consortia thereof would  
1779 perform a governmental or public purpose or function when they  
1780 enter into agreements with the department to design, build,  
1781 operate, own, or finance transportation facilities, the  
1782 transportation facilities, including leasehold interests  
1783 thereof, are exempt from ad valorem taxes as provided in chapter  
1784 196 to the extent property is owned by the state or other  
1785 government entity, and from intangible taxes as provided in  
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1786 chapter 199 and special assessments of the state, any city,  
1787 town, county, special district, political subdivision of the  
1788 state, or any other governmental entity. The private entities or  
1789 consortia thereof are exempt from tax imposed by chapter 201 on  
1790 all documents or obligations to pay money which arise out of the  
1791 agreements to design, build, operate, own, lease, or finance  
1792 transportation facilities. Any private entities or consortia  
1793 thereof must pay any applicable corporate taxes as provided in  
1794 chapter ~~chapters~~ 220 ~~and 221~~, and unemployment compensation  
1795 taxes as provided in chapter 443, and sales and use tax as  
1796 provided in chapter 212 shall be applicable. The private  
1797 entities or consortia thereof must also register and collect the  
1798 tax imposed by chapter 212 on all their direct sales and leases  
1799 that are subject to tax under chapter 212. The agreement between  
1800 the private entity or consortia thereof and the department  
1801 establishing a transportation facility under this chapter  
1802 constitutes documentation sufficient to claim any exemption  
1803 under this section.

1804 Section 33. Effective January 1, 2012, subsection (4),  
1805 paragraph (a) of subsection (6), and subsection (7) of section  
1806 624.509, Florida Statutes, are amended to read:

1807 624.509 Premium tax; rate and computation.—

1808 (4) The income tax imposed under chapter 220 ~~and the~~  
1809 ~~emergency excise tax imposed under chapter 221~~ which is are paid  
1810 by any insurer shall be credited against, and to the extent  
1811 thereof shall discharge, the liability for tax imposed by this  
1812 section for the annual period in which such tax payments are  
1813 made. As to any insurer issuing policies insuring against loss  
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1814 or damage from the risks of fire, tornado, and certain casualty  
1815 lines, the tax imposed by this section, as intended and  
1816 contemplated by this subsection, shall be construed to mean the  
1817 net amount of such tax remaining after there has been credited  
1818 thereon such gross premium receipts tax as may be payable by  
1819 such insurer in pursuance of the imposition of such tax by any  
1820 incorporated cities or towns in the state for firefighters'  
1821 relief and pension funds and police officers' retirement funds  
1822 maintained in such cities or towns, as provided in and by  
1823 relevant provisions of the Florida Statutes. For purposes of  
1824 this subsection, payments of estimated income tax under chapter  
1825 220 ~~and of estimated emergency excise tax under chapter 221~~  
1826 shall be deemed paid either at the time the insurer actually  
1827 files its annual returns under chapter 220 or at the time such  
1828 returns are required to be filed, whichever first occurs, and  
1829 not at such earlier time as such payments of estimated tax are  
1830 actually made.

1831 (6) (a) The total of the credit granted for the taxes paid  
1832 by the insurer under chapter ~~chapters~~ 220 ~~and 221~~ and the credit  
1833 granted by subsection (5) may ~~shall~~ not exceed 65 percent of the  
1834 tax due under subsection (1) after deducting therefrom the taxes  
1835 paid by the insurer under ss. 175.101 and 185.08 and any  
1836 assessments pursuant to s. 440.51.

1837 (7) Credits and deductions against the tax imposed by this  
1838 section shall be taken in the following order: deductions for  
1839 assessments made pursuant to s. 440.51; credits for taxes paid  
1840 under ss. 175.101 and 185.08; credits for income taxes paid  
1841 under chapter 220, ~~the emergency excise tax paid under chapter~~  
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1842 221 and the credit allowed under subsection (5), as these  
1843 credits are limited by subsection (6); all other available  
1844 credits and deductions.

1845 Section 34. Effective January 1, 2012, subsection (1) of  
1846 section 624.51055, Florida Statutes, is amended to read:

1847 624.51055 Credit for contributions to eligible nonprofit  
1848 scholarship-funding organizations.—

1849 (1) There is allowed a credit of 100 percent of an  
1850 eligible contribution made to an eligible nonprofit scholarship-  
1851 funding organization under s. 1002.395 against any tax due for a  
1852 taxable year under s. 624.509(1). However, such a credit may not  
1853 exceed 75 percent of the tax due under s. 624.509(1) after  
1854 deducting from such tax deductions for assessments made pursuant  
1855 to s. 440.51; credits for taxes paid under ss. 175.101 and  
1856 185.08; credits for income taxes paid under chapter 220; ~~credits~~  
1857 ~~for the emergency excise tax paid under chapter 221;~~ and the  
1858 credit allowed under s. 624.509(5), as such credit is limited by  
1859 s. 624.509(6). An insurer claiming a credit against premium tax  
1860 liability under this section shall not be required to pay any  
1861 additional retaliatory tax levied pursuant to s. 624.5091 as a  
1862 result of claiming such credit. Section 624.5091 does not limit  
1863 such credit in any manner.

1864 Section 35. (1) The executive director of the Department  
1865 of Revenue is authorized, and all conditions are deemed met, to  
1866 adopt emergency rules under ss. 120.536(1) and 120.54(4),  
1867 Florida Statutes, for the purpose of implementing this act.

1868 (2) Notwithstanding any other provision of law, such  
1869 emergency rules shall remain in effect for 6 months after the

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1870 date adopted and may be renewed during the pendency of  
1871 procedures to adopt permanent rules addressing the subject of  
1872 the emergency rules.

1873 Section 36. (1) The tax levied under chapter 212, Florida  
1874 Statutes, may not be collected during the period from 12:01 a.m.  
1875 on August 12, 2011, through 11:59 p.m. on August 14, 2011, on  
1876 the sale of:

1877 (a) Clothing, wallets, or bags, including handbags,  
1878 backpacks, fanny packs, and diaper bags, but excluding  
1879 briefcases, suitcases, and other garment bags, having a sales  
1880 price of \$75 or less per item. As used in this paragraph, the  
1881 term "clothing" means:

1882 1. Any article of wearing apparel intended to be worn on  
1883 or about the human body, excluding watches, watchbands, jewelry,  
1884 umbrellas, or handkerchiefs; and

1885 2. All footwear, excluding skis, swim fins, roller blades,  
1886 and skates.

1887 (b) School supplies having a sales price of \$15 or less  
1888 per item. As used in this paragraph, the term "school supplies"  
1889 means pens, pencils, erasers, crayons, notebooks, notebook  
1890 filler paper, legal pads, binders, lunch boxes, construction  
1891 paper, markers, folders, poster board, composition books, poster  
1892 paper, scissors, cellophane tape, glue or paste, rulers,  
1893 computer disks, protractors, compasses, and calculators.

1894 (2) The tax exemptions in this section do not apply to  
1895 sales within a theme park or entertainment complex as defined in  
1896 s. 509.013(9), Florida Statutes, a public lodging establishment

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1897 as defined in s. 509.013(4), Florida Statutes, or an airport as  
1898 defined in s. 330.27(2), Florida Statutes.

1899 (3) The Department of Revenue may, and all conditions are  
1900 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
1901 and 120.54, Florida Statutes, to administer this section.

1902 (4) This section shall take effect upon this act becoming  
1903 a law.

1904 Section 37. Effective upon this act becoming a law, and  
1905 for the 2010-2011 fiscal year, the sum of \$218,905 in  
1906 nonrecurring funds is appropriated from the General Revenue Fund  
1907 to the Department of Revenue for purposes of administering  
1908 section 36. Funds remaining unexpended or unencumbered from this  
1909 appropriation as of June 30, 2011, shall revert and be  
1910 reappropriated for the same purpose in the 2011-2012 fiscal  
1911 year.

1912 Section 38. Effective upon this act becoming a law,  
1913 section 288.987, Florida Statutes, is created to read:

1914 288.987 Florida Defense Support Task Force.—

1915 (1) The Florida Defense Support Task Force is created.

1916 (2) The mission of the task force is to make  
1917 recommendations to prepare the state to effectively compete in  
1918 any federal base realignment and closure action, to support the  
1919 state's position in research and development related to or  
1920 arising out of military missions and contracting, and to improve  
1921 the state's military-friendly environment for service members,  
1922 military dependents, military retirees, and businesses that  
1923 bring military and base-related jobs to the state.

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1924 (3) The task force shall be comprised of the Governor or  
1925 his or her designee, and 12 members appointed as follows:

1926 (a) Four members appointed by the Governor.

1927 (b) Four members appointed by the President of the Senate.

1928 (c) Four members appointed by the Speaker of the House of  
1929 Representatives.

1930 (d) Appointed members must represent defense-related  
1931 industries or communities that host military bases and  
1932 installations. All appointments must be made by August 1, 2011.  
1933 Members shall serve for a term of 4 years, with the first term  
1934 ending July 1, 2015. However, if members of the Legislature are  
1935 appointed to the task force, those members shall serve until the  
1936 expiration of their legislative term and may be reappointed  
1937 once. A vacancy shall be filled for the remainder of the  
1938 unexpired term in the same manner as the initial appointment.  
1939 All members of the council are eligible for reappointment. A  
1940 member who serves in the Legislature may participate in all task  
1941 force activities, but may only vote on matters that are  
1942 advisory.

1943 (4) The President of the Senate and the Speaker of the  
1944 House of Representatives shall each designate one of their  
1945 appointees to serve as chair of the task force. The chair shall  
1946 rotate each July 1. The appointee designated by the President of  
1947 the Senate shall serve as initial chair. If the Governor,  
1948 instead of his or her designee, participates in the activities  
1949 of the task force, then the Governor shall serve as chair.

1950 (5) The Director of the Office of Tourism, Trade, and  
1951 Economic Development within the Executive Office of the

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1952 Governor, or his or her designee, shall serve as the ex officio,  
1953 nonvoting executive director of the task force.

1954 (6) The chair shall schedule and conduct the first meeting  
1955 of the task force by October 1, 2011. The task force shall  
1956 submit a progress report and work plan for the remainder of the  
1957 2011-2012 fiscal year to the Governor, the President of the  
1958 Senate, and the Speaker of the House of Representatives by  
1959 February 1, 2012, and shall submit an annual report each  
1960 February 1 thereafter.

1961 (7) The Office of Tourism, Trade, and Economic Development  
1962 shall contract with the task force for expenditure of  
1963 appropriated funds, which may be used by the task force for  
1964 economic and product research and development, joint planning  
1965 with host communities to accommodate military missions and  
1966 prevent base encroachment, advocacy on the state's behalf with  
1967 federal civilian and military officials, assistance to school  
1968 districts in providing a smooth transition for large numbers of  
1969 additional military-related students, job training and placement  
1970 for military spouses in communities with high proportions of  
1971 active duty military personnel, and promotion of the state to  
1972 military and related contractors and employers. The task force  
1973 may annually spend up to \$200,000 of funds appropriated to the  
1974 Executive Office of the Governor, Office of Tourism, Trade, and  
1975 Economic Development, for the task force for staffing and  
1976 administrative expenses of the task force, including travel and  
1977 per diem costs incurred by task force members who are not  
1978 otherwise eligible for state reimbursement.

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1979 Section 39. There is appropriated for state fiscal year  
1980 2011-2012 to the Executive Office of the Governor, Office of  
1981 Tourism, Trade, and Economic Development:

1982 (1) The sum of \$15 million in nonrecurring funds from the  
1983 General Revenue Fund for the Innovation Incentive Fund program.

1984 (2) The sum of \$42 million in nonrecurring funds from the  
1985 General Revenue Fund for the Quick Action Closing Fund program.

1986 From these funds, preference shall be given to those projects  
1987 that include at least a 20 percent local match of cash or in-  
1988 kind contributions, which contributions provide a cash savings  
1989 to the private business entity receiving the incentive awards.

1990 (3) The sum of \$10 million in nonrecurring funds from the  
1991 General Revenue Fund for the Institute for the Commercialization  
1992 of Public Research.

1993 (4) The sum of \$5 million in nonrecurring funds from the  
1994 General Revenue Fund for the Florida Defense Support Task Force.

1995 Section 40. Except as otherwise expressly provided in this  
1996 act and except for this section, which shall take effect upon  
1997 this act becoming a law, this act shall take effect July 1,  
1998 2011.

2001 -----  
2002 **T I T L E A M E N D M E N T**

2003 Remove the entire title and insert:

2004 A bill to be entitled

2005 An act relating to economic development; amending s.

2006 14.2015, F.S.; authorizing the Office of Tourism, Trade,

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## Amendment No.

2007 and Economic Development to administer corporate income  
2008 tax credits for spaceflight projects; amending ss. 72.011  
2009 and 72.041, F.S.; deleting a reference to conform to  
2010 changes made by this act; amending s. 216.138, F.S.;  
2011 providing for special impact estimating conferences to  
2012 evaluate legislative proposals; requiring conference  
2013 meetings to be open to the public; specifying the four  
2014 principals of the conference; authorizing the convening of  
2015 any special estimating conference by a specified principal  
2016 in order to adopt certain supplemental information;  
2017 requiring all official information of a special impact  
2018 estimating conference to be adopted by consensus;  
2019 authorizing a principal to invite any person to  
2020 participate in the conference; providing definitions;  
2021 amending ss. 220.02 and 220.13, F.S.; revising references  
2022 to conform to changes made by this act; revising the order  
2023 in which credits against the corporate income tax or  
2024 franchise tax may be taken to include credits for certain  
2025 spaceflight projects and certain research and development;  
2026 redefining the term "adjusted federal income" to include  
2027 the amount of certain tax credits taken relating to  
2028 spaceflight projects and research and development;  
2029 providing application; prohibiting a deduction from  
2030 taxable income for any net operating loss if a credit  
2031 against corporate income taxes relating to a spaceflight  
2032 project has been taken or transferred; amending s.  
2033 220.131, F.S.; conforming provisions to changes made by  
2034 this act; amending s. 220.15, F.S.; conforming provisions

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2035 to changes made by this act; creating s. 220.153, F.S.;

2036 defining the terms "office" and "qualified capital

2037 expenditures"; providing for the apportionment of certain

2038 taxpayer's adjusted federal income solely by the sales

2039 factor provided in s. 220.15, F.S.; providing for

2040 eligibility based on the taxpayer's capital expenditures;

2041 providing a qualification and application process;

2042 authorizing the Department of Revenue to examine and

2043 verify that a taxpayer has correctly apportioned its

2044 taxes; authorizing the Office of Tourism, Trade, and

2045 Economic Development to approve and revoke approval of an

2046 application; providing for the recapture of unpaid taxes,

2047 interest, and penalties; authorizing the Office of

2048 Tourism, Trade, and Economic Development and the

2049 Department of Revenue to adopt rules; amending s.

2050 220.1845, F.S.; increasing the annual tax credit cap

2051 relating to contaminated site rehabilitation; amending s.

2052 376.30781, F.S.; conforming references; amending s.

2053 220.16, F.S.; requiring that the amount of payments

2054 received in exchange for transferring a net operating loss

2055 for spaceflight projects be allocated to the state;

2056 creating s. 220.194, F.S.; providing a short title;

2057 providing legislative purpose; defining terms; authorizing

2058 a certified spaceflight business to take or transfer

2059 corporate income tax credits related to spaceflight

2060 projects carried out in this state; specifying tax credit

2061 amounts and business eligibility criteria; providing

2062 limitations; requiring a business to demonstrate to the

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2063 satisfaction of the office and the department its  
2064 eligibility to claim a tax credit; requiring a business to  
2065 submit an application to the office for approval to earn  
2066 credits; specifying the required contents of the  
2067 application; requiring the office to approve or deny an  
2068 application within 60 days after receipt; specifying the  
2069 approval process; requiring a spaceflight business to  
2070 submit an application for certification to the office;  
2071 specifying the required contents of an application for  
2072 certification; specifying the approval process; requiring  
2073 the office to submit a copy of an approved certification  
2074 to the department; providing procedures for transferring a  
2075 tax credit to a taxpayer; authorizing the department to  
2076 perform audits and investigations necessary to verify the  
2077 accuracy of returns relating to the tax credit; specifying  
2078 circumstances under which the office may revoke or modify  
2079 a certification that grants eligibility for tax credits;  
2080 requiring a certified spaceflight business to file an  
2081 amended return and pay any required tax within 60 days  
2082 after receiving notice that previously approved tax  
2083 credits have been revoked or modified; authorizing the  
2084 department to assess additional taxes, interest, or  
2085 penalties; authorizing the office and the department to  
2086 adopt rules; requiring the office to submit an annual  
2087 report to the Governor and Legislature regarding the  
2088 Florida Space Business Incentives Act; creating s.  
2089 220.195, F.S.; creating a corporate income tax credit to  
2090 continue credits available under the emergency excise tax;

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2091 creating s. 220.196, F.S.; providing application;  
2092 providing definitions; providing a tax credit for certain  
2093 research and development expenses; providing eligibility  
2094 requirements for research and development tax credits;  
2095 providing limitations regarding eligibility; providing an  
2096 amount for such credit; providing a maximum amount of  
2097 credit that may be taken during a taxable year by a  
2098 business enterprise; providing that any unused credit may  
2099 be carried forward for a specified period; limiting the  
2100 total amount of tax credits which may be approved by the  
2101 department in a calendar year; providing that applications  
2102 for credits may be filed on or after a specified date;  
2103 requiring that the credits be granted in the order in  
2104 which applications are received; requiring the  
2105 recalculation of a credit under certain circumstances;  
2106 authorizing the department to adopt rules; amending ss.  
2107 220.801, 213.05, 213.053, and 213.255, F.S.; deleting  
2108 references to conform to changes made by this act;  
2109 authorizing the department to share information with the  
2110 office relating to single sales factor apportionment used  
2111 by a taxpayer; authorizing the department to share  
2112 information relating to corporate income tax credits for  
2113 spaceflight projects with the office; repealing chapter  
2114 221, F.S.; repealing the emergency excise tax and related  
2115 provisions; amending ss. 288.075, 288.1045, and 288.106,  
2116 F.S.; deleting references to conform to changes made by  
2117 this act; revising a provision to conform to changes made  
2118 by this act; amending s. 288.1254, F.S.; revising and

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2119 providing definitions; revising criteria for awarding tax  
2120 credits and increasing the amount of credits to be awarded  
2121 under the entertainment industry financial incentive  
2122 program; revising the application procedure and approval  
2123 process; permitting an initial transferee of tax credits  
2124 to make a one-time transfer of unused tax credits;  
2125 amending s. 288.1258, F.S.; changing the recordkeeping  
2126 requirements of the Office of Film and Entertainment;  
2127 amending s. 290.0055, F.S.; authorizing certain governing  
2128 bodies to apply to the Office of Tourism, Trade, and  
2129 Economic Development to amend the boundary of an  
2130 enterprise zone that includes a rural area of critical  
2131 economic concern; providing a limitation; providing an  
2132 application deadline; authorizing the office to approve  
2133 the amendment application subject to certain requirements;  
2134 requiring the office to establish the effective date of  
2135 certain enterprise zones; creating s. 290.00726, F.S.;  
2136 authorizing Martin County to apply to the Office of  
2137 Tourism, Trade, and Economic Development for designation  
2138 of an enterprise zone; providing application requirements;  
2139 authorizing the office to designate an enterprise zone in  
2140 Martin County; providing responsibilities of the office;  
2141 creating s. 290.00727, F.S.; authorizing the City of Palm  
2142 Bay to apply to the Office of Tourism, Trade, and Economic  
2143 Development for designation of an enterprise zone;  
2144 providing application requirements; authorizing the office  
2145 to designate an enterprise zone in the City of Palm Bay;  
2146 providing responsibilities of the office; creating s.

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2147 290.00728, F.S.; authorizing Lake County to apply to the  
2148 Office of Tourism, Trade, and Economic Development for  
2149 designation of an enterprise zone; providing application  
2150 requirements; authorizing the office to designate an  
2151 enterprise zone in Lake County; providing responsibilities  
2152 of the office; amending ss. 334.30, 624.509, and  
2153 624.51055, F.S.; deleting references to conform to changes  
2154 made by this act; authorizing the executive director of  
2155 the Department of Revenue to adopt emergency rules;  
2156 specifying a period during this year when the sale of  
2157 clothing, wallets, bags, and school supplies are exempt  
2158 from the sales tax; providing definitions; providing  
2159 exceptions; authorizing the Department of Revenue to adopt  
2160 emergency rules; providing an appropriation; creating s.  
2161 288.987, F.S.; creating the Florida Defense Support Task  
2162 Force; providing for the task force's mission, membership  
2163 composition, appointment of membership, and  
2164 administration; authorizing the expenditure of  
2165 appropriated funds by the task force for specified  
2166 purposes; providing appropriations to the Executive Office  
2167 of the Governor, Office of Tourism, Trade and Economic  
2168 Development; providing effective dates.

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