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LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/11/2011	.	
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The Committee on Budget Subcommittee on Finance and Tax
(Bogdanoff) recommended the following:

Senate Amendment (with title amendment)

Between lines 476 and 477
insert:

Section 10. Effective January 1, 2012, paragraph (a) of
subsection (1) of section 72.011, Florida Statutes, is amended
to read:

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

(1) (a) A taxpayer may contest the legality of any
assessment or denial of refund of tax, fee, surcharge, permit,



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13 interest, or penalty provided for under s. 125.0104, s.
14 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,
15 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,
16 chapter 212, chapter 213, ~~chapter 220~~, chapter 221, s.
17 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s.
18 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,
19 chapter 563, chapter 564, chapter 565, chapter 624, or s.
20 681.117 by filing an action in circuit court; or, alternatively,
21 the taxpayer may file a petition under the applicable provisions
22 of chapter 120. However, once an action has been initiated under
23 s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s.
24 120.80(14)(b), no action relating to the same subject matter may
25 be filed by the taxpayer in circuit court, and judicial review
26 shall be exclusively limited to appellate review pursuant to s.
27 120.68; and once an action has been initiated in circuit court,
28 no action may be brought under chapter 120.

29 Section 11. Effective January 1, 2012, section 72.041,
30 Florida Statutes, is amended to read:

31 72.041 Tax liabilities arising under the laws of other
32 states.—Actions to enforce lawfully imposed sales, use, and
33 corporate income taxes and motor and other fuel taxes of another
34 state may be brought in a court of this state under the
35 following conditions:

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

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

41 (3) This section does not apply to the enforcement of tax



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42 warrants of another state unless the warrant has been obtained
43 as a result of a judgment entered by a court of competent
44 jurisdiction in the taxing state or unless the courts of the
45 state seeking to enforce its warrant allow the enforcement of
46 the warrants issued by the Department of Revenue pursuant to
47 chapters 206, 212, 213, and 220,~~and~~ 221; and

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

51 Section 12. Effective January 1, 2012, subsection (8) of
52 section 220.02, Florida Statutes, is amended to read:

53 220.02 Legislative intent.—

54 (8) It is the intent of the Legislature that credits
55 against either the corporate income tax or the franchise tax be
56 applied in the following order: those enumerated in s. 631.828,
57 those enumerated in s. 220.191, those enumerated in s. 220.181,
58 those enumerated in s. 220.183, those enumerated in s. 220.182,
59 those enumerated in s. 220.1895, those enumerated in s. 220.194
60 ~~221.02~~, those enumerated in s. 220.184, those enumerated in s.
61 220.186, those enumerated in s. 220.1845, those enumerated in s.
62 220.19, those enumerated in s. 220.185, those enumerated in s.
63 220.1875, those enumerated in s. 220.192, those enumerated in s.
64 220.193, those enumerated in s. 288.9916, those enumerated in s.
65 220.1899, and those enumerated in s. 220.1896.

66 Section 13. Effective January 1, 2012, paragraph (a) of
67 subsection (1) of section 220.13, Florida Statutes, is amended
68 to read:

69 220.13 "Adjusted federal income" defined.—

70 (1) The term "adjusted federal income" means an amount



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71 equal to the taxpayer's taxable income as defined in subsection
72 (2), or such taxable income of more than one taxpayer as
73 provided in s. 220.131, for the taxable year, adjusted as
74 follows:

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

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

81 2. The amount of interest which is excluded from taxable
82 income under s. 103(a) of the Internal Revenue Code or any other
83 federal law, less the associated expenses disallowed in the
84 computation of taxable income under s. 265 of the Internal
85 Revenue Code or any other law, excluding 60 percent of any
86 amounts included in alternative minimum taxable income, as
87 defined in s. 55(b)(2) of the Internal Revenue Code, if the
88 taxpayer pays tax under s. 220.11(3).

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

93 4. That portion of the wages or salaries paid or incurred
94 for the taxable year which is equal to the amount of the credit
95 allowable for the taxable year under s. 220.181. This
96 subparagraph shall expire on the date specified in s. 290.016
97 for the expiration of the Florida Enterprise Zone Act.

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



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

103 6. The amount taken as a credit under s. 220.194 ~~of~~
104 ~~emergency excise tax paid or accrued as a liability to this~~
105 ~~state under chapter 221~~ which tax is deductible from gross
106 income in the computation of taxable income for the taxable
107 year.

108 7. That portion of assessments to fund a guaranty
109 association incurred for the taxable year which is equal to the
110 amount of the credit allowable for the taxable year.

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

116 9. The amount taken as a credit for the taxable year under
117 s. 220.1895.

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

121 11. The amount taken as a credit for the taxable year under
122 s. 220.1875. The addition in this subparagraph is intended to
123 ensure that the same amount is not allowed for the tax purposes
124 of this state as both a deduction from income and a credit
125 against the tax. This addition is not intended to result in
126 adding the same expense back to income more than once.

127 12. The amount taken as a credit for the taxable year under
128 s. 220.192.



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129 13. The amount taken as a credit for the taxable year under
130 s. 220.193.

131 14. Any portion of a qualified investment, as defined in s.
132 288.9913, which is claimed as a deduction by the taxpayer and
133 taken as a credit against income tax pursuant to s. 288.9916.

134 15. The costs to acquire a tax credit pursuant to s.
135 288.1254(5) that are deducted from or otherwise reduce federal
136 taxable income for the taxable year.

137 Section 14. Effective January 1, 2012, section 220.194,
138 Florida Statutes, is created to read:

139 220.194 Emergency excise tax credit.-

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

144 (2) If a credit granted pursuant to this section is not
145 fully used in taxable years ending in 2012 because of
146 insufficient tax liability on the part of the taxpayer, the
147 unused amount may be carried forward for a period not to exceed
148 5 years. The carryover credit may be used in a subsequent year
149 when the tax imposed by this chapter for such year exceeds the
150 credit for such year, after applying the other credits and
151 unused credit carryovers in the order provided in s. 220.02(8).

152 Section 15. Effective January 1, 2012, subsection (4) of
153 section 220.801, Florida Statutes, is amended to read:

154 220.801 Penalties; failure to timely file returns.-

155 (4) The provisions of this section shall specifically apply
156 to the notice of federal change required under s. 220.23, ~~and to~~
157 ~~any tax returns required under chapter 221, relating to the~~



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158 ~~emergency excise tax.~~

159 Section 16. Effective January 1, 2012, section 213.05,
160 Florida Statutes, is amended to read:

161 213.05 Department of Revenue; control and administration of
162 revenue laws.—The Department of Revenue shall have only those
163 responsibilities for ad valorem taxation specified to the
164 department in chapter 192, taxation, general provisions; chapter
165 193, assessments; chapter 194, administrative and judicial
166 review of property taxes; chapter 195, property assessment
167 administration and finance; chapter 196, exemption; chapter 197,
168 tax collections, sales, and liens; chapter 199, intangible
169 personal property taxes; and chapter 200, determination of
170 millage. The Department of Revenue shall have the responsibility
171 of regulating, controlling, and administering all revenue laws
172 and performing all duties as provided in s. 125.0104, the Local
173 Option Tourist Development Act; s. 125.0108, tourist impact tax;
174 chapter 198, estate taxes; chapter 201, excise tax on documents;
175 chapter 202, communications services tax; chapter 203, gross
176 receipts taxes; chapter 206, motor and other fuel taxes; chapter
177 211, tax on production of oil and gas and severance of solid
178 minerals; chapter 212, tax on sales, use, and other
179 transactions; chapter 220, income tax code; ~~chapter 221,~~
180 ~~emergency excise tax;~~ ss. 336.021 and 336.025, taxes on motor
181 fuel and special fuel; s. 376.11, pollutant spill prevention and
182 control; s. 403.718, waste tire fees; s. 403.7185, lead-acid
183 battery fees; s. 538.09, registration of secondhand dealers; s.
184 538.25, registration of secondary metals recyclers; s. 624.4621,
185 group self-insurer's fund premium tax; s. 624.5091, retaliatory
186 tax; s. 624.475, commercial self-insurance fund premium tax; ss.



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187 624.509-624.511, insurance code: administration and general
188 provisions; s. 624.515, State Fire Marshal regulatory
189 assessment; s. 627.357, medical malpractice self-insurance
190 premium tax; s. 629.5011, reciprocal insurers premium tax; and
191 s. 681.117, motor vehicle warranty enforcement.

192 Section 17. Effective January 1, 2012, subsection (1) and
193 paragraph (k) of subsection (8) of section 213.053, Florida
194 Statutes, as amended by chapter 2010-280, Laws of Florida, are
195 amended to read:

196 213.053 Confidentiality and information sharing.-

197 (1) This section applies to:

198 (a) Section 125.0104, county government;

199 (b) Section 125.0108, tourist impact tax;

200 (c) Chapter 175, municipal firefighters' pension trust
201 funds;

202 (d) Chapter 185, municipal police officers' retirement
203 trust funds;

204 (e) Chapter 198, estate taxes;

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

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

207 (h) Chapter 202, the Communications Services Tax

208 Simplification Law;

209 (i) Chapter 203, gross receipts taxes;

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

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

213 (l) Chapter 220, income tax code;

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

215 (m) ~~(n)~~ Section 252.372, emergency management, preparedness,



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216 and assistance surcharge;
217 ~~(n)~~ ~~(e)~~ Section 379.362(3), Apalachicola Bay oyster
218 surcharge;
219 ~~(o)~~ ~~(p)~~ Chapter 376, pollutant spill prevention and control;
220 ~~(p)~~ ~~(q)~~ Section 403.718, waste tire fees;
221 ~~(q)~~ ~~(r)~~ Section 403.7185, lead-acid battery fees;
222 ~~(r)~~ ~~(s)~~ Section 538.09, registration of secondhand dealers;
223 ~~(s)~~ ~~(t)~~ Section 538.25, registration of secondary metals
224 recyclers;
225 ~~(t)~~ ~~(u)~~ Sections 624.501 and 624.509-624.515, insurance
226 code;
227 ~~(u)~~ ~~(v)~~ Section 681.117, motor vehicle warranty enforcement;
228 and
229 ~~(v)~~ ~~(w)~~ Section 896.102, reports of financial transactions
230 in trade or business.
231 (8) Notwithstanding any other provision of this section,
232 the department may provide:
233 (k)1. Payment information relative to chapters 199, 201,
234 202, 212, 220, ~~221~~, and 624, and former chapter 221 to the
235 Office of Tourism, Trade, and Economic Development, or its
236 employees or agents that are identified in writing by the office
237 to the department, in the administration of the tax refund
238 program for qualified defense contractors and space flight
239 business contractors authorized by s. 288.1045 and the tax
240 refund program for qualified target industry businesses
241 authorized by s. 288.106.
242 2. Information relative to tax credits taken by a business
243 under s. 220.191 and exemptions or tax refunds received by a
244 business under s. 212.08(5)(j) to the Office of Tourism, Trade,



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245 and Economic Development, or its employees or agents that are
246 identified in writing by the office to the department, in the
247 administration and evaluation of the capital investment tax
248 credit program authorized in s. 220.191 and the semiconductor,
249 defense, and space tax exemption program authorized in s.
250 212.08(5)(j).

251 3. Information relative to tax credits taken by a taxpayer
252 pursuant to the tax credit programs created in ss. 193.017;
253 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;
254 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;
255 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;
256 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
257 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to
258 the Office of Tourism, Trade, and Economic Development, or its
259 employees or agents that are identified in writing by the office
260 to the department, for use in the administration or evaluation
261 of such programs.

262
263 Disclosure of information under this subsection shall be
264 pursuant to a written agreement between the executive director
265 and the agency. Such agencies, governmental or nongovernmental,
266 shall be bound by the same requirements of confidentiality as
267 the Department of Revenue. Breach of confidentiality is a
268 misdemeanor of the first degree, punishable as provided by s.
269 775.082 or s. 775.083.

270 Section 18. Effective January 1, 2012, subsection (12) of
271 section 213.255, Florida Statutes, is amended to read:

272 213.255 Interest.—Interest shall be paid on overpayments of
273 taxes, payment of taxes not due, or taxes paid in error, subject



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274 to the following conditions:

275 (12) The rate of interest shall be the adjusted rate
276 established pursuant to s. 213.235, except that the annual rate
277 of interest shall never be greater than 11 percent. This annual
278 rate of interest shall be applied to all refunds of taxes
279 administered by the department except for corporate income taxes
280 ~~and emergency excise taxes~~ governed by ss. 220.721 and 220.723.

281 Section 19. Effective January 1, 2012, chapter 221, Florida
282 Statutes, consisting of section 221.01, 221.02, 221.04, and
283 221.05, is repealed.

284 Section 20. Effective January 1, 2012, paragraph (a) of
285 subsection (6) of section 288.075, Florida Statutes, is amended
286 to read:

287 288.075 Confidentiality of records.—

288 (6) ECONOMIC INCENTIVE PROGRAMS.—

289 (a) The following information held by an economic
290 development agency pursuant to the administration of an economic
291 incentive program for qualified businesses is confidential and
292 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
293 Constitution for a period not to exceed the duration of the
294 incentive agreement, including an agreement authorizing a tax
295 refund or tax credit, or upon termination of the incentive
296 agreement:

297 1. The percentage of the business's sales occurring outside
298 this state and, for businesses applying under s. 288.1045, the
299 percentage of the business's gross receipts derived from
300 Department of Defense contracts during the 5 years immediately
301 preceding the date the business's application is submitted.

302 2. The anticipated wages for the project jobs that the



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303 business plans to create, as reported on the application for
304 certification.

305 3. The average wage actually paid by the business for those
306 jobs created by the project or an employee's personal
307 identifying information which is held as evidence of the
308 achievement or nonachievement of the wage requirements of the
309 tax refund, tax credit, or incentive agreement programs or of
310 the job creation requirements of such programs.

311 4. The amount of:

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

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

315 c. Intangible personal property taxes paid pursuant to
316 chapter 199;

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

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

319 ~~e.f.~~ Excise taxes paid on documents pursuant to chapter
320 201;

321 ~~f.g.~~ Ad valorem taxes paid, as defined in s. 220.03(1); or

322 ~~g.h.~~ State communications services taxes paid pursuant to
323 chapter 202.

324 Section 21. Effective January 1, 2012, paragraph (f) of
325 subsection (2) of section 288.1045, Florida Statutes, is amended
326 to read:

327 288.1045 Qualified defense contractor and space flight
328 business tax refund program.—

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

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



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

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

338 a. Taxes on sales, use, and other transactions paid
339 pursuant to chapter 212.

340 b. Intangible personal property taxes paid pursuant to
341 chapter 199.

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

343 c.d. Excise taxes paid on documents pursuant to chapter
344 201.

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

347 e.f. State communications services taxes administered under
348 chapter 202. This provision does not apply to the gross receipts
349 tax imposed under chapter 203 and administered under chapter 202
350 or the local communications services tax authorized under s.
351 202.19.

352
353 However, a qualified applicant may not receive a tax refund
354 pursuant to this section for any amount of credit, refund, or
355 exemption granted such contractor for any of such taxes. If a
356 refund for such taxes is provided by the office, which taxes are
357 subsequently adjusted by the application of any credit, refund,
358 or exemption granted to the qualified applicant other than that
359 provided in this section, the qualified applicant shall
360 reimburse the Economic Development Trust Fund for the amount of



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361 such credit, refund, or exemption. A qualified applicant must
362 notify and tender payment to the office within 20 days after
363 receiving a credit, refund, or exemption, other than that
364 provided in this section. The addition of communications
365 services taxes administered under chapter 202 is remedial in
366 nature and retroactive to October 1, 2001. The office may make
367 supplemental tax refund payments to allow for tax refunds for
368 communications services taxes paid by an eligible qualified
369 defense contractor after October 1, 2001.

370 Section 22. Effective January 1, 2012, paragraph (d) of
371 subsection (3) of section 288.106, Florida Statutes, is amended
372 to read:

373 288.106 Tax refund program for qualified target industry
374 businesses.—

375 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

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

378 1. Receive refunds from the account for the following taxes
379 due and paid by that business beginning with the first taxable
380 year of the business that begins after entering into the
381 agreement:

382 a. Corporate income taxes under chapter 220.

383 b. Insurance premium tax under s. 624.509.

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

386 a. Taxes on sales, use, and other transactions under
387 chapter 212.

388 b. Intangible personal property taxes under chapter 199.

389 ~~c. Emergency excise taxes under chapter 221.~~



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390 ~~c.d.~~ Excise taxes on documents under chapter 201.
391 ~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1).
392 ~~e.f.~~ State communications services taxes administered under
393 chapter 202. This provision does not apply to the gross receipts
394 tax imposed under chapter 203 and administered under chapter 202
395 or the local communications services tax authorized under s.
396 202.19.

397 Section 23. Effective January 1, 2012, subsection (1) of
398 section 334.30, Florida Statutes, is amended to read:

399 334.30 Public-private transportation facilities.—The
400 Legislature finds and declares that there is a public need for
401 the rapid construction of safe and efficient transportation
402 facilities for the purpose of traveling within the state, and
403 that it is in the public's interest to provide for the
404 construction of additional safe, convenient, and economical
405 transportation facilities.

406 (1) The department may receive or solicit proposals and,
407 with legislative approval as evidenced by approval of the
408 project in the department's work program, enter into agreements
409 with private entities, or consortia thereof, for the building,
410 operation, ownership, or financing of transportation facilities.
411 The department may advance projects programmed in the adopted 5-
412 year work program or projects increasing transportation capacity
413 and greater than \$500 million in the 10-year Strategic
414 Intermodal Plan using funds provided by public-private
415 partnerships or private entities to be reimbursed from
416 department funds for the project as programmed in the adopted
417 work program. The department shall by rule establish an
418 application fee for the submission of unsolicited proposals



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419 under this section. The fee must be sufficient to pay the costs
420 of evaluating the proposals. The department may engage the
421 services of private consultants to assist in the evaluation.
422 Before approval, the department must determine that the proposed
423 project:

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

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

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

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

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

437

438 The department shall ensure that all reasonable costs to the
439 state, related to transportation facilities that are not part of
440 the State Highway System, are borne by the private entity. The
441 department shall also ensure that all reasonable costs to the
442 state and substantially affected local governments and
443 utilities, related to the private transportation facility, are
444 borne by the private entity for transportation facilities that
445 are owned by private entities. For projects on the State Highway
446 System, the department may use state resources to participate in
447 funding and financing the project as provided for under the



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448 department's enabling legislation. Because the Legislature
449 recognizes that private entities or consortia thereof would
450 perform a governmental or public purpose or function when they
451 enter into agreements with the department to design, build,
452 operate, own, or finance transportation facilities, the
453 transportation facilities, including leasehold interests
454 thereof, are exempt from ad valorem taxes as provided in chapter
455 196 to the extent property is owned by the state or other
456 government entity, and from intangible taxes as provided in
457 chapter 199 and special assessments of the state, any city,
458 town, county, special district, political subdivision of the
459 state, or any other governmental entity. The private entities or
460 consortia thereof are exempt from tax imposed by chapter 201 on
461 all documents or obligations to pay money which arise out of the
462 agreements to design, build, operate, own, lease, or finance
463 transportation facilities. Any private entities or consortia
464 thereof must pay any applicable corporate taxes as provided in
465 chapter ~~chapters~~ 220 and ~~221~~, and unemployment compensation
466 taxes as provided in chapter 443, and sales and use tax as
467 provided in chapter 212 shall be applicable. The private
468 entities or consortia thereof must also register and collect the
469 tax imposed by chapter 212 on all their direct sales and leases
470 that are subject to tax under chapter 212. The agreement between
471 the private entity or consortia thereof and the department
472 establishing a transportation facility under this chapter
473 constitutes documentation sufficient to claim any exemption
474 under this section.

475 Section 24. Effective January 1, 2012, subsection (4),
476 paragraph (a) of subsection (6), and subsection (7) of section



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477 624.509, Florida Statutes, are amended to read:

478 624.509 Premium tax; rate and computation.—

479 (4) The income tax imposed under chapter 220 ~~and the~~
480 ~~emergency excise tax imposed under chapter 221~~ which is are paid
481 by any insurer shall be credited against, and to the extent
482 thereof shall discharge, the liability for tax imposed by this
483 section for the annual period in which such tax payments are
484 made. As to any insurer issuing policies insuring against loss
485 or damage from the risks of fire, tornado, and certain casualty
486 lines, the tax imposed by this section, as intended and
487 contemplated by this subsection, shall be construed to mean the
488 net amount of such tax remaining after there has been credited
489 thereon such gross premium receipts tax as may be payable by
490 such insurer in pursuance of the imposition of such tax by any
491 incorporated cities or towns in the state for firefighters'
492 relief and pension funds and police officers' retirement funds
493 maintained in such cities or towns, as provided in and by
494 relevant provisions of the Florida Statutes. For purposes of
495 this subsection, payments of estimated income tax under chapter
496 220 ~~and of estimated emergency excise tax under chapter 221~~
497 shall be deemed paid either at the time the insurer actually
498 files its annual returns under chapter 220 or at the time such
499 returns are required to be filed, whichever first occurs, and
500 not at such earlier time as such payments of estimated tax are
501 actually made.

502 (6) (a) The total of the credit granted for the taxes paid
503 by the insurer under chapter ~~chapters~~ 220 ~~and 221~~ and the credit
504 granted by subsection (5) may ~~shall~~ not exceed 65 percent of the
505 tax due under subsection (1) after deducting therefrom the taxes



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506 paid by the insurer under ss. 175.101 and 185.08 and any
507 assessments pursuant to s. 440.51.

508 (7) Credits and deductions against the tax imposed by this
509 section shall be taken in the following order: deductions for
510 assessments made pursuant to s. 440.51; credits for taxes paid
511 under ss. 175.101 and 185.08; credits for income taxes paid
512 under chapter 220, ~~the emergency excise tax paid under chapter~~
513 ~~221~~ and the credit allowed under subsection (5), as these
514 credits are limited by subsection (6); all other available
515 credits and deductions.

516 Section 25. Effective January 1, 2012, subsection (1) of
517 section 624.51055, Florida Statutes, is amended to read:

518 624.51055 Credit for contributions to eligible nonprofit
519 scholarship-funding organizations.—

520 (1) There is allowed a credit of 100 percent of an eligible
521 contribution made to an eligible nonprofit scholarship-funding
522 organization under s. 1002.395 against any tax due for a taxable
523 year under s. 624.509(1). However, such a credit may not exceed
524 75 percent of the tax due under s. 624.509(1) after deducting
525 from such tax deductions for assessments made pursuant to s.
526 440.51; credits for taxes paid under ss. 175.101 and 185.08;
527 credits for income taxes paid under chapter 220; ~~credits for the~~
528 ~~emergency excise tax paid under chapter 221;~~ and the credit
529 allowed under s. 624.509(5), as such credit is limited by s.
530 624.509(6). An insurer claiming a credit against premium tax
531 liability under this section shall not be required to pay any
532 additional retaliatory tax levied pursuant to s. 624.5091 as a
533 result of claiming such credit. Section 624.5091 does not limit
534 such credit in any manner.



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535 Section 26. (1) The executive director of the Department of
536 Revenue is authorized, and all conditions are deemed met, to
537 adopt emergency rules under ss. 120.536(1) and 120.54(4),
538 Florida Statutes, for the purpose of implementing this act.

539 (2) Notwithstanding any other provision of law, such
540 emergency rules shall remain in effect for 6 months after the
541 date adopted and may be renewed during the pendency of
542 procedures to adopt permanent rules addressing the subject of
543 the emergency rules.

544
545 ===== T I T L E A M E N D M E N T =====

546 And the title is amended as follows:

547 Delete line 54

548 and insert:

549 providing tax collection services; amending ss. 72.011
550 and 72.041, F.S.; deleting a reference to conform to
551 the repeal of the emergency excise tax; amending ss.
552 220.02 and 220.13, F.S.; revising references to
553 conform to the repeal of the emergency excise tax;
554 creating s. 220.194, F.S.; creating a corporate income
555 tax credit to continue credits available under the
556 emergency excise tax; providing that a credit granted
557 that is not fully used may be carried forward for a
558 certain period; providing that the carryover credit
559 may be used in a subsequent year under certain
560 circumstances; amending ss. 220.801, 213.05, 213.053,
561 and 213.255, F.S.; deleting references to conform to
562 the repeal of the emergency excise tax; repealing ch.
563 221, F.S., relating to the emergency excise tax;



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564 amending ss. 288.075, 288.1045, and 288.106, F.S.;

565 deleting references to conform to the repeal of the

566 emergency excise tax; amending ss. 334.30, 624.509,

567 and 624.51055, F.S.; deleting references to conform to

568 the repeal of the emergency excise tax; authorizing

569 the executive director of the Department of Revenue to

570 adopt emergency rules; providing effective