

1 A bill to be entitled
 2 An act relating to the corporate income tax; amending s.
 3 220.03, F.S.; providing for the adoption of the 2011
 4 version of the Internal Revenue Code; amending s. 220.13,
 5 F.S.; specifying the treatment by this state of certain
 6 depreciation and expensing of assets that are allowed for
 7 federal income tax purposes; authorizing the executive
 8 director of the Department of Revenue to adopt emergency
 9 rules; providing an appropriation; providing for reversion
 10 and reappropriation; providing for retroactive
 11 application; providing an effective date.

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

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 15 Section 1. Paragraph (n) of subsection (1) and subsection
 16 (2) of section 220.03, Florida Statutes, are amended to read:
 17 220.03 Definitions.—

18 (1) SPECIFIC TERMS.—When used in this code, and when not
 19 otherwise distinctly expressed or manifestly incompatible with
 20 the intent thereof, the following terms shall have the following
 21 meanings:

22 (n) "Internal Revenue Code" means the United States
 23 Internal Revenue Code of 1986, as amended and in effect on
 24 January 1, 2011 ~~2010~~, except as provided in subsection (3).

25 (2) DEFINITIONAL RULES.—When used in this code and neither
 26 otherwise distinctly expressed nor manifestly incompatible with
 27 the intent thereof:

28 (a) The word "corporation" or "taxpayer" shall be deemed

29 | to include the words "and its successors and assigns" as if
 30 | these words, or words of similar import, were expressed;

31 | (b) Any term used in any section of this code with respect
 32 | to the application of, or in connection with, the provisions of
 33 | any other section of this code shall have the same meaning as in
 34 | such other section; and

35 | (c) Any term used in this code shall have the same meaning
 36 | as when used in a comparable context in the Internal Revenue
 37 | Code and other statutes of the United States relating to federal
 38 | income taxes, as such code and statutes are in effect on January
 39 | 1, 2011 ~~2010~~. However, if subsection (3) is implemented, the
 40 | meaning of any term shall be taken at the time the term is
 41 | applied under this code.

42 | Section 2. Paragraph (e) of subsection (1) of section
 43 | 220.13, Florida Statutes, is amended to read:

44 | 220.13 "Adjusted federal income" defined.-

45 | (1) The term "adjusted federal income" means an amount
 46 | equal to the taxpayer's taxable income as defined in subsection
 47 | (2), or such taxable income of more than one taxpayer as
 48 | provided in s. 220.131, for the taxable year, adjusted as
 49 | follows:

50 | (e) *Adjustments related to the Federal Economic Stimulus*
 51 | *Act of 2008, ~~and~~ the American Recovery and Reinvestment Act of*
 52 | *2009, the Small Business Jobs Act of 2010, and the Tax Relief,*
 53 | *Unemployment Insurance Reauthorization, and Job Creation Act of*
 54 | *2010.*-Taxpayers shall be required to make the adjustments
 55 | prescribed in this paragraph for Florida tax purposes in
 56 | relation to certain tax benefits received pursuant to the

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57 Economic Stimulus Act of 2008, ~~and~~ the American Recovery and
58 Reinvestment Act of 2009, the Small Business Jobs Act of 2010,
59 and the Tax Relief, Unemployment Insurance Reauthorization, and
60 Job Creation Act of 2010.

61 1. There shall be added to such taxable income an amount
62 equal to 100 percent of any amount deducted for federal income
63 tax purposes as bonus depreciation for the taxable year pursuant
64 to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as
65 amended by s. 103 of Pub. L. No. 110-185, ~~and~~ s. 1201 of Pub. L.
66 No. 111-5, s. 2022 of Pub. L. No. 111-240, and s. 401 of Pub. L.
67 No. 111-312, for property placed in service after December 31,
68 2007, and before January 1, 2013 ~~2010~~. For the taxable year and
69 for each of the 6 subsequent taxable years, there shall be
70 subtracted from such taxable income an amount equal to one-
71 seventh of the amount by which taxable income was increased
72 pursuant to this subparagraph, notwithstanding any sale or other
73 disposition of the property that is the subject of the
74 adjustments and regardless of whether such property remains in
75 service in the hands of the taxpayer.

76 2. There shall be added to such taxable income an amount
77 equal to 100 percent of any amount in excess of \$128,000
78 deducted for federal income tax purposes for the taxable year
79 pursuant to s. 179 of the Internal Revenue Code of 1986, as
80 amended by s. 102 of Pub. L. No. 110-185, ~~and~~ s. 1202 of Pub. L.
81 No. 111-5, s. 2021 of Pub. L. No. 111-240, and s. 402 of Pub. L.
82 No. 111-312, for taxable years beginning after December 31,
83 2007, and before January 1, 2013 ~~2010~~. For the taxable year and
84 for each of the 6 subsequent taxable years, there shall be

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85 subtracted from such taxable income one-seventh of the amount by
86 which taxable income was increased pursuant to this
87 subparagraph, notwithstanding any sale or other disposition of
88 the property that is the subject of the adjustments and
89 regardless of whether such property remains in service in the
90 hands of the taxpayer.

91 3. There shall be added to such taxable income an amount
92 equal to the amount of deferred income not included in such
93 taxable income pursuant to s. 108(i)(1) of the Internal Revenue
94 Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There
95 shall be subtracted from such taxable income an amount equal to
96 the amount of deferred income included in such taxable income
97 pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986,
98 as amended by s. 1231 of Pub. L. No. 111-5.

99 4. Subtractions available under this paragraph may be
100 transferred to the surviving or acquiring entity following a
101 merger or acquisition and used in the same manner and with the
102 same limitations as specified by this paragraph.

103 5. The additions and subtractions specified in this
104 paragraph are intended to adjust taxable income for Florida tax
105 purposes, and, notwithstanding any other provision of this code,
106 such additions and subtractions shall be permitted to change a
107 taxpayer's net operating loss for Florida tax purposes.

108 Section 3. (1) The executive director of the Department
109 of Revenue is authorized, and all conditions are deemed met, to
110 adopt emergency rules under ss. 120.536(1) and 120.54(4),
111 Florida Statutes, for the purpose of implementing this act.

112 (2) Notwithstanding any other provision of law, the

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113 emergency rules shall remain in effect for 6 months after
114 adoption and may be renewed during the pendency of procedures to
115 adopt permanent rules addressing the subject of the emergency
116 rules.

117 Section 4. For the 2010-2011 fiscal year, the sum of
118 \$99,740 in nonrecurring funds is appropriated from the General
119 Revenue Fund to the Department of Revenue for purposes of
120 implementing this act. Funds remaining unexpended or
121 unencumbered from this appropriation as of June 30, 2011, shall
122 revert and be reappropriated for the same purpose in the 2011-
123 2012 fiscal year.

124 Section 5. This act shall take effect upon becoming a law
125 and shall operate retroactively to January 1, 2011.