

Amendment No.

CHAMBER ACTION

Senate

House

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1 The Conference Committee on HB 7203 offered the following:

2  
3 **Conference Committee 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. Paragraph (h) of subsection (1) of section  
102 212.05, Florida Statutes, is amended to read:

103 212.05 Sales, storage, use tax.—It is hereby declared to  
104 be the legislative intent that every person is exercising a  
105 taxable privilege who engages in the business of selling  
106 tangible personal property at retail in this state, including  
107 the business of making mail order sales, or who rents or  
108 furnishes any of the things or services taxable under this  
109 chapter, or who stores for use or consumption in this state any  
110 item or article of tangible personal property as defined herein  
111 and who leases or rents such property within the state.

112 (1) For the exercise of such privilege, a tax is levied on  
113 each taxable transaction or incident, which tax is due and  
114 payable as follows:

115 (h)1.a. Except as provided in sub-subparagraph b., a tax  
116 is imposed at the rate of 4 percent on the charges for the use  
117 of coin-operated amusement machines. The tax shall be calculated  
118 by dividing the gross receipts from such charges for the  
119 applicable reporting period by a divisor, determined as provided  
120 in this subparagraph, to compute gross taxable sales, and then  
121 subtracting gross taxable sales from gross receipts to arrive at  
122 the amount of tax due. For counties that do not impose a  
123 discretionary sales surtax, the divisor is equal to 1.04; for  
124 counties that impose a 0.5 percent discretionary sales surtax,  
125 the divisor is equal to 1.045; for counties that impose a 1  
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126 percent discretionary sales surtax, the divisor is equal to  
127 1.050; and for counties that impose a 2 percent sales surtax,  
128 the divisor is equal to 1.060. If a county imposes a  
129 discretionary sales surtax that is not listed in this  
130 subparagraph, the department shall make the applicable divisor  
131 available in an electronic format or otherwise. Additional  
132 divisors shall bear the same mathematical relationship to the  
133 next higher and next lower divisors as the new surtax rate bears  
134 to the next higher and next lower surtax rates for which  
135 divisors have been established. When a machine is activated by a  
136 slug, token, coupon, or any similar device which has been  
137 purchased, the tax is on the price paid by the user of the  
138 device for such device.

139 b. A tax is imposed at the rate of 1 percent on the  
140 charges for the use of coin-operated amusement machines  
141 described in s. 849.161(1)(a)1. and operated on the premises of  
142 a facility licensed under s. 849.086 located in a city or county  
143 that regulates the use of such machines and imposes an  
144 additional licensing tax or registration fee on the operator or  
145 on the machines. The operator of machines that meet the  
146 requirements of this sub-subparagraph must notify the  
147 department. The notification must contain the operator's name,  
148 sales tax number, annual amusement machine certificate number,  
149 business address of the facility, and a statement that the  
150 machines are being operated at a facility licensed under s.  
151 849.086 and are subject to tax as provided in this sub-  
152 subparagraph. The tax shall be calculated by dividing the gross  
153 receipts from such charges for the applicable reporting period

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154 by a divisor, determined as provided in this sub-subparagraph,  
155 to compute gross taxable sales, and then subtracting gross  
156 taxable sales from gross receipts to arrive at the amount of tax  
157 due. For purposes of this sub-subparagraph, for counties that do  
158 not impose a discretionary sales surtax, the divisor is equal to  
159 1.01; for counties that impose a 0.5 percent discretionary sales  
160 surtax, the divisor is equal to 1.015; for counties that impose  
161 a 1 percent discretionary sales surtax, the divisor is equal to  
162 1.020; and for counties that impose a 2 percent sales surtax,  
163 the divisor is equal to 1.030. If a county imposes a  
164 discretionary sales surtax that is not listed in this sub-  
165 subparagraph, the department shall make the applicable divisor  
166 available in an electronic format or otherwise. Additional  
167 divisors shall bear the same mathematical relationship to the  
168 next higher and next lower divisors as the new surtax rate bears  
169 to the next higher and next lower surtax rates for which  
170 divisors have been established. When a machine is activated by a  
171 slug, token, coupon, or any similar device that has been  
172 purchased, the tax is on the price paid by the user of the  
173 device for such device. The tax must be reported to the  
174 department on a sales and use tax return initiated through the  
175 electronic data interchange and remitted to the department by  
176 electronic funds transfer. The dealer shall separately state the  
177 tax due under this sub-subparagraph on the electronic return.

178       2. As used in this paragraph, the term "operator" means  
179 any person who possesses a coin-operated amusement machine for  
180 the purpose of generating sales through that machine and who is  
181 responsible for removing the receipts from the machine.

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182 a. If the owner of the machine is also the operator of it,  
183 he or she shall be liable for payment of the tax without any  
184 deduction for rent or a license fee paid to a location owner for  
185 the use of any real property on which the machine is located.

186 b. If the owner or lessee of the machine is also its  
187 operator, he or she shall be liable for payment of the tax on  
188 the purchase or lease of the machine, as well as the tax on  
189 sales generated through the machine.

190 c. If the proprietor of the business where the machine is  
191 located does not own the machine, he or she shall be deemed to  
192 be the lessee and operator of the machine and is responsible for  
193 the payment of the tax on sales, unless such responsibility is  
194 otherwise provided for in a written agreement between him or her  
195 and the machine owner.

196 3.a. An operator of a coin-operated amusement machine may  
197 not operate or cause to be operated in this state any such  
198 machine until the operator has registered with the department  
199 and has conspicuously displayed an identifying certificate  
200 issued by the department. The identifying certificate shall be  
201 issued by the department upon application from the operator. The  
202 identifying certificate shall include a unique number, and the  
203 certificate shall be permanently marked with the operator's  
204 name, the operator's sales tax number, and the maximum number of  
205 machines to be operated under the certificate. An identifying  
206 certificate shall not be transferred from one operator to  
207 another. The identifying certificate must be conspicuously  
208 displayed on the premises where the coin-operated amusement  
209 machines are being operated.

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210           b. The operator of the machine must obtain an identifying  
211 certificate before the machine is first operated in the state  
212 and by July 1 of each year thereafter. The annual fee for each  
213 certificate shall be based on the number of machines identified  
214 on the application times \$30 and is due and payable upon  
215 application for the identifying device. The application shall  
216 contain the operator's name, sales tax number, business address  
217 where the machines are being operated, a statement regarding  
218 whether the machines are being operated at a facility licensed  
219 under s. 849.086 and are subject to tax as provided in sub-  
220 subparagraph 1.b., and the number of machines in operation at  
221 that place of business by the operator. No operator may operate  
222 more machines than are listed on the certificate. A new  
223 certificate is required if more machines are being operated at  
224 that location than are listed on the certificate. The fee for  
225 the new certificate shall be based on the number of additional  
226 machines identified on the application form times \$30.

227           c. A penalty of \$250 per machine is imposed on the  
228 operator for failing to properly obtain and display the required  
229 identifying certificate. A penalty of \$250 is imposed on the  
230 lessee of any machine placed in a place of business without a  
231 proper current identifying certificate. Such penalties shall  
232 apply in addition to all other applicable taxes, interest, and  
233 penalties.

234           d. Operators of coin-operated amusement machines must  
235 obtain a separate sales and use tax certificate of registration  
236 for each county in which such machines are located. One sales

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237 and use tax certificate of registration is sufficient for all of  
238 the operator's machines within a single county.

239 4. The provisions of this paragraph do not apply to coin-  
240 operated amusement machines owned and operated by churches or  
241 synagogues.

242 5. In addition to any other penalties imposed by this  
243 chapter, a person who knowingly and willfully violates any  
244 provision of this paragraph commits a misdemeanor of the second  
245 degree, punishable as provided in s. 775.082 or s. 775.083.

246 6. The department may adopt rules necessary to administer  
247 the provisions of this paragraph.

248 Section 5. Section 216.138, Florida Statutes, is amended  
249 to read:

250 216.138 Authority to request additional analysis of  
251 legislative proposals ~~legislation~~.-

252 (1) The President of the Senate or the Speaker of the  
253 House of Representatives may request special impact ~~sessions of~~  
254 ~~consensus~~ estimating conferences to evaluate legislative  
255 proposals ~~proposed legislation~~ based on tools and models not  
256 generally employed by the consensus estimating conferences,  
257 including cost-benefit, return-on-investment, or dynamic scoring  
258 techniques, when suitable and appropriate for the legislative  
259 proposals ~~legislation~~ being evaluated.

260 (2) Unless exempt from s. 119.07(1), information used to  
261 develop the analyses shall be available to the public. In  
262 addition, all meetings of a special impact estimating conference  
263 shall be open to the public. The President of the Senate and the  
264 Speaker of the House of Representatives, jointly, shall be the

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265 sole judge for the interpretation, implementation, and  
266 enforcement of this subsection.

267 (3) A special impact estimating conference shall consist  
268 of four principals: one person from the Executive Office of the  
269 Governor; the coordinator of the Office of Economic and  
270 Demographic Research, or his or her designee; one person from  
271 the professional staff of the Senate; and one person from the  
272 professional staff of the House of Representatives. Each  
273 principal shall have appropriate fiscal expertise in the subject  
274 matter of the legislative proposal. A separate special impact  
275 estimating conference may be appointed for each proposal.

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

279 (a) A principal may invite any person to participate in a  
280 special impact estimating conference. Such person shall be  
281 designated as a participant. A participant shall, at the request  
282 of any principal before or during any meeting of a conference,  
283 collect and supply data, perform analyses, or provide other  
284 information needed by a conference.

285 (b) The principal from the Office of Economic and  
286 Demographic Research may convene any of the conferences  
287 established in s. 216.136 to reach a consensus on supplemental  
288 information required for the analysis of the proposed  
289 legislation.

290 (c) All official information of a special impact  
291 estimating conference shall be adopted by consensus of all of  
292 the principals of the conference. For the purposes of this

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293 section, the terms "official information" and "consensus" have  
294 the same meanings as provided in s. 216.133.

295 Section 6. Subsection (8) of section 220.02, Florida  
296 Statutes, is amended to read:

297 220.02 Legislative intent.—

298 (8) It is the intent of the Legislature that credits  
299 against either the corporate income tax or the franchise tax be  
300 applied in the following order: those enumerated in s. 631.828,  
301 those enumerated in s. 220.191, those enumerated in s. 220.181,  
302 those enumerated in s. 220.183, those enumerated in s. 220.182,  
303 those enumerated in s. 220.1895, those enumerated in s. 221.02,  
304 those enumerated in s. 220.184, those enumerated in s. 220.186,  
305 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
306 those enumerated in s. 220.185, those enumerated in s. 220.1875,  
307 those enumerated in s. 220.192, those enumerated in s. 220.193,  
308 those enumerated in s. 288.9916, those enumerated in s.  
309 220.1899, ~~and~~ those enumerated in s. 220.1896, those enumerated  
310 in s. 220.194, and those enumerated in s. 220.196.

311 Section 7. Effective January 1, 2012, subsection (8) of  
312 section 220.02, Florida Statutes, as amended by this act, is  
313 amended to read:

314 220.02 Legislative intent.—

315 (8) It is the intent of the Legislature that credits  
316 against either the corporate income tax or the franchise tax be  
317 applied in the following order: those enumerated in s. 631.828,  
318 those enumerated in s. 220.191, those enumerated in s. 220.181,  
319 those enumerated in s. 220.183, those enumerated in s. 220.182,  
320 those enumerated in s. 220.1895, those enumerated in s. 220.195

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321 ~~221.02~~, those enumerated in s. 220.184, those enumerated in s.  
322 220.186, those enumerated in s. 220.1845, those enumerated in s.  
323 220.19, those enumerated in s. 220.185, those enumerated in s.  
324 220.1875, those enumerated in s. 220.192, those enumerated in s.  
325 220.193, those enumerated in s. 288.9916, those enumerated in s.  
326 220.1899, those enumerated in s. 220.1896, those enumerated in  
327 s. 220.194, and those enumerated in 220.196.

328 Section 8. Paragraphs (a) and (b) of subsection (1) of  
329 section 220.13, Florida Statutes, are amended to read:

330 220.13 "Adjusted federal income" defined.—

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

336 (a) Additions.—There shall be added to such taxable  
337 income:

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

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

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

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

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

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

369 7. That portion of assessments to fund a guaranty  
370 association incurred for the taxable year which is equal to the  
371 amount of the credit allowable for the taxable year.

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

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377 9. The amount taken as a credit for the taxable year under  
378 s. 220.1895.

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

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

388 12. The amount taken as a credit for the taxable year  
389 under s. 220.192.

390 13. The amount taken as a credit for the taxable year  
391 under s. 220.193.

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

395 15. The costs to acquire a tax credit pursuant to s.  
396 288.1254(5) that are deducted from or otherwise reduce federal  
397 taxable income for the taxable year.

398 16. The amount taken as a credit for the taxable year  
399 under s. 220.194.

400 17. The amount taken as a credit for the taxable year  
401 under s. 220.196. The addition in this subparagraph is intended  
402 to ensure that the same amount is not allowed for the tax  
403 purposes of this state as both a deduction from income and a

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404 credit against the tax. The addition is not intended to result  
405 in adding the same expense back to income more than once.

406 (b) Subtractions.—

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

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

413 b. The net capital loss allowable for federal income tax  
414 purposes under s. 1212 of the Internal Revenue Code for the  
415 taxable year,

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

419 d. The excess contributions deductions allowable for  
420 federal income tax purposes under s. 404 of the Internal Revenue  
421 Code for the taxable year.

422

423 However, a net operating loss and a capital loss shall never be  
424 carried back as a deduction to a prior taxable year, but all  
425 deductions attributable to such losses shall be deemed net  
426 operating loss carryovers and capital loss carryovers,  
427 respectively, and treated in the same manner, to the same  
428 extent, and for the same time periods as are prescribed for such  
429 carryovers in ss. 172 and 1212, respectively, of the Internal  
430 Revenue Code.

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

433           a. Dividends treated as received from sources without the  
434 United States, as determined under s. 862 of the Internal  
435 Revenue Code.

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

438

439 However, as to any amount subtracted under this subparagraph,  
440 there shall be added to such taxable income all expenses  
441 deducted on the taxpayer's return for the taxable year which are  
442 attributable, directly or indirectly, to such subtracted amount.  
443 Further, no amount shall be subtracted with respect to dividends  
444 paid or deemed paid by a Domestic International Sales  
445 Corporation.

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

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

454           5. There shall be subtracted any amount of taxes of  
455 foreign countries allowable as credits for taxable years  
456 beginning on or after September 1, 1985, under s. 901 of the  
457 Internal Revenue Code to any corporation which derived less than  
458 20 percent of its gross income or loss for its taxable year  
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459 ended in 1984 from sources within the United States, as  
460 described in s. 861(a)(2)(A) of the Internal Revenue Code, not  
461 including credits allowed under ss. 902 and 960 of the Internal  
462 Revenue Code, withholding taxes on dividends within the meaning  
463 of sub-subparagraph 2.a., and withholding taxes on royalties,  
464 interest, technical service fees, and capital gains.

465 6. Notwithstanding any other provision of this code,  
466 except with respect to amounts subtracted pursuant to  
467 subparagraphs 1. and 3., any increment of any apportionment  
468 factor which is directly related to an increment of gross  
469 receipts or income which is deducted, subtracted, or otherwise  
470 excluded in determining adjusted federal income shall be  
471 excluded from both the numerator and denominator of such  
472 apportionment factor. Further, all valuations made for  
473 apportionment factor purposes shall be made on a basis  
474 consistent with the taxpayer's method of accounting for federal  
475 income tax purposes.

476 Section 9. Effective January 1, 2012, paragraph (a) of  
477 subsection (1) of section 220.13, Florida Statutes, as amended  
478 by this act, is amended to read:

479 220.13 "Adjusted federal income" defined.—

480 (1) The term "adjusted federal income" means an amount  
481 equal to the taxpayer's taxable income as defined in subsection  
482 (2), or such taxable income of more than one taxpayer as  
483 provided in s. 220.131, for the taxable year, adjusted as  
484 follows:

485 (a) Additions.—There shall be added to such taxable  
486 income:

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

492 2. The amount of interest which is excluded from taxable  
493 income under s. 103(a) of the Internal Revenue Code or any other  
494 federal law, less the associated expenses disallowed in the  
495 computation of taxable income under s. 265 of the Internal  
496 Revenue Code or any other law, excluding 60 percent of any  
497 amounts included in alternative minimum taxable income, as  
498 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
499 taxpayer pays tax under s. 220.11(3).

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

504 4. That portion of the wages or salaries paid or incurred  
505 for the taxable year which is equal to the amount of the credit  
506 allowable for the taxable year under s. 220.181. This  
507 subparagraph shall expire on the date specified in s. 290.016  
508 for the expiration of the Florida Enterprise Zone Act.

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

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514           6. The amount taken as a credit under s. 220.195 ~~of~~  
515 ~~emergency excise tax paid or accrued as a liability to this~~  
516 ~~state under chapter 221~~ which ~~tax~~ is deductible from gross  
517 income in the computation of taxable income for the taxable  
518 year.

519           7. That portion of assessments to fund a guaranty  
520 association incurred for the taxable year which is equal to the  
521 amount of the credit allowable for the taxable year.

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

527           9. The amount taken as a credit for the taxable year under  
528 s. 220.1895.

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

532           11. The amount taken as a credit for the taxable year  
533 under s. 220.1875. The addition in this subparagraph is intended  
534 to ensure that the same amount is not allowed for the tax  
535 purposes of this state as both a deduction from income and a  
536 credit against the tax. This addition is not intended to result  
537 in adding the same expense back to income more than once.

538           12. The amount taken as a credit for the taxable year  
539 under s. 220.192.

540           13. The amount taken as a credit for the taxable year  
541 under s. 220.193.

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

545 15. The costs to acquire a tax credit pursuant to s.  
546 288.1254(5) that are deducted from or otherwise reduce federal  
547 taxable income for the taxable year.

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

550 17. The amount taken as a credit for the taxable year  
551 under s. 220.196. The addition in this subparagraph is intended  
552 to ensure that the same amount is not allowed for the tax  
553 purposes of this state as both a deduction from income and a  
554 credit against the tax. The addition is not intended to result  
555 in adding the same expense back to income more than once.

556 Section 10. Subsection (5) of section 220.131, Florida  
557 Statutes, is amended to read:

558 220.131 Adjusted federal income; affiliated groups.-

559 (5) Each taxpayer shall apportion adjusted federal income  
560 under s. 220.15 as a member of an affiliated group which files a  
561 consolidated return under this section on the basis of  
562 apportionment factors described in s. 220.15. For the purposes  
563 of this subsection, each special industry member included in an  
564 affiliated group filing a consolidated return ~~hereunder~~, who  
565 ~~which member~~ would otherwise be permitted to use a special  
566 method of apportionment under s. 220.151 or s. 220.153, shall  
567 construct the numerator of its sales, property, and payroll  
568 factors, respectively, by multiplying the denominator of each  
569 such factor by the premiums, ~~or~~ revenue miles, or single sales

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570 factor ratio otherwise applicable under ~~pursuant to~~ s. 220.151  
571 or s. 220.153 in the manner prescribed by ~~the~~ department ~~by~~  
572 rule.

573 Section 11. Subsection (1) of section 220.15, Florida  
574 Statutes, is amended to read:

575 220.15 Apportionment of adjusted federal income.—

576 (1) Except as provided in ss. 220.151, ~~and~~ 220.152, and  
577 220.153, adjusted federal income as defined in s. 220.13 shall  
578 be apportioned to this state by taxpayers doing business within  
579 and without this state by multiplying it by an apportionment  
580 fraction composed of a sales factor representing 50 percent of  
581 the fraction, a property factor representing 25 percent of the  
582 fraction, and a payroll factor representing 25 percent of the  
583 fraction. If any factor described in subsection (2), subsection  
584 (4), or subsection (5) has a denominator that is zero or is  
585 determined by the department to be insignificant, the relative  
586 weights of the other factors in the denominator of the  
587 apportionment fraction shall be as follows:

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

591 (b) If the denominator for the sales factor is zero or is  
592 insignificant, the weighted percentage for the property and  
593 payroll factors shall change from 25 percent to 50 percent,  
594 respectively.

595 (c) If the denominator for either the property or payroll  
596 factor is zero or is insignificant, the weighted percentage for

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597 the other shall be 33 1/3 percent, and the weighted percentage  
598 for the sales factor shall be 66 2/3 percent.

599 Section 12. Section 220.153, Florida Statutes, is created  
600 to read:

601 220.153 Apportionment by sales factor.—

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

603 (a) "Office" means the Office of Tourism, Trade, and  
604 Economic Development.

605 (b) "Qualified capital expenditures" means expenditures in  
606 this state for purposes substantially related to a business's  
607 production or sale of goods or services. The expenditure must  
608 fund the acquisition of additional real property (land,  
609 buildings, including appurtenances, fixtures and fixed  
610 equipment, structures, etc.), including additions, replacements,  
611 major repairs, and renovations to real property which materially  
612 extend its useful life or materially improve or change its  
613 functional use and the furniture and equipment necessary to  
614 furnish and operate a new or improved facility. The term  
615 "qualified capital expenditures" does not include an expenditure  
616 for a passive investment or for an investment intended for the  
617 accumulation of reserves or the realization of profit for  
618 distribution to any person holding an ownership interest in the  
619 business. The term "qualified capital expenditures" does not  
620 include expenditures to acquire an existing business or  
621 expenditures in excess of \$125 million to acquire land or  
622 buildings.

623 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not  
624 including a financial organization as defined in s. 220.15(6) or  
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625 a bank, savings association, international banking facility, or  
626 banking organization as defined in s. 220.62, doing business  
627 within and without this state, who applies and demonstrates to  
628 the office that, within a 2-year period beginning on or after  
629 July 1, 2011, it has made qualified capital expenditures equal  
630 to or exceeding \$250 million may apportion its adjusted federal  
631 income solely by the sales factor set forth in s. 220.15(5),  
632 commencing in the taxable year that the office approves the  
633 application, but not before a taxable year that begins on or  
634 after January 1, 2013. Once approved, a taxpayer may elect to  
635 apportion its adjusted federal income for any taxable year using  
636 the method provided under this section or the method provided  
637 under s. 220.15.

638 (3) QUALIFICATION PROCESS.-

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

641 1. The taxpayer must notify the office of its intent to  
642 submit an application to apportion its adjusted federal income  
643 in order to commence the 2-year period for measuring qualified  
644 capital expenditures.

645 2. The taxpayer must submit an application to apportion  
646 its adjusted federal income under this section to the office  
647 within 2 years after notifying the office of the taxpayer's  
648 intent to qualify. The application must be made under oath and  
649 provide such information as the office reasonably requires by  
650 rule for determining the applicant's eligibility to apportion  
651 adjusted federal income under this section. The taxpayer is

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652 responsible for affirmatively demonstrating to the satisfaction  
653 of the office that it meets the eligibility requirements.

654 (b) The taxpayer notice and application forms shall be  
655 established by the office by rule. The office shall acknowledge  
656 receipt of the notice and approve or deny the application in  
657 writing within 45 days after receipt.

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

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

665 (b) The office may, by order, revoke its decision to grant  
666 eligibility for apportionment pursuant to this section, and may  
667 also order the recalculation of apportionment factors to those  
668 applicable under s. 220.15 if, as the result of an audit,  
669 investigation, or examination, it determines that information  
670 provided by the taxpayer in the application, or in a statement,  
671 representation, record, report, plan, or other document provided  
672 to the office to become eligible for apportionment, was  
673 materially false at the time it was made and that an individual  
674 acting on behalf of the taxpayer knew, or should have known,  
675 that the information submitted was false. The taxpayer shall pay  
676 such additional taxes and interest as may be due pursuant to  
677 this chapter computed as the difference between the tax that  
678 would have been due under the apportionment formula provided in  
679 s. 220.15 for such years and the tax actually paid. In addition,

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680 the department shall assess a penalty equal to 100 percent of  
681 the additional tax due.

682 (c) The office shall immediately notify the department of  
683 an order affecting a taxpayer's eligibility to apportion tax  
684 pursuant to this section. A taxpayer who is liable for past tax  
685 must file an amended return with the department, or such other  
686 report as the department prescribes by rule, and pay any  
687 required tax, interest, and penalty within 60 days after the  
688 taxpayer receives notification from the office that the  
689 previously approved credits have been revoked. If the revocation  
690 is contested, the taxpayer shall file an amended return or other  
691 report within 30 days after an order becomes final. A taxpayer  
692 who fails to pay the past tax, interest, and penalty by the due  
693 date is subject to the penalties provided in s. 220.803.

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

696 Section 13. Paragraph (f) of subsection (2) of section  
697 220.1845, Florida Statutes, is amended to read:

698 220.1845 Contaminated site rehabilitation tax credit.—

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

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

702 Section 14. Subsections (4), (5), and (11) of section  
703 376.30781, Florida Statutes, are amended to read:

704 376.30781 Tax credits for rehabilitation of drycleaning-  
705 solvent-contaminated sites and brownfield sites in designated  
706 brownfield areas; application process; rulemaking authority;  
707 revocation authority.—

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708 (4) The Department of Environmental Protection is  
709 responsible for allocating the tax credits provided for in s.  
710 220.1845, which may not exceed a total of \$5 ~~\$2~~ million in tax  
711 credits annually.

712 (5) To claim the credit for site rehabilitation or solid  
713 waste removal, each tax credit applicant must apply to the  
714 Department of Environmental Protection for an allocation of the  
715 \$5 ~~\$2~~ million annual credit by filing a tax credit application  
716 with the Division of Waste Management on a form developed by the  
717 Department of Environmental Protection in cooperation with the  
718 Department of Revenue. The form shall include an affidavit from  
719 each tax credit applicant certifying that all information  
720 contained in the application, including all records of costs  
721 incurred and claimed in the tax credit application, are true and  
722 correct. If the application is submitted pursuant to  
723 subparagraph (3)(a)2., the form must include an affidavit signed  
724 by the real property owner stating that it is not, and has never  
725 been, the owner or operator of the drycleaning facility where  
726 the contamination exists. Approval of tax credits must be  
727 accomplished on a first-come, first-served basis based upon the  
728 date and time complete applications are received by the Division  
729 of Waste Management, subject to the limitations of subsection  
730 (14). To be eligible for a tax credit, the tax credit applicant  
731 must:

732 (a) For site rehabilitation tax credits, have entered into  
733 a voluntary cleanup agreement with the Department of  
734 Environmental Protection for a drycleaning-solvent-contaminated  
735 site or a Brownfield Site Rehabilitation Agreement, as

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736 applicable, and have paid all deductibles pursuant to s.  
737 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program  
738 sites, as applicable. A site rehabilitation tax credit applicant  
739 must submit only a single completed application per site for  
740 each calendar year's site rehabilitation costs. A site  
741 rehabilitation application must be received by the Division of  
742 Waste Management of the Department of Environmental Protection  
743 by January 31 of the year after the calendar year for which site  
744 rehabilitation costs are being claimed in a tax credit  
745 application. All site rehabilitation costs claimed must have  
746 been for work conducted between January 1 and December 31 of the  
747 year for which the application is being submitted. All payment  
748 requests must have been received and all costs must have been  
749 paid prior to submittal of the tax credit application, but no  
750 later than January 31 of the year after the calendar year for  
751 which site rehabilitation costs are being claimed.

752 (b) For solid waste removal tax credits, have entered into  
753 a brownfield site rehabilitation agreement with the Department  
754 of Environmental Protection. A solid waste removal tax credit  
755 applicant must submit only a single complete application per  
756 brownfield site, as defined in the brownfield site  
757 rehabilitation agreement, for solid waste removal costs. A solid  
758 waste removal tax credit application must be received by the  
759 Division of Waste Management of the Department of Environmental  
760 Protection subsequent to the completion of the requirements  
761 listed in paragraph (3)(e).

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

768 Section 15. Subsection (5) is added to section 220.16,  
769 Florida Statutes, to read:

770 220.16 Allocation of nonbusiness income.—Nonbusiness  
771 income shall be allocated as follows:

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

775 Section 16. Section 220.194, Florida Statutes, is created  
776 to read:

777 220.194 Corporate income tax credits for spaceflight  
778 projects.—

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

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

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

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

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

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792 (c) "New employee" means a state resident who begins or  
793 maintains full-time employment in this state with a spaceflight  
794 business on or after October 1, 2011. The term does not include  
795 a person who is a partner, majority stockholder, or owner of the  
796 business or a person who is employed in a temporary construction  
797 job or primarily involved with the construction of real  
798 property.

799 (d) "New job" means the full-time employment of an  
800 employee in a manner that is consistent with terms used by the  
801 Agency for Workforce Innovation and the United States Department  
802 of Labor for purposes of unemployment compensation tax  
803 administration and employment estimation. In order to meet the  
804 requirement for certification specified in paragraph (5) (b), a  
805 new job must:

806 1. Pay new employees at least 115 percent of the statewide  
807 or countywide average annual private-sector wage for the 3  
808 taxable years immediately preceding filing an application for  
809 certification;

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

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

817 (e) "Office" means the Office of Tourism, Trade, and  
818 Economic Development.

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

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

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

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

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

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

832 2. Is currently engaged in a spaceflight project. A  
833 spaceflight business may participate in more than one  
834 spaceflight project at a time and may conduct work on a  
835 commercial, governmental, or United States defense-related  
836 spaceflight project.

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

839 1. Designing, manufacturing, testing, or assembling a  
840 space vehicle or components thereof;

841 2. Providing a launch service, payload processing service,  
842 or reentry service; or

843 3. Providing the payload for a launch vehicle or reentry  
844 space vehicle;

845 4. Administrative support; or

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846 5. Providing the launch vehicle or the reentry vehicle for  
847 space tourists.

848 (1) "Taxpayer" has the same meaning as provided in s.  
849 220.03.

850 (4) TAX CREDITS.-

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

854 1. A certified spaceflight business may take a  
855 nontransferable corporate income tax credit for up to 50 percent  
856 of the business's tax liability under this chapter for the  
857 taxable year in which the credit is taken. The maximum  
858 nontransferable tax credit amount that may be approved per  
859 taxpayer for a taxable year is \$1 million. No more than \$3  
860 million in total tax credits pursuant to this subparagraph may  
861 be certified pursuant to subsection (5). No credit may be  
862 approved after October 1, 2017.

863 2. A certified spaceflight business may transfer, in whole  
864 or in part, its Florida net operating loss that would otherwise  
865 be available to be taken on a return filed under this chapter,  
866 provided that the activity giving rise to such net operating  
867 loss must have occurred after July 1, 2011. The transfer allowed  
868 under this subparagraph will be in the form of a transferable  
869 tax credit equal to the amount of the net operating loss  
870 eligible to be transferred. The maximum transferable tax credit  
871 amount that may be approved per taxpayer for a taxable year is  
872 \$2.5 million. No more than \$7 million in total tax credits

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873 pursuant to this subparagraph may be certified pursuant to  
874 subsection (5). No credit may be approved after October 1, 2017.

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

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

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

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

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

890 b. The credit that may be transferred by a certified  
891 spaceflight business:

892 (I) Is limited to the amount of eligible net operating  
893 losses incurred in the immediate 3 taxable years before the  
894 transfer; and

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

899 (b) Each certified spaceflight business may only be  
900 approved for a credit under subparagraph (a)1. once and may only  
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901 be approved to transfer a tax credit under subparagraph (a)2.  
902 once, and a certified spaceflight business may not be approved  
903 for both in a single state fiscal year.

904 (c) Credits approved under subparagraph (a)1. may be taken  
905 only against the corporate income tax liability generated by or  
906 arising out of a spaceflight project in this state, as verified  
907 through an audit or examination by a certified public accountant  
908 licensed to do business in this state and as verified by the  
909 office.

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

913 (e) The certified spaceflight business or transferee must  
914 demonstrate to the satisfaction of the office and the department  
915 that it is eligible to take the credits approved under this  
916 section.

917 (5) APPLICATION AND CERTIFICATION.—

918 (a) In order to claim a tax credit under this section, a  
919 spaceflight business must first submit an application to the  
920 office for approval to earn tax credits or create transferable  
921 tax credits. The application must be filed by the date  
922 established by the office. In addition to any information that  
923 the office may require, the applicant must provide a complete  
924 description of the activity in this state which demonstrates to  
925 the office the applicant's likelihood to be certified to take or  
926 transfer a credit. The applicant must also provide a description  
927 of the total amount and type of credits for which approval is  
928 sought. The office may consult with Space Florida regarding the

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929 qualifications of an applicant. The applicant shall provide an  
930 affidavit certifying that all information contained in the  
931 application is true and correct.

932 1. Approval of the credits shall be provided on a first-  
933 come, first-served basis, based on the date the completed  
934 applications are received by the office. A taxpayer may not  
935 submit more than one completed application per state fiscal  
936 year. The office may not accept an incomplete placeholder  
937 application, and the submission of such an application will not  
938 secure a place in the first-come, first-served application line.

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

944 (b) In order to take a tax credit under subparagraph (a)1.  
945 or, if applicable, to transfer an approved credit under  
946 subparagraph (a)2., a spaceflight business must submit an  
947 application for certification to the office along with a  
948 nonrefundable \$250 fee.

949 1. The application must include:

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

951 b. Documentation demonstrating to the satisfaction of the  
952 office that:

953 (I) The taxpayer is a spaceflight business.

954 (II) The business has engaged in a qualifying spaceflight  
955 project before taking or transferring a credit under this  
956 section.

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

959 (I) Created 35 new jobs in this state directly associated  
960 with spaceflight projects during its immediately preceding 3  
961 taxable years. The business shall be deemed to have created new  
962 jobs if the number of full-time jobs located in this state at  
963 the time of application for certification is greater than the  
964 total number of full-time jobs located in this state at the time  
965 of application for approval to earn credits; and

966 (II) Invested a total of at least \$15 million in this  
967 state on a spaceflight project during its immediately preceding  
968 3 taxable years.

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

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

972 f. A copy of an audit or audits of the preceding 3 taxable  
973 years, prepared by a certified public accountant licensed to  
974 practice in this state, which identifies that portion of the  
975 business's activities in this state related to spaceflight  
976 projects in this state.

977 g. An acknowledgement that the business must file an  
978 annual report on the spaceflight project's progress with the  
979 office.

980 h. Any other information necessary to demonstrate that the  
981 applicant meets the job creation, investment, and other  
982 requirements of this section.

983 2. Within 60 days after receipt of the application for  
984 certification, the office shall evaluate the application and

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985 recommend the business for certification or denial. The  
986 executive director of the office must approve or deny the  
987 application within 30 days after receiving the recommendation.  
988 If approved, the office must provide a letter of certification  
989 to the applicant consistent with any restrictions imposed. If  
990 the office denies any part of the requested credit, the office  
991 must inform the applicant of the grounds for the denial. A copy  
992 of the certification shall be submitted to the department within  
993 10 days after the executive director's approval.

994 (6) TRANSFERABILITY OF CREDIT.-

995 (a) A certified spaceflight business allowed to transfer  
996 an approved credit, in whole or in part, to a taxpayer by  
997 written agreement may do so without transferring any ownership  
998 interest in the property generating the credit or any interest  
999 in the entity owning such property.

1000 (b) In order to perfect the transfer, the transferor shall  
1001 provide the department with a written transfer statement that  
1002 has been approved by the office notifying the department of the  
1003 transferor's intent to transfer the tax credits to the  
1004 transferee; the date that the transfer is effective; the  
1005 transferee's name, address, and federal taxpayer identification  
1006 number; the tax period; and the amount of tax credits to be  
1007 transferred. Upon receipt of the approved transfer statement,  
1008 the department shall provide the transferee and the office with  
1009 a certificate reflecting the tax credit amounts transferred. A  
1010 copy of the certificate must be attached to each tax return for  
1011 which the transferee seeks to apply the credits.

1012 (7) AUDIT AUTHORITY; RECAPTURE OF CREDITS.-

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1013 (a) In addition to its existing audit and investigative  
1014 authority, the department may perform any additional financial  
1015 and technical audits and investigations, including examining the  
1016 accounts, books, and financial records of the tax credit  
1017 applicant, which are necessary for verifying the accuracy of the  
1018 return and to ensure compliance with this section. If requested  
1019 by the department, the office and Space Florida must provide  
1020 technical assistance for any technical audits or examinations  
1021 performed under this subsection.

1022 (b) Grounds for forfeiture of previously claimed tax  
1023 credits approved under this section exist if the department  
1024 determines, as a result of an audit or examination, or from  
1025 information received from the office, that a certified  
1026 spaceflight business, or in the case of transferred tax credits,  
1027 a taxpayer received tax credits for which the certified  
1028 spaceflight business or taxpayer was not entitled. The  
1029 spaceflight business or transferee must file an amended return  
1030 reflecting the disallowed credits and paying any tax due as a  
1031 result of the amendment.

1032 (c) If an amendment to, recomputation of, or  
1033 redetermination of a certified spaceflight business's Florida  
1034 corporate income tax return changes an item entered into the  
1035 computation of a claimed credit, the taxpayer must notify the  
1036 department by filing an amended return. The amount of any credit  
1037 award not supported by the amended return shall be deemed a  
1038 deficiency that must be remitted with the amended return and is  
1039 subject to s. 220.23. The spaceflight business is also liable  
1040 for a penalty equal to the credit claimed or transferred,

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1041 reduced in proportion to the amount of the net operating loss  
1042 certified for transfer which is disallowed over the amount of  
1043 the net operating loss certified for the credit. The certified  
1044 business and its successors must maintain all records necessary  
1045 to support the reported net operating loss.

1046 (d) The office may revoke or modify a certification  
1047 granting eligibility for tax credits if it finds that the  
1048 certified spaceflight business made a false statement or  
1049 representation in any application, record, report, plan, or  
1050 other document filed in an attempt to receive tax credits under  
1051 this section. The office shall immediately notify the department  
1052 of any revoked or modified orders affecting previously granted  
1053 tax credits. The certified spaceflight business must also notify  
1054 the department of any change in its claimed tax credit.

1055 (e) The certified spaceflight business must file with the  
1056 department an amended return or other report required by the  
1057 department by rule and pay any required tax and interest within  
1058 60 days after the certified business receives notification from  
1059 the office that previously approved tax credits have been  
1060 revoked or modified. If the revocation or modification order is  
1061 contested, the spaceflight business must file the amended return  
1062 or other report within 60 days after a final order is issued.

1063 (f) The department may assess an additional tax, penalty,  
1064 or interest pursuant to s. 95.091.

1065 (8) RULES.—

1066 (a) The office, in consultation with Space Florida, shall  
1067 adopt rules to administer this section, including rules relating  
1068 to application forms for credit approval and certification, and  
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1069 the application and certification procedures, guidelines, and  
1070 requirements necessary to administer this section.

1071 (b) The department may adopt rules to administer this  
1072 section, including rules relating to:

1073 1. The forms required to claim a tax credit under this  
1074 section, the requirements and basis for establishing an  
1075 entitlement to a credit, and the examination and audit  
1076 procedures required to administer this section.

1077 2. The implementation and administration of provisions  
1078 allowing the transfer of a net operating loss as a tax credit,  
1079 including rules that prescribe forms, reporting requirements,  
1080 and specific procedures, guidelines, and requirements necessary  
1081 to perform the transfer.

1082 3. The minimum portion of the credit which is available  
1083 for transfer.

1084 (9) ANNUAL REPORT.—Beginning in 2014, the office, in  
1085 cooperation with Space Florida and the department, shall submit  
1086 an annual report summarizing activities relating to the Florida  
1087 Space Business Incentives Act established under this section to  
1088 the Governor, the President of the Senate, and the Speaker of  
1089 the House of Representatives by each November 30.

1090 (10) NONAPPLICABILITY.—This section does not apply to  
1091 returns filed for any tax period before October 1, 2015.

1092 Section 17. Effective January 1, 2012, section 220.195,  
1093 Florida Statutes, is created to read:

1094 220.195 Emergency excise tax credit.—

1095 (1) Beginning with taxable years ending in 2012, a  
1096 taxpayer who has earned, but not yet taken, a credit for

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1097 emergency excise tax paid under former s. 221.02 may take such  
1098 credit against the tax imposed by this chapter.

1099 (2) If a credit granted pursuant to this section is not  
1100 fully used in taxable years ending in 2012 because of  
1101 insufficient tax liability on the part of the taxpayer, the  
1102 unused amount may be carried forward for a period not to exceed  
1103 5 years. The carryover credit may be used in a subsequent year  
1104 when the tax imposed by this chapter for such year exceeds the  
1105 credit for such year, after applying the other credits and  
1106 unused credit carryovers in the order provided in s. 220.02(8).

1107 Section 18. Effective July 1, 2011, and applicable to  
1108 taxable years beginning on or after January 1, 2012, section  
1109 220.196, Florida Statutes, is created to read:

1110 220.196 Research and development tax credit.—

1111 (1) DEFINITIONS.—As used in this section, the term:

1112 (a) "Base amount" means the average of the business  
1113 enterprise's qualified research expenses in this state allowed  
1114 under 26 U.S.C. s. 41 for the 4 taxable years preceding the  
1115 taxable year for which the credit is determined. The qualified  
1116 research expenses taken into account in computing the base  
1117 amount shall be determined on a basis consistent with the  
1118 determination of qualified research expenses for the taxable  
1119 year.

1120 (b) "Business enterprise" means any corporation as defined  
1121 in s. 220.03 which meets the definition of a target industry  
1122 business as defined in s. 288.106.

1123 (c) "Qualified research expenses" mean research expenses  
1124 qualifying for the credit under 26 U.S.C. s. 41 for in-house

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1125 research expenses incurred in this state or contract research  
1126 expenses incurred in this state. The term does not include  
1127 research conducted outside this state or research expenses that  
1128 do not qualify for a credit under 26 U.S.C. s. 41.

1129 (2) TAX CREDIT.—Subject to the limitations contained in  
1130 paragraph (e), a business enterprise is eligible for a credit  
1131 against the tax imposed by this chapter if the business  
1132 enterprise has qualified research expenses in this state in the  
1133 taxable year exceeding the base amount and, for the same taxable  
1134 year, claims and is allowed a research credit for such qualified  
1135 research expenses under 26 U.S.C. s. 41.

1136 (a) The tax credit shall be 10 percent of the excess  
1137 qualified research expenses over the base amount. However, the  
1138 maximum tax credit for a business enterprise that has not been  
1139 in existence for at least 4 taxable years immediately preceding  
1140 the taxable year is reduced by 25 percent for each taxable year  
1141 for which the business enterprise, or a predecessor corporation  
1142 that was a business enterprise, did not exist.

1143 (b) The credit taken in any taxable year may not exceed 50  
1144 percent of the business enterprise's remaining net income tax  
1145 liability under this chapter after all other credits have been  
1146 applied under s. 220.02(8).

1147 (c) Any unused credit authorized under this section may be  
1148 carried forward and claimed by the taxpayer for up to 5 years.

1149 (d) The combined total amount of tax credits which may be  
1150 granted to all business enterprises under this section during  
1151 any calendar year is \$9 million. Applications may be filed with  
1152 the department on or after March 20 for qualified research

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1153 expenses incurred within the preceding calendar year, and  
1154 credits shall be granted in the order in which completed  
1155 applications are received.

1156 (3) RECALCULATION OF CREDIT AMOUNT.—If the amount of  
1157 qualified research expenses is reduced as a result of a federal  
1158 audit or examination, the credit granted pursuant to this  
1159 section must be recalculated. The taxpayer must file amended  
1160 returns for all affected years pursuant to s. 220.23(2), and the  
1161 taxpayer must pay to the department the difference between the  
1162 initial credit amount taken and the recalculated credit amount  
1163 with interest.

1164 (4) RULES.—The department may adopt rules to administer  
1165 this section, including, but not limited to, rules prescribing  
1166 forms and application procedures and dates, and may establish  
1167 guidelines for making an affirmative showing of qualification  
1168 for a credit and any evidence needed to substantiate a claim for  
1169 credit under this section.

1170 Section 19. Effective January 1, 2012, subsection (4) of  
1171 section 220.801, Florida Statutes, is amended to read:

220.801 Penalties; failure to timely file returns.—

1173 (4) The provisions of this section shall specifically  
1174 apply to the notice of federal change required under s. 220.23,  
1175 ~~and to any tax returns required under chapter 221, relating to~~  
1176 ~~the emergency excise tax.~~

1177 Section 20. Effective January 1, 2012, section 213.05,  
1178 Florida Statutes, is amended to read:

1179 213.05 Department of Revenue; control and administration  
1180 of revenue laws.—The Department of Revenue shall have only those  
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1181 responsibilities for ad valorem taxation specified to the  
1182 department in chapter 192, taxation, general provisions; chapter  
1183 193, assessments; chapter 194, administrative and judicial  
1184 review of property taxes; chapter 195, property assessment  
1185 administration and finance; chapter 196, exemption; chapter 197,  
1186 tax collections, sales, and liens; chapter 199, intangible  
1187 personal property taxes; and chapter 200, determination of  
1188 millage. The Department of Revenue shall have the responsibility  
1189 of regulating, controlling, and administering all revenue laws  
1190 and performing all duties as provided in s. 125.0104, the Local  
1191 Option Tourist Development Act; s. 125.0108, tourist impact tax;  
1192 chapter 198, estate taxes; chapter 201, excise tax on documents;  
1193 chapter 202, communications services tax; chapter 203, gross  
1194 receipts taxes; chapter 206, motor and other fuel taxes; chapter  
1195 211, tax on production of oil and gas and severance of solid  
1196 minerals; chapter 212, tax on sales, use, and other  
1197 transactions; chapter 220, income tax code; ~~chapter 221,~~  
1198 ~~emergency excise tax;~~ ss. 336.021 and 336.025, taxes on motor  
1199 fuel and special fuel; s. 376.11, pollutant spill prevention and  
1200 control; s. 403.718, waste tire fees; s. 403.7185, lead-acid  
1201 battery fees; s. 538.09, registration of secondhand dealers; s.  
1202 538.25, registration of secondary metals recyclers; s. 624.4621,  
1203 group self-insurer's fund premium tax; s. 624.5091, retaliatory  
1204 tax; s. 624.475, commercial self-insurance fund premium tax; ss.  
1205 624.509-624.511, insurance code: administration and general  
1206 provisions; s. 624.515, State Fire Marshal regulatory  
1207 assessment; s. 627.357, medical malpractice self-insurance

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1208 premium tax; s. 629.5011, reciprocal insurers premium tax; and  
1209 s. 681.117, motor vehicle warranty enforcement.

1210 Section 21. Paragraph (dd) is added to subsection (8) of  
1211 section 213.053, Florida Statutes, as amended by chapter 2010-  
1212 280, Laws of Florida, and effective January 1, 2012, subsection  
1213 (1) and paragraph (k) of subsection (8) of that section are  
1214 amended, to read:

1215 213.053 Confidentiality and information sharing.—

1216 (1) This section applies to:

1217 (a) Section 125.0104, county government;

1218 (b) Section 125.0108, tourist impact tax;

1219 (c) Chapter 175, municipal firefighters' pension trust  
1220 funds;

1221 (d) Chapter 185, municipal police officers' retirement  
1222 trust funds;

1223 (e) Chapter 198, estate taxes;

1224 (f) Chapter 199, intangible personal property taxes;

1225 (g) Chapter 201, excise tax on documents;

1226 (h) Chapter 202, the Communications Services Tax

1227 Simplification Law;

1228 (i) Chapter 203, gross receipts taxes;

1229 (j) Chapter 211, tax on severance and production of  
1230 minerals;

1231 (k) Chapter 212, tax on sales, use, and other  
1232 transactions;

1233 (l) Chapter 220, income tax code;

1234 ~~(m) Chapter 221, emergency excise tax;~~

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- 1235 ~~(m)-(n)~~ Section 252.372, emergency management,
- 1236 preparedness, and assistance surcharge;
- 1237 ~~(n)-(o)~~ Section 379.362(3), Apalachicola Bay oyster
- 1238 surcharge;
- 1239 ~~(o)-(p)~~ Chapter 376, pollutant spill prevention and
- 1240 control;
- 1241 ~~(p)-(q)~~ Section 403.718, waste tire fees;
- 1242 ~~(q)-(r)~~ Section 403.7185, lead-acid battery fees;
- 1243 ~~(r)-(s)~~ Section 538.09, registration of secondhand dealers;
- 1244 ~~(s)-(t)~~ Section 538.25, registration of secondary metals
- 1245 recyclers;
- 1246 ~~(t)-(u)~~ Sections 624.501 and 624.509-624.515, insurance
- 1247 code;
- 1248 ~~(u)-(v)~~ Section 681.117, motor vehicle warranty
- 1249 enforcement; and
- 1250 ~~(v)-(w)~~ Section 896.102, reports of financial transactions
- 1251 in trade or business.

1252 (8) Notwithstanding any other provision of this section,

1253 the department may provide:

1254 (k)1. Payment information relative to chapters 199, 201,

1255 202, 212, 220, ~~221~~, and 624 and former chapter 221 to the Office

1256 of Tourism, Trade, and Economic Development, or its employees or

1257 agents that are identified in writing by the office to the

1258 department, in the administration of the tax refund program for

1259 qualified defense contractors and space flight business

1260 contractors authorized by s. 288.1045 and the tax refund program

1261 for qualified target industry businesses authorized by s.

1262 288.106.

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1263 2. Information relative to tax credits taken by a business  
1264 under s. 220.191 and exemptions or tax refunds received by a  
1265 business under s. 212.08(5)(j) to the Office of Tourism, Trade,  
1266 and Economic Development, or its employees or agents that are  
1267 identified in writing by the office to the department, in the  
1268 administration and evaluation of the capital investment tax  
1269 credit program authorized in s. 220.191 and the semiconductor,  
1270 defense, and space tax exemption program authorized in s.  
1271 212.08(5)(j).

1272 3. Information relative to tax credits taken by a taxpayer  
1273 pursuant to the tax credit programs created in ss. 193.017;  
1274 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;  
1275 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;  
1276 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;  
1277 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;  
1278 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to  
1279 the Office of Tourism, Trade, and Economic Development, or its  
1280 employees or agents that are identified in writing by the office  
1281 to the department, for use in the administration or evaluation  
1282 of such programs.

1283 4. Information relative to single sales factor  
1284 apportionment used by a taxpayer to the Office of Tourism,  
1285 Trade, and Economic Development or its employees or agents who  
1286 are identified in writing by the office to the department for  
1287 use by the office to administer s. 220.153.

1288 (dd) Information relating to tax credits taken under s.  
1289 220.194 to the Office of Tourism, Trade, and Economic  
1290 Development or to Space Florida.

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1291  
1292 Disclosure of information under this subsection shall be  
1293 pursuant to a written agreement between the executive director  
1294 and the agency. Such agencies, governmental or nongovernmental,  
1295 shall be bound by the same requirements of confidentiality as  
1296 the Department of Revenue. Breach of confidentiality is a  
1297 misdemeanor of the first degree, punishable as provided by s.  
1298 775.082 or s. 775.083.

1299 Section 22. Effective January 1, 2012, subsection (12) of  
1300 section 213.255, Florida Statutes, is amended to read:

1301 213.255 Interest.—Interest shall be paid on overpayments  
1302 of taxes, payment of taxes not due, or taxes paid in error,  
1303 subject to the following conditions:

1304 (12) The rate of interest shall be the adjusted rate  
1305 established pursuant to s. 213.235, except that the annual rate  
1306 of interest shall never be greater than 11 percent. This annual  
1307 rate of interest shall be applied to all refunds of taxes  
1308 administered by the department except for corporate income taxes  
1309 ~~and emergency excise taxes~~ governed by ss. 220.721 and 220.723.

1310 Section 23. Effective January 1, 2012, chapter 221,  
1311 Florida Statutes, consisting of sections 221.01, 221.02, 221.04,  
1312 and 221.05, is repealed.

1313 Section 24. Effective January 1, 2012, paragraph (a) of  
1314 subsection (6) of section 288.075, Florida Statutes, is amended  
1315 to read:

1316 288.075 Confidentiality of records.—

1317 (6) ECONOMIC INCENTIVE PROGRAMS.—

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1318 (a) The following information held by an economic  
1319 development agency pursuant to the administration of an economic  
1320 incentive program for qualified businesses is confidential and  
1321 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1322 Constitution for a period not to exceed the duration of the  
1323 incentive agreement, including an agreement authorizing a tax  
1324 refund or tax credit, or upon termination of the incentive  
1325 agreement:

1326 1. The percentage of the business's sales occurring  
1327 outside this state and, for businesses applying under s.  
1328 288.1045, the percentage of the business's gross receipts  
1329 derived from Department of Defense contracts during the 5 years  
1330 immediately preceding the date the business's application is  
1331 submitted.

1332 2. The anticipated wages for the project jobs that the  
1333 business plans to create, as reported on the application for  
1334 certification.

1335 3. The average wage actually paid by the business for  
1336 those jobs created by the project or an employee's personal  
1337 identifying information which is held as evidence of the  
1338 achievement or nonachievement of the wage requirements of the  
1339 tax refund, tax credit, or incentive agreement programs or of  
1340 the job creation requirements of such programs.

1341 4. The amount of:

1342 a. Taxes on sales, use, and other transactions paid  
1343 pursuant to chapter 212;

1344 b. Corporate income taxes paid pursuant to chapter 220;

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1345 c. Intangible personal property taxes paid pursuant to  
1346 chapter 199;  
1347 ~~d. Emergency excise taxes paid pursuant to chapter 221;~~  
1348 ~~d.e.~~ Insurance premium taxes paid pursuant to chapter 624;  
1349 ~~e.f.~~ Excise taxes paid on documents pursuant to chapter  
1350 201;  
1351 ~~f.g.~~ Ad valorem taxes paid, as defined in s. 220.03(1); or  
1352 ~~g.h.~~ State communications services taxes paid pursuant to  
1353 chapter 202.

1354 Section 25. Paragraph (c) of subsection (2) of section  
1355 288.1045, Florida Statutes, and effective January 1, 2012,  
1356 paragraph (f) of that subsection, are amended to read:

1357 288.1045 Qualified defense contractor and space flight  
1358 business tax refund program.—

1359 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1360 (c) A qualified applicant may not receive more than \$7 ~~\$5~~  
1361 million in tax refunds pursuant to this section in all fiscal  
1362 years.

1363 (f) After entering into a tax refund agreement pursuant to  
1364 subsection (4), a qualified applicant may:

1365 1. Receive refunds from the account for corporate income  
1366 taxes due and paid pursuant to chapter 220 by that business  
1367 beginning with the first taxable year of the business which  
1368 begins after entering into the agreement.

1369 2. Receive refunds from the account for the following  
1370 taxes due and paid by that business after entering into the  
1371 agreement:

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1372 a. Taxes on sales, use, and other transactions paid  
1373 pursuant to chapter 212.

1374 b. Intangible personal property taxes paid pursuant to  
1375 chapter 199.

1376 ~~e. Emergency excise taxes paid pursuant to chapter 221.~~

1377 ~~c.d.~~ Excise taxes paid on documents pursuant to chapter  
1378 201.

1379 ~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1) (a)  
1380 on June 1, 1996.

1381 ~~e.f.~~ State communications services taxes administered  
1382 under chapter 202. This provision does not apply to the gross  
1383 receipts tax imposed under chapter 203 and administered under  
1384 chapter 202 or the local communications services tax authorized  
1385 under s. 202.19.

1386  
1387 However, a qualified applicant may not receive a tax refund  
1388 pursuant to this section for any amount of credit, refund, or  
1389 exemption granted such contractor for any of such taxes. If a  
1390 refund for such taxes is provided by the office, which taxes are  
1391 subsequently adjusted by the application of any credit, refund,  
1392 or exemption granted to the qualified applicant other than that  
1393 provided in this section, the qualified applicant shall  
1394 reimburse the Economic Development Trust Fund for the amount of  
1395 such credit, refund, or exemption. A qualified applicant must  
1396 notify and tender payment to the office within 20 days after  
1397 receiving a credit, refund, or exemption, other than that  
1398 provided in this section. The addition of communications  
1399 services taxes administered under chapter 202 is remedial in  
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1400 nature and retroactive to October 1, 2001. The office may make  
1401 supplemental tax refund payments to allow for tax refunds for  
1402 communications services taxes paid by an eligible qualified  
1403 defense contractor after October 1, 2001.

1404 Section 26. Paragraph (c) of subsection (3) of section  
1405 288.106, Florida Statutes, and effective January 1, 2012,  
1406 paragraph (d) of that subsection, are amended to read:

1407 288.106 Tax refund program for qualified target industry  
1408 businesses.—

1409 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

1410 (c) A qualified target industry business may not receive  
1411 refund payments of more than 25 percent of the total tax refunds  
1412 specified in the tax refund agreement under subparagraph  
1413 (5)(a)1. in any fiscal year. Further, a qualified target  
1414 industry business may not receive more than \$1.5 million in  
1415 refunds under this section in any single fiscal year, or more  
1416 than \$2.5 million in any single fiscal year if the project is  
1417 located in an enterprise zone. A qualified target industry  
1418 business may not receive more than \$7 ~~\$5~~ million in refund  
1419 payments under this section in all fiscal years, or more than  
1420 \$7.5 million if the project is located in an enterprise zone.

1421 (d) After entering into a tax refund agreement under  
1422 subsection (5), a qualified target industry business may:

1423 1. Receive refunds from the account for the following  
1424 taxes due and paid by that business beginning with the first  
1425 taxable year of the business that begins after entering into the  
1426 agreement:

1427 a. Corporate income taxes under chapter 220.

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- 1428           b. Insurance premium tax under s. 624.509.
- 1429           2. Receive refunds from the account for the following
- 1430 taxes due and paid by that business after entering into the
- 1431 agreement:
- 1432           a. Taxes on sales, use, and other transactions under
- 1433 chapter 212.
- 1434           b. Intangible personal property taxes under chapter 199.
- 1435           ~~e. Emergency excise taxes under chapter 221.~~
- 1436           c.d. Excise taxes on documents under chapter 201.
- 1437           d.e. Ad valorem taxes paid, as defined in s. 220.03(1).
- 1438           e.f. State communications services taxes administered
- 1439 under chapter 202. This provision does not apply to the gross
- 1440 receipts tax imposed under chapter 203 and administered under
- 1441 chapter 202 or the local communications services tax authorized
- 1442 under s. 202.19.

1443           Section 27. Paragraphs (b), (h), and (i) of subsection

1444 (1), paragraphs (c) and (e) of subsection (3), paragraph (b) of

1445 subsection (4), paragraph (c) of subsection (5), paragraph (a)

1446 of subsection (7), and subsection (10) of section 288.1254,

1447 Florida Statutes, are amended, and paragraphs (k), (l), (m),

1448 (n), and (o) are added to subsection (1) of that section, to

1449 read:

1450           288.1254 Entertainment industry financial incentive

1451 program.—

1452           (1) DEFINITIONS.—As used in this section, the term:

1453           (b) "Digital media project" means a production of

1454 interactive entertainment that is produced for distribution in

1455 commercial or educational markets. The term includes a video

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1456 game or production intended for Internet or wireless  
1457 distribution. The term does not include a production that  
1458 contains ~~deemed by the Office of Film and Entertainment to~~  
1459 ~~contain~~ obscene content as defined in s. 847.001(10).

1460 (f) "Production" means a theatrical or direct-to-video  
1461 motion picture; a made-for-television motion picture; visual  
1462 effects or digital animation sequences produced in conjunction  
1463 with a motion picture; a commercial; a music video; an  
1464 industrial or educational film; an infomercial; a documentary  
1465 film; a television pilot program; a presentation for a  
1466 television pilot program; a television series, including, but  
1467 not limited to, a drama, a reality show, a comedy, a soap opera,  
1468 a telenovela, a game show, an awards show, or a miniseries  
1469 production; or a digital media project by the entertainment  
1470 industry. One season of a television series is considered one  
1471 production. The term does not include a weather or market  
1472 program; a sporting event; a sports show; a gala; a production  
1473 that solicits funds; a home shopping program; a political  
1474 program; a political documentary; political advertising; a  
1475 gambling-related project or production; a concert production; or  
1476 a local, regional, or Internet-distributed-only news show,  
1477 current-events show, pornographic production, or current-affairs  
1478 show. A production may be produced on or by film, tape, or  
1479 otherwise by means of a motion picture camera; electronic camera  
1480 or device; tape device; computer; any combination of the  
1481 foregoing; or any other means, method, or device.

1482 (h) "Qualified expenditures" means production expenditures  
1483 incurred in this state by a qualified production for:

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1484 1. Goods purchased or leased from, or services, including,  
1485 but not limited to, insurance costs and bonding, payroll  
1486 services, and legal fees, which are provided by, a vendor or  
1487 supplier in this state that is registered with the Department of  
1488 State or the Department of Revenue, has a physical location in  
1489 this state, and employs one or more legal residents of this  
1490 state. This does not include re-billed goods or services  
1491 provided by an in-state company from out-of-state vendors or  
1492 suppliers. When services are provided by the vendor or supplier  
1493 include personal services or labor, only personal services or  
1494 labor provided by residents of this state, evidenced by the  
1495 required documentation of residency in this state, qualify.

1496 2. Payments to legal residents of this state in the form  
1497 of salary, wages, or other compensation up to a maximum of  
1498 \$400,000 per resident unless otherwise specified in subsection  
1499 (4). A completed declaration of residency in this state must  
1500 accompany the documentation submitted to the office for  
1501 reimbursement.

1502  
1503 For a qualified production involving an event, such as an awards  
1504 show, the term does not include expenditures solely associated  
1505 with the event itself and not directly required by the  
1506 production. The term does not include expenditures incurred  
1507 before certification, with the exception of those incurred for a  
1508 commercial, a music video, or the pickup of additional episodes  
1509 of a high-impact television series within a single season. Under  
1510 no circumstances may the qualified production include in the  
1511 calculation for qualified expenditures the original purchase

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1512 price for equipment or other tangible property that is later  
1513 sold or transferred by the qualified production for  
1514 consideration. In such cases, the qualified expenditure is the  
1515 net of the original purchase price minus the consideration  
1516 received upon sale or transfer.

1517 (i) "Qualified production" means a production in this  
1518 state meeting the requirements of this section. The term does  
1519 not include a production:

1520 1. In which, for the first 2 years of the incentive  
1521 program, less than 50 percent, and thereafter, less than 60  
1522 percent, of the positions that make up its production cast and  
1523 below-the-line production crew, or, in the case of digital media  
1524 projects, less than 75 percent of such positions, are filled by  
1525 legal residents of this state, whose residency is demonstrated  
1526 by a valid Florida driver's license or other state-issued  
1527 identification confirming residency, or students enrolled full-  
1528 time in a film-and-entertainment-related course of study at an  
1529 institution of higher education in this state; or

1530 2. That contains ~~is deemed by the Office of Film and~~  
1531 ~~Entertainment to contain~~ obscene content as defined in s.  
1532 847.001(10).

1533 (k) "Qualified digital media production facility" means a  
1534 building or series of buildings and their improvements in which  
1535 data processing, visualization, and sound synchronization  
1536 technologies are regularly applied for the production of  
1537 qualified digital media projects or the digital animation  
1538 components of qualified productions.

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1539       (l) "Qualified production facility" means a building or  
1540 complex of buildings and their improvements and associated  
1541 backlot facilities in which regular filming activity for film or  
1542 television has occurred for a period of no less than one year  
1543 and which contain at least one sound stage of at least 7,800  
1544 square feet.

1545       (m) "Regional population ratio" means the ratio of the  
1546 population of a region to the population of this state. The  
1547 regional population ratio applicable to a given fiscal year is  
1548 the regional population ratio calculated by the Office of Film  
1549 and Entertainment using the latest official estimates of  
1550 population certified under s. 186.901, available on the first  
1551 day of that fiscal year.

1552       (n) "Regional tax credit ratio" means a ratio the  
1553 numerator of which is the sum of tax credits awarded to  
1554 productions in a region to date plus the tax credits certified,  
1555 but not yet awarded, to productions currently in that region and  
1556 the denominator of which is the sum of all tax credits awarded  
1557 in the state to date plus all tax credits certified, but not yet  
1558 awarded, to productions currently in the state. The regional tax  
1559 credit ratio applicable to a given year is the regional tax  
1560 credit ratio calculated by the Office of Film and Entertainment  
1561 using credit award and certification information available on  
1562 the first day of that fiscal year.

1563       (o) "Underutilized region" for a given state fiscal year  
1564 means a region with a regional tax credit ratio applicable to  
1565 that fiscal year that is lower than its regional population

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1566 ratio applicable to that fiscal year. The following regions are  
1567 established for purposes of making this determination:

1568 1. North Region, consisting of Alachua, Baker, Bay,  
1569 Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia,  
1570 Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson,  
1571 Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau,  
1572 Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor,  
1573 Union, Wakulla, Walton, and Washington counties.

1574 2. Central East Region, consisting of Brevard, Flagler,  
1575 Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.  
1576 Lucie, and Volusia counties.

1577 3. Central West Region, consisting of Citrus, Hernando,  
1578 Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,  
1579 and Sumter counties.

1580 4. Southwest Region, consisting of Charlotte, Collier,  
1581 DeSoto, Glades, Hardee, Hendry, Highlands, and Lee counties.

1582 5. Southeast Region, consisting of Broward, Martin, Miami-  
1583 Dade, Monroe, and Palm Beach counties.

1584 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

1585 (c) Application process.—The Office of Film and  
1586 Entertainment shall establish a process by which an application  
1587 is accepted and reviewed and by which tax credit eligibility and  
1588 award amount are determined. The Office of Film and  
1589 Entertainment may request assistance from a duly appointed local  
1590 film commission in determining compliance with this section. A  
1591 certified high-impact television series may submit an initial  
1592 application for no more than two successive seasons,  
1593 notwithstanding the fact that the successive seasons have not

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1594 been ordered. The successive season's qualified expenditure  
1595 amounts shall be based on the current season's estimated  
1596 qualified expenditures. Upon the completion of production of  
1597 each season, a high-impact television series may submit an  
1598 application for no more than one additional season.

1599 (e) Grounds for denial.—The Office of Film and  
1600 Entertainment shall deny an application if it determines that  
1601 the application is not complete or the production or application  
1602 does not meet the requirements of this section. Within 90 days  
1603 after submitting a program application, except with respect to  
1604 applications in the independent and emerging media queue, a  
1605 production must provide proof of project financing to the Office  
1606 of Film and Entertainment, otherwise the project is deemed  
1607 denied and withdrawn. A project that has been withdrawn may  
1608 submit a new application upon providing the Office of Film and  
1609 Entertainment proof of financing.

1610 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;  
1611 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;  
1612 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND  
1613 ACQUISITIONS.—

1614 (b) Tax credit eligibility.—

1615 1. General production queue.—Ninety-four percent of tax  
1616 credits authorized pursuant to subsection (6) in any state  
1617 fiscal year must be dedicated to the general production queue.  
1618 The general production queue consists of all qualified  
1619 productions other than those eligible for the commercial and  
1620 music video queue or the independent and emerging media  
1621 production queue. A qualified production that demonstrates a  
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1622 minimum of \$625,000 in qualified expenditures is eligible for  
1623 tax credits equal to 20 percent of its actual qualified  
1624 expenditures, up to a maximum of \$8 million. A qualified  
1625 production that incurs qualified expenditures during multiple  
1626 state fiscal years may combine those expenditures to satisfy the  
1627 \$625,000 minimum threshold.

1628 a. An off-season certified production that is a feature  
1629 film, independent film, or television series or pilot is  
1630 eligible for an additional 5-percent tax credit on actual  
1631 qualified expenditures. An off-season certified production that  
1632 does not complete 75 percent of principal photography due to a  
1633 disruption caused by a hurricane or tropical storm may not be  
1634 disqualified from eligibility for the additional 5-percent  
1635 credit as a result of the disruption.

1636 b. If more than 25 percent of the sum of total tax credits  
1637 awarded to productions after July 1, 2010, and total tax credits  
1638 certified, but not yet awarded, to productions currently in this  
1639 state has been awarded for television series, then no television  
1640 series or pilot shall be eligible for tax credits under this  
1641 subparagraph.

1642 c. The calculations required by this sub-subparagraph  
1643 shall use only credits available to be certified and awarded on  
1644 or after July 1, 2011.

1645 (I) If the provisions of sub-subparagraph b. are not  
1646 applicable and less than 25 percent of the sum of the total tax  
1647 credits awarded to productions and the total tax credits  
1648 certified, but not yet awarded, to productions currently in this  
1649 state has been to high-impact television series, any A qualified

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1650 high-impact television series shall be allowed first position in  
1651 this queue for tax credit awards not yet certified.

1652 (II) If less than 20 percent of the sum of the total tax  
1653 credits awarded to productions and the total tax credits  
1654 certified, but not yet awarded, to productions currently in this  
1655 state has been to digital media projects, any digital media  
1656 project with qualified expenditures of greater than \$4,500,000  
1657 shall be allowed first position in this queue for tax credit  
1658 awards not yet certified.

1659 (III) For the purposes of determining position between a  
1660 high-impact television series allowed first position and a  
1661 digital media project allowed first position under this sub-  
1662 subparagraph, tax credits shall be awarded on a first-come,  
1663 first-served basis.

1664 d. A qualified production that incurs at least 85 percent  
1665 of its qualified expenditures within a region designated as an  
1666 underutilized region at the time that the production is  
1667 certified is eligible for an additional 5 percent tax credit.

1668 e. Any qualified production that employs students enrolled  
1669 full-time in a film and entertainment-related or digital media-  
1670 related course of study at an institution of higher education in  
1671 this state is eligible for an additional 15 percent tax credit  
1672 on qualified expenditures that are wages, salaries, or other  
1673 compensation paid to such students. The additional 15 percent  
1674 tax credit shall also be applicable to persons hired within 12  
1675 months of graduating from a film and entertainment-related or  
1676 digital media-related course of study at an institution of  
1677 higher education in this state. The additional 15 percent tax

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1678 credit shall apply to qualified expenditures that are wages,  
1679 salaries, or other compensation paid to such recent graduates  
1680 for one year from the date of hiring.

1681 f. A qualified production for which 50 percent or more of  
1682 its principal photography occurs at a qualified production  
1683 facility, or a qualified digital media project or the digital  
1684 animation component of a qualified production for which 50  
1685 percent or more of the project's or component's qualified  
1686 expenditures are related to a qualified digital media production  
1687 facility shall be eligible for an additional 5 percent tax  
1688 credit on actual qualified expenditures for production activity  
1689 at that facility.

1690 g. No qualified production shall be eligible for tax  
1691 credits provided under this paragraph totaling more than 30  
1692 percent of its actual qualified expenses.

1693 2. Commercial and music video queue.—Three percent of tax  
1694 credits authorized pursuant to subsection (6) in any state  
1695 fiscal year must be dedicated to the commercial and music video  
1696 queue. A qualified production company that produces national or  
1697 regional commercials or music videos may be eligible for a tax  
1698 credit award if it demonstrates a minimum of \$100,000 in  
1699 qualified expenditures per national or regional commercial or  
1700 music video and exceeds a combined threshold of \$500,000 after  
1701 combining actual qualified expenditures from qualified  
1702 commercials and music videos during a single state fiscal year.  
1703 After a qualified production company that produces commercials,  
1704 music videos, or both reaches the threshold of \$500,000, it is  
1705 eligible to apply for certification for a tax credit award. The  
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1706 maximum credit award shall be equal to 20 percent of its actual  
1707 qualified expenditures up to a maximum of \$500,000. If there is  
1708 a surplus at the end of a fiscal year after the Office of Film  
1709 and Entertainment certifies and determines the tax credits for  
1710 all qualified commercial and video projects, such surplus tax  
1711 credits shall be carried forward to the following fiscal year  
1712 and be available to any eligible qualified productions under the  
1713 general production queue.

1714 3. Independent and emerging media production queue.—Three  
1715 percent of tax credits authorized pursuant to subsection (6) in  
1716 any state fiscal year must be dedicated to the independent and  
1717 emerging media production queue. This queue is intended to  
1718 encourage Florida independent film and emerging media  
1719 production. Any qualified production, excluding commercials,  
1720 infomercials, or music videos, that demonstrates at least  
1721 \$100,000, but not more than \$625,000, in total qualified  
1722 expenditures is eligible for tax credits equal to 20 percent of  
1723 its actual qualified expenditures. If a surplus exists at the  
1724 end of a fiscal year after the Office of Film and Entertainment  
1725 certifies and determines the tax credits for all qualified  
1726 independent and emerging media production projects, such surplus  
1727 tax credits shall be carried forward to the following fiscal  
1728 year and be available to any eligible qualified productions  
1729 under the general production queue.

1730 4. Family-friendly productions.—A certified theatrical or  
1731 direct-to-video motion picture production or video game  
1732 determined by the Commissioner of Film and Entertainment, with  
1733 the advice of the Florida Film and Entertainment Advisory

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1734 Council, to be family-friendly, based on the review of the  
1735 script and the review of the final release version, is eligible  
1736 for an additional tax credit equal to 5 percent of its actual  
1737 qualified expenditures. Family-friendly productions are those  
1738 that have cross-generational appeal; would be considered  
1739 suitable for viewing by children age 5 or older; are appropriate  
1740 in theme, content, and language for a broad family audience;  
1741 embody a responsible resolution of issues; and do not exhibit or  
1742 imply any act of smoking, sex, nudity, or vulgar or profane  
1743 language.

1744 (5) TRANSFER OF TAX CREDITS.—

1745 (c) Transferee rights and limitations.—The transferee is  
1746 subject to the same rights and limitations as the certified  
1747 production company awarded the tax credit, except that the  
1748 initial transferee shall be permitted a one-time transfer of  
1749 unused credits to no more than two subsequent transferees, and  
1750 such transfers must occur in the same taxable year as the  
1751 credits were received by the initial transferee, after which the  
1752 subsequent transferees may not sell or otherwise transfer the  
1753 tax credit.

1754 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

1755 (a) The aggregate amount of the tax credits that may be  
1756 certified pursuant to paragraph (3) (d) may not exceed:

- 1757 1. For fiscal year 2010-2011, \$53.5 million.  
1758 2. For fiscal year 2011-2012, \$74.5 million.  
1759 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,  
1760 \$42 ~~\$38~~ million per fiscal year.

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1761 (10) ANNUAL REPORT.—Each October 1, the Office of Film and  
1762 Entertainment shall provide an annual report for the previous  
1763 fiscal year to the Governor, the President of the Senate, and  
1764 the Speaker of the House of Representatives which outlines the  
1765 return on investment and economic benefits to the state. The  
1766 report shall also include an estimate of the full-time  
1767 equivalent positions created by each production that received  
1768 tax credits under s. 288.1254 and information relating to the  
1769 distribution of productions receiving credits by geographic  
1770 region and type of production.

1771 Section 28. Subsection (5) of section 288.1258, Florida  
1772 Statutes, is amended to read:

1773 288.1258 Entertainment industry qualified production  
1774 companies; application procedure; categories; duties of the  
1775 Department of Revenue; records and reports.—

1776 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
1777 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film  
1778 and Entertainment shall keep annual records from the information  
1779 provided on taxpayer applications for tax exemption certificates  
1780 beginning January 1, 2001. ~~These records shall reflect a ratio~~  
1781 ~~of the annual amount of sales and use tax exemptions under this~~  
1782 ~~section and incentives awarded pursuant to s. 288.1254 to the~~  
1783 ~~estimated amount of funds expended by certified productions,~~  
1784 ~~including productions that received incentives pursuant to s.~~  
1785 ~~288.1254.~~ These records also shall reflect a ~~separate~~ ratio of  
1786 the annual amount of sales and use tax exemptions under this  
1787 section, plus the incentives awarded pursuant to s. 288.1254 to  
1788 the estimated amount of funds expended by certified productions.

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1789 In addition, the office shall maintain data showing annual  
1790 growth in Florida-based entertainment industry companies and  
1791 entertainment industry employment and wages. The employment  
1792 information shall include an estimate of the full-time  
1793 equivalent positions created by each production that received  
1794 tax credits pursuant to s. 288.1254. The Office of Film and  
1795 Entertainment shall report this information to the Legislature  
1796 no later than December 1 of each year.

1797 Section 29. Effective January 1, 2012, paragraph (d) is  
1798 added to subsection (6) of section 290.0055, Florida Statutes,  
1799 to read:

1800 290.0055 Local nominating procedure.—

1801 (6)

1802 (d)1. The governing body of a jurisdiction which has  
1803 nominated an application for an enterprise zone that is no  
1804 larger than 12 square miles and includes a portion of the state  
1805 designated as a rural area of critical economic concern under s.  
1806 288.0656(7) may apply to the Office of Tourism, Trade, and  
1807 Economic Development to expand the boundary of the enterprise  
1808 zone by not more than 3 square miles. An application to expand  
1809 the boundary of an enterprise zone under this paragraph must be  
1810 submitted by December 31, 2012.

1811 2. Notwithstanding the area limitations specified in  
1812 subsection (4), the Office of Tourism, Trade, and Economic  
1813 Development may approve the request for a boundary amendment if  
1814 the area continues to satisfy the remaining requirements of this  
1815 section.

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1816 3. The Office of Tourism, Trade, and Economic Development  
1817 shall establish the initial effective date of an enterprise zone  
1818 designated under this paragraph.

1819 Section 30. Effective January 1, 2012, section 290.00726,  
1820 Florida Statutes, is created to read:

1821 290.00726 Enterprise zone designation for Martin County.-  
1822 Martin County may apply to the Office of Tourism, Trade, and  
1823 Economic Development for designation of one enterprise zone for  
1824 an area within Martin County, which zone shall encompass an area  
1825 of up to 10 square miles consisting of land within the primary  
1826 urban services boundary and focusing on Indiantown, but  
1827 excluding property owned by Florida Power and Light to the west,  
1828 two areas to the north designated as estate residential, and the  
1829 county-owned Timer Powers Recreational Area. Within the  
1830 designated enterprise zone, Martin County shall exempt  
1831 residential condominiums from benefiting from state enterprise  
1832 zone incentives, unless prohibited by law. The application must  
1833 have been submitted by December 31, 2011, and must comply with  
1834 the requirements of s. 290.0055. Notwithstanding s. 290.0065  
1835 limiting the total number of enterprise zones designated and the  
1836 number of enterprise zones within a population category, the  
1837 Office of Tourism, Trade, and Economic Development may designate  
1838 one enterprise zone under this section. The Office of Tourism,  
1839 Trade, and Economic Development shall establish the initial  
1840 effective date of the enterprise zone designated under this  
1841 section.

1842 Section 31. Section 290.00727, Florida Statutes, is  
1843 created to read:

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1844 290.00727 Enterprise zone designation for the City of Palm  
1845 Bay.—The City of Palm Bay may apply to the Office of Tourism,  
1846 Trade, and Economic Development for designation of one  
1847 enterprise zone for an area within the northeast portion of the  
1848 city, which zone shall encompass an area of up to 5 square  
1849 miles. The application must have been submitted by December 31,  
1850 2011, and must comply with the requirements of s. 290.0055.  
1851 Notwithstanding s. 290.0065 limiting the total number of  
1852 enterprise zones designated and the number of enterprise zones  
1853 within a population category, the Office of Tourism, Trade, and  
1854 Economic Development may designate one enterprise zone under  
1855 this section. The Office of Tourism, Trade, and Economic  
1856 Development shall establish the initial effective date of the  
1857 enterprise zone designated under this section.

1858 Section 32. Section 290.00728, Florida Statutes, is  
1859 created to read:

1860 290.00728 Enterprise zone designation for Lake County.—  
1861 Lake County may apply to the Office of Tourism, Trade, and  
1862 Economic Development for designation of one enterprise zone,  
1863 which zone shall encompass an area of up to 10 square miles  
1864 within Lake County. The application must have been submitted by  
1865 December 31, 2011, and must comply with the requirements of s.  
1866 290.0055. Notwithstanding s. 290.0065 limiting the total number  
1867 of enterprise zones designated and the number of enterprise  
1868 zones within a population category, the Office of Tourism,  
1869 Trade, and Economic Development may designate one enterprise  
1870 zone under this section. The Office of Tourism, Trade, and

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1871 Economic Development shall establish the initial effective date  
1872 of the enterprise zone designated under this section.

1873 Section 33. Effective January 1, 2012, subsection (1) of  
1874 section 334.30, Florida Statutes, is amended to read:

1875 334.30 Public-private transportation facilities.—The  
1876 Legislature finds and declares that there is a public need for  
1877 the rapid construction of safe and efficient transportation  
1878 facilities for the purpose of traveling within the state, and  
1879 that it is in the public's interest to provide for the  
1880 construction of additional safe, convenient, and economical  
1881 transportation facilities.

1882 (1) The department may receive or solicit proposals and,  
1883 with legislative approval as evidenced by approval of the  
1884 project in the department's work program, enter into agreements  
1885 with private entities, or consortia thereof, for the building,  
1886 operation, ownership, or financing of transportation facilities.  
1887 The department may advance projects programmed in the adopted 5-  
1888 year work program or projects increasing transportation capacity  
1889 and greater than \$500 million in the 10-year Strategic  
1890 Intermodal Plan using funds provided by public-private  
1891 partnerships or private entities to be reimbursed from  
1892 department funds for the project as programmed in the adopted  
1893 work program. The department shall by rule establish an  
1894 application fee for the submission of unsolicited proposals  
1895 under this section. The fee must be sufficient to pay the costs  
1896 of evaluating the proposals. The department may engage the  
1897 services of private consultants to assist in the evaluation.

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1898 Before approval, the department must determine that the proposed  
1899 project:

1900 (a) Is in the public's best interest;

1901 (b) Would not require state funds to be used unless the  
1902 project is on the State Highway System;

1903 (c) Would have adequate safeguards in place to ensure that  
1904 no additional costs or service disruptions would be realized by  
1905 the traveling public and residents of the state in the event of  
1906 default or cancellation of the agreement by the department;

1907 (d) Would have adequate safeguards in place to ensure that  
1908 the department or the private entity has the opportunity to add  
1909 capacity to the proposed project and other transportation  
1910 facilities serving similar origins and destinations; and

1911 (e) Would be owned by the department upon completion or  
1912 termination of the agreement.

1913  
1914 The department shall ensure that all reasonable costs to the  
1915 state, related to transportation facilities that are not part of  
1916 the State Highway System, are borne by the private entity. The  
1917 department shall also ensure that all reasonable costs to the  
1918 state and substantially affected local governments and  
1919 utilities, related to the private transportation facility, are  
1920 borne by the private entity for transportation facilities that  
1921 are owned by private entities. For projects on the State Highway  
1922 System, the department may use state resources to participate in  
1923 funding and financing the project as provided for under the  
1924 department's enabling legislation. Because the Legislature  
1925 recognizes that private entities or consortia thereof would

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1926 perform a governmental or public purpose or function when they  
1927 enter into agreements with the department to design, build,  
1928 operate, own, or finance transportation facilities, the  
1929 transportation facilities, including leasehold interests  
1930 thereof, are exempt from ad valorem taxes as provided in chapter  
1931 196 to the extent property is owned by the state or other  
1932 government entity, and from intangible taxes as provided in  
1933 chapter 199 and special assessments of the state, any city,  
1934 town, county, special district, political subdivision of the  
1935 state, or any other governmental entity. The private entities or  
1936 consortia thereof are exempt from tax imposed by chapter 201 on  
1937 all documents or obligations to pay money which arise out of the  
1938 agreements to design, build, operate, own, lease, or finance  
1939 transportation facilities. Any private entities or consortia  
1940 thereof must pay any applicable corporate taxes as provided in  
1941 chapter ~~chapters~~ 220 and ~~221~~, and unemployment compensation  
1942 taxes as provided in chapter 443, and sales and use tax as  
1943 provided in chapter 212 shall be applicable. The private  
1944 entities or consortia thereof must also register and collect the  
1945 tax imposed by chapter 212 on all their direct sales and leases  
1946 that are subject to tax under chapter 212. The agreement between  
1947 the private entity or consortia thereof and the department  
1948 establishing a transportation facility under this chapter  
1949 constitutes documentation sufficient to claim any exemption  
1950 under this section.

1951 Section 34. Effective January 1, 2012, subsection (4),  
1952 paragraph (a) of subsection (6), and subsection (7) of section  
1953 624.509, Florida Statutes, are amended to read:

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1954 624.509 Premium tax; rate and computation.—

1955 (4) The income tax imposed under chapter 220 ~~and the~~  
1956 ~~emergency excise tax imposed under chapter 221~~ which is are paid  
1957 by any insurer shall be credited against, and to the extent  
1958 thereof shall discharge, the liability for tax imposed by this  
1959 section for the annual period in which such tax payments are  
1960 made. As to any insurer issuing policies insuring against loss  
1961 or damage from the risks of fire, tornado, and certain casualty  
1962 lines, the tax imposed by this section, as intended and  
1963 contemplated by this subsection, shall be construed to mean the  
1964 net amount of such tax remaining after there has been credited  
1965 thereon such gross premium receipts tax as may be payable by  
1966 such insurer in pursuance of the imposition of such tax by any  
1967 incorporated cities or towns in the state for firefighters'  
1968 relief and pension funds and police officers' retirement funds  
1969 maintained in such cities or towns, as provided in and by  
1970 relevant provisions of the Florida Statutes. For purposes of  
1971 this subsection, payments of estimated income tax under chapter  
1972 220 ~~and of estimated emergency excise tax under chapter 221~~  
1973 shall be deemed paid either at the time the insurer actually  
1974 files its annual returns under chapter 220 or at the time such  
1975 returns are required to be filed, whichever first occurs, and  
1976 not at such earlier time as such payments of estimated tax are  
1977 actually made.

1978 (6) (a) The total of the credit granted for the taxes paid  
1979 by the insurer under chapter ~~chapters~~ 220 ~~and 221~~ and the credit  
1980 granted by subsection (5) may ~~shall~~ not exceed 65 percent of the  
1981 tax due under subsection (1) after deducting therefrom the taxes  
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1982 paid by the insurer under ss. 175.101 and 185.08 and any  
1983 assessments pursuant to s. 440.51.

1984 (7) Credits and deductions against the tax imposed by this  
1985 section shall be taken in the following order: deductions for  
1986 assessments made pursuant to s. 440.51; credits for taxes paid  
1987 under ss. 175.101 and 185.08; credits for income taxes paid  
1988 under chapter 220, ~~the emergency excise tax paid under chapter~~  
1989 ~~221~~ and the credit allowed under subsection (5), as these  
1990 credits are limited by subsection (6); all other available  
1991 credits and deductions.

1992 Section 35. Effective January 1, 2012, subsection (1) of  
1993 section 624.51055, Florida Statutes, is amended to read:

1994 624.51055 Credit for contributions to eligible nonprofit  
1995 scholarship-funding organizations.—

1996 (1) There is allowed a credit of 100 percent of an  
1997 eligible contribution made to an eligible nonprofit scholarship-  
1998 funding organization under s. 1002.395 against any tax due for a  
1999 taxable year under s. 624.509(1). However, such a credit may not  
2000 exceed 75 percent of the tax due under s. 624.509(1) after  
2001 deducting from such tax deductions for assessments made pursuant  
2002 to s. 440.51; credits for taxes paid under ss. 175.101 and  
2003 185.08; credits for income taxes paid under chapter 220; ~~credits~~  
2004 ~~for the emergency excise tax paid under chapter 221;~~ and the  
2005 credit allowed under s. 624.509(5), as such credit is limited by  
2006 s. 624.509(6). An insurer claiming a credit against premium tax  
2007 liability under this section shall not be required to pay any  
2008 additional retaliatory tax levied pursuant to s. 624.5091 as a

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2009 result of claiming such credit. Section 624.5091 does not limit  
2010 such credit in any manner.

2011 Section 36. (1) The executive director of the Department  
2012 of Revenue is authorized, and all conditions are deemed met, to  
2013 adopt emergency rules under ss. 120.536(1) and 120.54(4),  
2014 Florida Statutes, for the purpose of implementing this act.

2015 (2) Notwithstanding any other provision of law, such  
2016 emergency rules shall remain in effect for 6 months after the  
2017 date adopted and may be renewed during the pendency of  
2018 procedures to adopt permanent rules addressing the subject of  
2019 the emergency rules.

2020 Section 37. (1) The tax levied under chapter 212, Florida  
2021 Statutes, may not be collected during the period from 12:01 a.m.  
2022 on August 12, 2011, through 11:59 p.m. on August 14, 2011, on  
2023 the sale of:

2024 (a) Clothing, wallets, or bags, including handbags,  
2025 backpacks, fanny packs, and diaper bags, but excluding  
2026 briefcases, suitcases, and other garment bags, having a sales  
2027 price of \$75 or less per item. As used in this paragraph, the  
2028 term "clothing" means:

2029 1. Any article of wearing apparel intended to be worn on  
2030 or about the human body, excluding watches, watchbands, jewelry,  
2031 umbrellas, or handkerchiefs; and

2032 2. All footwear, excluding skis, swim fins, roller blades,  
2033 and skates.

2034 (b) School supplies having a sales price of \$15 or less  
2035 per item. As used in this paragraph, the term "school supplies"  
2036 means pens, pencils, erasers, crayons, notebooks, notebook

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2037 filler paper, legal pads, binders, lunch boxes, construction  
2038 paper, markers, folders, poster board, composition books, poster  
2039 paper, scissors, cellophane tape, glue or paste, rulers,  
2040 computer disks, protractors, compasses, and calculators.

2041 (2) The tax exemptions in this section do not apply to  
2042 sales within a theme park or entertainment complex as defined in  
2043 s. 509.013(9), Florida Statutes, a public lodging establishment  
2044 as defined in s. 509.013(4), Florida Statutes, or an airport as  
2045 defined in s. 330.27(2), Florida Statutes.

2046 (3) The Department of Revenue may, and all conditions are  
2047 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
2048 and 120.54, Florida Statutes, to administer this section.

2049 (4) This section shall take effect upon this act becoming  
2050 a law.

2051 Section 38. Effective upon this act becoming a law, and  
2052 for the 2010-2011 fiscal year, the sum of \$218,905 in  
2053 nonrecurring funds is appropriated from the General Revenue Fund  
2054 to the Department of Revenue for purposes of administering  
2055 section 37. Funds remaining unexpended or unencumbered from this  
2056 appropriation as of June 30, 2011, shall revert and be  
2057 reappropriated for the same purpose in the 2011-2012 fiscal  
2058 year.

2059 Section 39. Effective upon this act becoming a law,  
2060 section 288.987, Florida Statutes, is created to read:

2061 288.987 Florida Defense Support Task Force.—

2062 (1) The Florida Defense Support Task Force is created.

2063 (2) The mission of the task force is to make  
2064 recommendations to prepare the state to effectively compete in  
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2065 any federal base realignment and closure action, to support the  
2066 state's position in research and development related to or  
2067 arising out of military missions and contracting, and to improve  
2068 the state's military-friendly environment for service members,  
2069 military dependents, military retirees, and businesses that  
2070 bring military and base-related jobs to the state.

2071 (3) The task force shall be comprised of the Governor or  
2072 his or her designee, and 12 members appointed as follows:

2073 (a) Four members appointed by the Governor.

2074 (b) Four members appointed by the President of the Senate.

2075 (c) Four members appointed by the Speaker of the House of  
2076 Representatives.

2077 (d) Appointed members must represent defense-related  
2078 industries or communities that host military bases and  
2079 installations. All appointments must be made by August 1, 2011.  
2080 Members shall serve for a term of 4 years, with the first term  
2081 ending July 1, 2015. However, if members of the Legislature are  
2082 appointed to the task force, those members shall serve until the  
2083 expiration of their legislative term and may be reappointed  
2084 once. A vacancy shall be filled for the remainder of the  
2085 unexpired term in the same manner as the initial appointment.  
2086 All members of the council are eligible for reappointment. A  
2087 member who serves in the Legislature may participate in all task  
2088 force activities, but may only vote on matters that are  
2089 advisory.

2090 (4) The President of the Senate and the Speaker of the  
2091 House of Representatives shall each designate one of their  
2092 appointees to serve as chair of the task force. The chair shall

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2093 rotate each July 1. The appointee designated by the President of  
2094 the Senate shall serve as initial chair. If the Governor,  
2095 instead of his or her designee, participates in the activities  
2096 of the task force, then the Governor shall serve as chair.

2097 (5) The Director of the Office of Tourism, Trade, and  
2098 Economic Development within the Executive Office of the  
2099 Governor, or his or her designee, shall serve as the ex officio,  
2100 nonvoting executive director of the task force.

2101 (6) The chair shall schedule and conduct the first meeting  
2102 of the task force by October 1, 2011. The task force shall  
2103 submit a progress report and work plan for the remainder of the  
2104 2011-2012 fiscal year to the Governor, the President of the  
2105 Senate, and the Speaker of the House of Representatives by  
2106 February 1, 2012, and shall submit an annual report each  
2107 February 1 thereafter.

2108 (7) The Office of Tourism, Trade, and Economic Development  
2109 shall contract with the task force for expenditure of  
2110 appropriated funds, which may be used by the task force for  
2111 economic and product research and development, joint planning  
2112 with host communities to accommodate military missions and  
2113 prevent base encroachment, advocacy on the state's behalf with  
2114 federal civilian and military officials, assistance to school  
2115 districts in providing a smooth transition for large numbers of  
2116 additional military-related students, job training and placement  
2117 for military spouses in communities with high proportions of  
2118 active duty military personnel, and promotion of the state to  
2119 military and related contractors and employers. The task force  
2120 may annually spend up to \$200,000 of funds appropriated to the  
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2121 Executive Office of the Governor, Office of Tourism, Trade, and  
2122 Economic Development, for the task force for staffing and  
2123 administrative expenses of the task force, including travel and  
2124 per diem costs incurred by task force members who are not  
2125 otherwise eligible for state reimbursement.

2126 Section 40. There is appropriated for state fiscal year  
2127 2011-2012 to the Executive Office of the Governor, Office of  
2128 Tourism, Trade, and Economic Development:

2129 (1) The sum of \$15 million in nonrecurring funds from the  
2130 General Revenue Fund for the Innovation Incentive Fund program.

2131 (2) The sum of \$42 million in nonrecurring funds from the  
2132 General Revenue Fund for the Quick Action Closing Fund program.  
2133 From these funds, preference shall be given to those projects  
2134 that include at least a 20 percent local match of cash or in-  
2135 kind contributions, which contributions provide a cash savings  
2136 to the private business entity receiving the incentive awards.

2137 (3) The sum of \$10 million in nonrecurring funds from the  
2138 General Revenue Fund for the Institute for the Commercialization  
2139 of Public Research.

2140 (4) The sum of \$5 million in nonrecurring funds from the  
2141 General Revenue Fund for the Florida Defense Support Task Force.

2142 Section 41. Except as otherwise expressly provided in this  
2143 act and except for this section, which shall take effect upon  
2144 this act becoming a law, this act shall take effect July 1,  
2145 2011.

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**T I T L E   A M E N D M E N T**

Remove the entire title and insert:

A bill to be entitled

An act relating to economic development; amending s. 14.2015, F.S.; authorizing the Office of Tourism, Trade, and Economic Development to administer corporate income tax credits for spaceflight projects; amending ss. 72.011 and 72.041, F.S.; deleting a reference to conform to changes made by this act; amending s. 212.05, F.S.; lowering the tax rate on the charges for the use of coin-operated amusement machines at licensed cardroom facilities operated at pari-mutuel facilities, located in certain cities or counties; requiring the operator of the machines to provide certain notice; providing methods and rates for calculating the tax; providing criteria for the application, payment, and reporting of the tax; amending s. 216.138, F.S.; providing for special impact estimating conferences to evaluate legislative proposals; requiring conference meetings to be open to the public; specifying the four principals of the conference; authorizing the convening of any special estimating conference by a specified principal in order to adopt certain supplemental information; requiring all official information of a special impact estimating conference to be adopted by consensus; authorizing a principal to invite any person to participate in the conference; providing definitions; amending ss. 220.02 and 220.13, F.S.; revising references to conform to changes made by this act; revising the order

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2177 | in which credits against the corporate income tax or  
2178 | franchise tax may be taken to include credits for certain  
2179 | spaceflight projects and certain research and development;  
2180 | redefining the term "adjusted federal income" to include  
2181 | the amount of certain tax credits taken relating to  
2182 | spaceflight projects and research and development;  
2183 | providing application; prohibiting a deduction from  
2184 | taxable income for any net operating loss if a credit  
2185 | against corporate income taxes relating to a spaceflight  
2186 | project has been taken or transferred; amending s.  
2187 | 220.131, F.S.; conforming provisions to changes made by  
2188 | this act; amending s. 220.15, F.S.; conforming provisions  
2189 | to changes made by this act; creating s. 220.153, F.S.;  
2190 | defining the terms "office" and "qualified capital  
2191 | expenditures"; providing for the apportionment of certain  
2192 | taxpayer's adjusted federal income solely by the sales  
2193 | factor provided in s. 220.15, F.S.; providing for  
2194 | eligibility based on the taxpayer's capital expenditures;  
2195 | providing a qualification and application process;  
2196 | authorizing the Department of Revenue to examine and  
2197 | verify that a taxpayer has correctly apportioned its  
2198 | taxes; authorizing the Office of Tourism, Trade, and  
2199 | Economic Development to approve and revoke approval of an  
2200 | application; providing for the recapture of unpaid taxes,  
2201 | interest, and penalties; authorizing the Office of  
2202 | Tourism, Trade, and Economic Development and the  
2203 | Department of Revenue to adopt rules; amending s.  
2204 | 220.1845, F.S.; increasing the annual tax credit cap

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2205 relating to contaminated site rehabilitation; amending s.  
2206 376.30781, F.S.; conforming references; amending s.  
2207 220.16, F.S.; requiring that the amount of payments  
2208 received in exchange for transferring a net operating loss  
2209 for spaceflight projects be allocated to the state;  
2210 creating s. 220.194, F.S.; providing a short title;  
2211 providing legislative purpose; defining terms; authorizing  
2212 a certified spaceflight business to take or transfer  
2213 corporate income tax credits related to spaceflight  
2214 projects carried out in this state; specifying tax credit  
2215 amounts and business eligibility criteria; providing  
2216 limitations; requiring a business to demonstrate to the  
2217 satisfaction of the office and the department its  
2218 eligibility to claim a tax credit; requiring a business to  
2219 submit an application to the office for approval to earn  
2220 credits; specifying the required contents of the  
2221 application; requiring the office to approve or deny an  
2222 application within 60 days after receipt; specifying the  
2223 approval process; requiring a spaceflight business to  
2224 submit an application for certification to the office;  
2225 specifying the required contents of an application for  
2226 certification; specifying the approval process; requiring  
2227 the office to submit a copy of an approved certification  
2228 to the department; providing procedures for transferring a  
2229 tax credit to a taxpayer; authorizing the department to  
2230 perform audits and investigations necessary to verify the  
2231 accuracy of returns relating to the tax credit; specifying  
2232 circumstances under which the office may revoke or modify

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2233 a certification that grants eligibility for tax credits;  
2234 requiring a certified spaceflight business to file an  
2235 amended return and pay any required tax within 60 days  
2236 after receiving notice that previously approved tax  
2237 credits have been revoked or modified; authorizing the  
2238 department to assess additional taxes, interest, or  
2239 penalties; authorizing the office and the department to  
2240 adopt rules; requiring the office to submit an annual  
2241 report to the Governor and Legislature regarding the  
2242 Florida Space Business Incentives Act; creating s.  
2243 220.195, F.S.; creating a corporate income tax credit to  
2244 continue credits available under the emergency excise tax;  
2245 creating s. 220.196, F.S.; providing application;  
2246 providing definitions; providing a tax credit for certain  
2247 research and development expenses; providing eligibility  
2248 requirements for research and development tax credits;  
2249 providing limitations regarding eligibility; providing an  
2250 amount for such credit; providing a maximum amount of  
2251 credit that may be taken during a taxable year by a  
2252 business enterprise; providing that any unused credit may  
2253 be carried forward for a specified period; limiting the  
2254 total amount of tax credits which may be approved by the  
2255 department in a calendar year; providing that applications  
2256 for credits may be filed on or after a specified date;  
2257 requiring that the credits be granted in the order in  
2258 which applications are received; requiring the  
2259 recalculation of a credit under certain circumstances;  
2260 authorizing the department to adopt rules; amending ss.

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2261 220.801, 213.05, 213.053, and 213.255, F.S.; deleting  
2262 references to conform to changes made by this act;  
2263 authorizing the department to share information with the  
2264 office relating to single sales factor apportionment used  
2265 by a taxpayer; authorizing the department to share  
2266 information relating to corporate income tax credits for  
2267 spaceflight projects with the office; repealing chapter  
2268 221, F.S.; repealing the emergency excise tax and related  
2269 provisions; amending ss. 288.075, 288.1045, and 288.106,  
2270 F.S.; deleting references to conform to changes made by  
2271 this act; revising a provision to conform to changes made  
2272 by this act; amending s. 288.1254, F.S.; revising and  
2273 providing definitions; revising criteria for awarding tax  
2274 credits and increasing the amount of credits to be awarded  
2275 under the entertainment industry financial incentive  
2276 program; revising the application procedure and approval  
2277 process; permitting an initial transferee of tax credits  
2278 to make a one-time transfer of unused tax credits;  
2279 amending s. 288.1258, F.S.; changing the recordkeeping  
2280 requirements of the Office of Film and Entertainment;  
2281 amending s. 290.0055, F.S.; authorizing certain governing  
2282 bodies to apply to the Office of Tourism, Trade, and  
2283 Economic Development to amend the boundary of an  
2284 enterprise zone that includes a rural area of critical  
2285 economic concern; providing a limitation; providing an  
2286 application deadline; authorizing the office to approve  
2287 the amendment application subject to certain requirements;  
2288 requiring the office to establish the effective date of

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2289 certain enterprise zones; creating s. 290.00726, F.S.;

2290 authorizing Martin County to apply to the Office of

2291 Tourism, Trade, and Economic Development for designation

2292 of an enterprise zone; providing application requirements;

2293 authorizing the office to designate an enterprise zone in

2294 Martin County; providing responsibilities of the office;

2295 creating s. 290.00727, F.S.; authorizing the City of Palm

2296 Bay to apply to the Office of Tourism, Trade, and Economic

2297 Development for designation of an enterprise zone;

2298 providing application requirements; authorizing the office

2299 to designate an enterprise zone in the City of Palm Bay;

2300 providing responsibilities of the office; creating s.

2301 290.00728, F.S.; authorizing Lake County to apply to the

2302 Office of Tourism, Trade, and Economic Development for

2303 designation of an enterprise zone; providing application

2304 requirements; authorizing the office to designate an

2305 enterprise zone in Lake County; providing responsibilities

2306 of the office; amending ss. 334.30, 624.509, and

2307 624.51055, F.S.; deleting references to conform to changes

2308 made by this act; authorizing the executive director of

2309 the Department of Revenue to adopt emergency rules;

2310 specifying a period during this year when the sale of

2311 clothing, wallets, bags, and school supplies are exempt

2312 from the sales tax; providing definitions; providing

2313 exceptions; authorizing the Department of Revenue to adopt

2314 emergency rules; providing an appropriation; creating s.

2315 288.987, F.S.; creating the Florida Defense Support Task

2316 Force; providing for the task force's mission, membership

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2317 composition, appointment of membership, and  
2318 administration; authorizing the expenditure of  
2319 appropriated funds by the task force for specified  
2320 purposes; providing appropriations to the Executive Office  
2321 of the Governor, Office of Tourism, Trade and Economic  
2322 Development; providing effective dates.