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1 A bill to be entitled
2 An act relating to economic development; amending ss.
3 72.011 and 72.041, F.S.; deleting a reference to conform
4 to changes made by this act; amending ss. 220.02 and
5 220.13, F.S.; revising references to conform to changes
6 made by this act; amending s. 220.131, F.S.; conforming
7 provisions to changes made by this act; creating s.
8 220.153, F.S.; defining the terms "full-time employee" and
9 "qualified capital expenditures"; providing for the
10 apportionment of certain taxpayer's adjusted federal
11 income solely by the sales factor provided in s. 220.15,
12 F.S.; providing for eligibility based on the taxpayer's
13 capital expenditures and number of full-time employees;
14 providing an application process; authorizing the
15 Department of Revenue to examine and verify that a
16 taxpayer has correctly apportioned its taxes; authorizing
17 the Office of Tourism, Trade, and Economic Development to
18 approve and revoke approval of an application; providing
19 for the recapture of unpaid taxes, interest, and
20 penalties; authorizing the Office of Tourism, Trade, and
21 Economic Development and the Department of Revenue to
22 adopt rules; creating s. 220.194, F.S.; creating a
23 corporate income tax credit to continue credits available
24 under the emergency excise tax; amending ss. 220.801,
25 213.05, 213.053, and 213.255, F.S.; deleting references to
26 conform to changes made by this act; authorizing the
27 department to share information with the office relating
28 to single sales factor apportionment used by a taxpayer;

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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29 | repealing chapter 221, F.S.; repealing the emergency
30 | excise tax and related provisions; amending ss. 288.075,
31 | 288.1045, and 288.106, F.S.; deleting references to
32 | conform to changes made by this act; amending s. 288.1254,
33 | F.S.; revising a definition and providing definitions;
34 | revising criteria for awarding tax credits and increasing
35 | the amount of credits to be awarded under the
36 | entertainment industry financial incentive program;
37 | revising the application procedure and approval process;
38 | amending s. 288.1258, F.S.; changing the recordkeeping
39 | requirements of the Office of Film and Entertainment;
40 | amending s. 290.0055, F.S.; authorizing certain governing
41 | bodies to apply to the Office of Tourism, Trade, and
42 | Economic Development to amend the boundary of an
43 | enterprise zone that includes a rural area of critical
44 | economic concern; providing a limitation; providing an
45 | application deadline; authorizing the office to approve
46 | the amendment application subject to certain requirements;
47 | requiring the office to establish the effective date of
48 | certain enterprise zones; creating s. 290.00726, F.S.;
49 | authorizing Martin County to apply to the Office of
50 | Tourism, Trade, and Economic Development for designation
51 | of an enterprise zone; providing application requirements;
52 | authorizing the office to designate an enterprise zone in
53 | Martin County; providing responsibilities of the office;
54 | creating s. 290.00727, F.S.; authorizing the City of Palm
55 | Bay to apply to the Office of Tourism, Trade, and Economic
56 | Development for designation of an enterprise zone;

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57 providing application requirements; authorizing the office
 58 to designate an enterprise zone in the City of Palm Bay;
 59 providing responsibilities of the office; amending ss.
 60 334.30, 624.509, and 624.51055, F.S.; deleting references
 61 to conform to changes made by this act; authorizing the
 62 executive director of the Department of Revenue to adopt
 63 emergency rules; providing appropriations; providing
 64 effective dates.

65
 66 Be It Enacted by the Legislature of the State of Florida:

67
 68 Section 1. Effective January 1, 2012, paragraph (a) of
 69 subsection (1) of section 72.011, Florida Statutes, is amended
 70 to read:

71 72.011 Jurisdiction of circuit courts in specific tax
 72 matters; administrative hearings and appeals; time for
 73 commencing action; parties; deposits.—

74 (1) (a) A taxpayer may contest the legality of any
 75 assessment or denial of refund of tax, fee, surcharge, permit,
 76 interest, or penalty provided for under s. 125.0104, s.
 77 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,
 78 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,
 79 chapter 212, chapter 213, chapter 220, ~~chapter 221~~, s.
 80 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s.
 81 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,
 82 chapter 563, chapter 564, chapter 565, chapter 624, or s.
 83 681.117 by filing an action in circuit court; or, alternatively,
 84 the taxpayer may file a petition under the applicable provisions

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85 of chapter 120. However, once an action has been initiated under
 86 s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s.
 87 120.80(14)(b), no action relating to the same subject matter may
 88 be filed by the taxpayer in circuit court, and judicial review
 89 shall be exclusively limited to appellate review pursuant to s.
 90 120.68; and once an action has been initiated in circuit court,
 91 no action may be brought under chapter 120.

92 Section 2. Effective January 1, 2012, section 72.041,
 93 Florida Statutes, is amended to read:

94 72.041 Tax liabilities arising under the laws of other
 95 states.—Actions to enforce lawfully imposed sales, use, and
 96 corporate income taxes and motor and other fuel taxes of another
 97 state may be brought in a court of this state under the
 98 following conditions:

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

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

104 (3) This section does not apply to the enforcement of tax
 105 warrants of another state unless the warrant has been obtained
 106 as a result of a judgment entered by a court of competent
 107 jurisdiction in the taxing state or unless the courts of the
 108 state seeking to enforce its warrant allow the enforcement of
 109 the warrants issued by the Department of Revenue pursuant to
 110 chapters 206, 212, 213, and 220, ~~and 221~~; and

111 (4) All tax liabilities owing to this state or any of its
 112 subdivisions shall be paid first and shall be prior in right to

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113 any tax liability arising under the laws of other states.

114 Section 3. Effective January 1, 2012, subsection (8) of
 115 section 220.02, Florida Statutes, is amended to read:

116 220.02 Legislative intent.—

117 (8) It is the intent of the Legislature that credits
 118 against either the corporate income tax or the franchise tax be
 119 applied in the following order: those enumerated in s. 631.828,
 120 those enumerated in s. 220.191, those enumerated in s. 220.181,
 121 those enumerated in s. 220.183, those enumerated in s. 220.182,
 122 those enumerated in s. 220.1895, those enumerated in s. 220.194
 123 ~~221.02~~, those enumerated in s. 220.184, those enumerated in s.
 124 220.186, those enumerated in s. 220.1845, those enumerated in s.
 125 220.19, those enumerated in s. 220.185, those enumerated in s.
 126 220.1875, those enumerated in s. 220.192, those enumerated in s.
 127 220.193, those enumerated in s. 288.9916, those enumerated in s.
 128 220.1899, and those enumerated in s. 220.1896.

129 Section 4. Effective January 1, 2012, paragraph (a) of
 130 subsection (1) of section 220.13, Florida Statutes, is amended
 131 to read:

132 220.13 "Adjusted federal income" defined.—

133 (1) The term "adjusted federal income" means an amount
 134 equal to the taxpayer's taxable income as defined in subsection
 135 (2), or such taxable income of more than one taxpayer as
 136 provided in s. 220.131, for the taxable year, adjusted as
 137 follows:

138 (a) Additions.—There shall be added to such taxable
 139 income:

140 1. The amount of any tax upon or measured by income,

141 | excluding taxes based on gross receipts or revenues, paid or
 142 | accrued as a liability to the District of Columbia or any state
 143 | of the United States which is deductible from gross income in
 144 | the computation of taxable income for the taxable year.

145 | 2. The amount of interest which is excluded from taxable
 146 | income under s. 103(a) of the Internal Revenue Code or any other
 147 | federal law, less the associated expenses disallowed in the
 148 | computation of taxable income under s. 265 of the Internal
 149 | Revenue Code or any other law, excluding 60 percent of any
 150 | amounts included in alternative minimum taxable income, as
 151 | defined in s. 55(b)(2) of the Internal Revenue Code, if the
 152 | taxpayer pays tax under s. 220.11(3).

153 | 3. In the case of a regulated investment company or real
 154 | estate investment trust, an amount equal to the excess of the
 155 | net long-term capital gain for the taxable year over the amount
 156 | of the capital gain dividends attributable to the taxable year.

157 | 4. That portion of the wages or salaries paid or incurred
 158 | for the taxable year which is equal to the amount of the credit
 159 | allowable for the taxable year under s. 220.181. This
 160 | subparagraph shall expire on the date specified in s. 290.016
 161 | for the expiration of the Florida Enterprise Zone Act.

162 | 5. That portion of the ad valorem school taxes paid or
 163 | incurred for the taxable year which is equal to the amount of
 164 | the credit allowable for the taxable year under s. 220.182. This
 165 | subparagraph shall expire on the date specified in s. 290.016
 166 | for the expiration of the Florida Enterprise Zone Act.

167 | 6. The amount taken as a credit under s. 220.194 ~~of~~
 168 | ~~emergency excise tax paid or accrued as a liability to this~~

169 ~~state under chapter 221~~ which ~~tax~~ is deductible from gross
 170 income in the computation of taxable income for the taxable
 171 year.

172 7. That portion of assessments to fund a guaranty
 173 association incurred for the taxable year which is equal to the
 174 amount of the credit allowable for the taxable year.

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

180 9. The amount taken as a credit for the taxable year under
 181 s. 220.1895.

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

185 11. The amount taken as a credit for the taxable year
 186 under s. 220.1875. The addition in this subparagraph is intended
 187 to ensure that the same amount is not allowed for the tax
 188 purposes of this state as both a deduction from income and a
 189 credit against the tax. This addition is not intended to result
 190 in adding the same expense back to income more than once.

191 12. The amount taken as a credit for the taxable year
 192 under s. 220.192.

193 13. The amount taken as a credit for the taxable year
 194 under s. 220.193.

195 14. Any portion of a qualified investment, as defined in
 196 s. 288.9913, which is claimed as a deduction by the taxpayer and

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197 taken as a credit against income tax pursuant to s. 288.9916.

198 15. The costs to acquire a tax credit pursuant to s.
199 288.1254(5) that are deducted from or otherwise reduce federal
200 taxable income for the taxable year.

201 Section 5. Subsection (5) of section 220.131, Florida
202 Statutes, is amended to read:

203 220.131 Adjusted federal income; affiliated groups.—

204 (5) Each taxpayer shall apportion adjusted federal income
205 under s. 220.15 as a member of an affiliated group which files a
206 consolidated return under this section on the basis of
207 apportionment factors described in s. 220.15. For the purposes
208 of this subsection, each special industry member included in an
209 affiliated group filing a consolidated return ~~hereunder~~, who
210 ~~which member~~ would otherwise be permitted to use a special
211 method of apportionment under s. 220.151 or s. 220.153, shall
212 construct the numerator of its sales, property, and payroll
213 factors, respectively, by multiplying the denominator of each
214 such factor by the premiums or revenue miles factor ratio
215 otherwise applicable under ~~pursuant to~~ s. 220.151 in the manner
216 prescribed by ~~the~~ department ~~by~~ rule.

217 Section 6. Section 220.153, Florida Statutes, is created
218 to read:

219 220.153 Apportionment by sales factor.—

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

221 (a) "Full-time employee" means an employee who works an
222 average of at least 36 hours per week for an entire year and
223 receives an average weekly wage greater than the lower of the
224 state or local average weekly wages for the taxpayer's industry;

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225 however, a full-time employee does not include an employee who
226 is hired to construct improvements to real property.

227 (b) "Qualified capital expenditures" means expenditures in
228 this state for purposes substantially related to a business's
229 production or sale of goods or services for funding the
230 acquisition of additional real property (land, buildings,
231 including appurtenances, fixtures and fixed equipment,
232 structures, etc.), including additions, replacements, major
233 repairs, and renovations to real property which materially
234 extend its useful life or materially improve or change its
235 functional use and including furniture and equipment necessary
236 to furnish and operate a new or improved facility. The term
237 "qualified capital expenditures" does not include the outlay of
238 capital to fund any passive investment intended for the
239 accumulation of reserves or the realization of profit for
240 distribution to any person holding an ownership interest in the
241 business.

242 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not
243 including a financial organization as defined in s. 220.15(6) or
244 a bank, savings association, international banking facility, or
245 banking organization as defined in s. 220.62, doing business
246 within and without this state, who applies and demonstrates to
247 the Office of Tourism, Trade, and Economic Development that, on
248 or after July 1, 2013, it has made qualified capital
249 expenditures equal to or exceeding \$250 million and has
250 continuously maintained at least the number of full-time
251 employees who were employed by the taxpayer in this state at the
252 time it notified the office of its intent to apply for

253 apportionment pursuant to this section may apportion its
 254 adjusted federal income solely by the sales factor set forth in
 255 s. 220.15(5), commencing in the taxable year of such
 256 determination.

257 (3) APPLICATION PROCESS.—

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

260 1. The taxpayer must notify the Office of Tourism, Trade,
 261 and Economic Development of its intent to submit an application
 262 to apportion its adjusted federal income in order to commence
 263 the 2-year period for measuring qualified capital expenditures.

264 2. The application must be submitted within 2 years after
 265 notifying the office of the taxpayer's intent to qualify. The
 266 application must be made under oath and provide such information
 267 as the office reasonably requires by rule for determining the
 268 applicant's eligibility to apportion adjusted federal income.
 269 The taxpayer is responsible for affirmatively demonstrating to
 270 the satisfaction of the office that it meets the eligibility
 271 requirements.

272 (b) The taxpayer notice and application forms shall be
 273 established by the office by rule. The office shall acknowledge
 274 receipt of the notice and approve or deny the application in
 275 writing within 45 days after receipt.

276 (c) Upon approval, the taxpayer, by the due date for
 277 filing its tax return for the taxable year during which its
 278 eligibility has been determined, including any extensions
 279 thereof, may elect to apportion its adjusted federal income by
 280 filing a return for the taxable year using the method provided

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281 under this chapter.

282 (d) Once made, a taxpayer may not revoke the election for
283 4 tax years, at which time the taxpayer may renew the election
284 by the due date, or extended due date, for filing its tax return
285 by filing a return for the next taxable year using the method
286 provided under this chapter. If the taxpayer does not renew the
287 election, it shall apportion its adjusted federal income
288 pursuant to s. 220.15 and must reapply to apportion its adjusted
289 federal income pursuant to this section.

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

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

297 (b) The Office of Tourism, Trade, and Economic Development
298 may, by order, revoke its decision to grant eligibility for
299 apportionment, and may also order the recalculation of
300 apportionment factors to those applicable under s. 220.15 if, as
301 the result of an audit, investigation, or examination, it
302 determines that information provided by the taxpayer in the
303 application, or in a statement, representation, record, report,
304 plan, or other document provided to the office to become
305 eligible for apportionment, was materially false at the time it
306 was made and that an individual acting on behalf of the taxpayer
307 knew, or should have known, that the information submitted was
308 false. The taxpayer shall pay such additional taxes and interest

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309 as may be due pursuant to this chapter computed as the
310 difference between the tax that would have been due under the
311 apportionment formula provided in s. 220.15 for such years and
312 the tax actually paid. In addition, the department shall assess
313 a penalty equal to 100 percent of the additional tax due.

314 (c) The Office of Tourism, Trade, and Economic Development
315 shall immediately notify the department of an order affecting a
316 taxpayer's eligibility to apportion tax pursuant to this
317 section. A taxpayer who is liable for past tax must file an
318 amended return with the department, or such other report as the
319 department prescribes by rule, and pay any required tax,
320 interest, and penalty within 60 days after the taxpayer receives
321 notification from the office that the previously approved
322 credits have been revoked. If the revocation is contested, the
323 taxpayer shall file an amended return or other report within 30
324 days after an order becomes final. A taxpayer who fails to pay
325 the past tax, interest, and penalty by the due date is subject
326 to the penalties provided in s. 220.803.

327 (5) RULES.—The Office of Tourism, Trade, and Economic
328 Development and the department may adopt rules to administer
329 this section.

330 Section 7. Effective January 1, 2012, section 220.194,
331 Florida Statutes, is created to read:

332 220.194 Emergency excise tax credit.—

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

337 (2) If a credit granted pursuant to this section is not
 338 fully used in taxable years ending in 2012 because of
 339 insufficient tax liability on the part of the taxpayer, the
 340 unused amount may be carried forward for a period not to exceed
 341 5 years. The carryover credit may be used in a subsequent year
 342 when the tax imposed by this chapter for such year exceeds the
 343 credit for such year, after applying the other credits and
 344 unused credit carryovers in the order provided in s. 220.02(8).

345 Section 8. Effective January 1, 2012, subsection (4) of
 346 section 220.801, Florida Statutes, is amended to read:

347 220.801 Penalties; failure to timely file returns.—

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

352 Section 9. Effective January 1, 2012, section 213.05,
 353 Florida Statutes, is amended to read:

354 213.05 Department of Revenue; control and administration
 355 of revenue laws.—The Department of Revenue shall have only those
 356 responsibilities for ad valorem taxation specified to the
 357 department in chapter 192, taxation, general provisions; chapter
 358 193, assessments; chapter 194, administrative and judicial
 359 review of property taxes; chapter 195, property assessment
 360 administration and finance; chapter 196, exemption; chapter 197,
 361 tax collections, sales, and liens; chapter 199, intangible
 362 personal property taxes; and chapter 200, determination of
 363 millage. The Department of Revenue shall have the responsibility
 364 of regulating, controlling, and administering all revenue laws

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365 and performing all duties as provided in s. 125.0104, the Local
 366 Option Tourist Development Act; s. 125.0108, tourist impact tax;
 367 chapter 198, estate taxes; chapter 201, excise tax on documents;
 368 chapter 202, communications services tax; chapter 203, gross
 369 receipts taxes; chapter 206, motor and other fuel taxes; chapter
 370 211, tax on production of oil and gas and severance of solid
 371 minerals; chapter 212, tax on sales, use, and other
 372 transactions; chapter 220, income tax code; ~~chapter 221,~~
 373 ~~emergency excise tax;~~ ss. 336.021 and 336.025, taxes on motor
 374 fuel and special fuel; s. 376.11, pollutant spill prevention and
 375 control; s. 403.718, waste tire fees; s. 403.7185, lead-acid
 376 battery fees; s. 538.09, registration of secondhand dealers; s.
 377 538.25, registration of secondary metals recyclers; s. 624.4621,
 378 group self-insurer's fund premium tax; s. 624.5091, retaliatory
 379 tax; s. 624.475, commercial self-insurance fund premium tax; ss.
 380 624.509-624.511, insurance code: administration and general
 381 provisions; s. 624.515, State Fire Marshal regulatory
 382 assessment; s. 627.357, medical malpractice self-insurance
 383 premium tax; s. 629.5011, reciprocal insurers premium tax; and
 384 s. 681.117, motor vehicle warranty enforcement.

385 Section 10. Effective January 1, 2012, subsection (1) and
 386 paragraph (k) of subsection (8) of section 213.053, Florida
 387 Statutes, as amended by chapter 2010-280, Laws of Florida, are
 388 amended to read:

389 213.053 Confidentiality and information sharing.—

390 (1) This section applies to:

391 (a) Section 125.0104, county government;

392 (b) Section 125.0108, tourist impact tax;

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- 393 (c) Chapter 175, municipal firefighters' pension trust
- 394 funds;
- 395 (d) Chapter 185, municipal police officers' retirement
- 396 trust funds;
- 397 (e) Chapter 198, estate taxes;
- 398 (f) Chapter 199, intangible personal property taxes;
- 399 (g) Chapter 201, excise tax on documents;
- 400 (h) Chapter 202, the Communications Services Tax
- 401 Simplification Law;
- 402 (i) Chapter 203, gross receipts taxes;
- 403 (j) Chapter 211, tax on severance and production of
- 404 minerals;
- 405 (k) Chapter 212, tax on sales, use, and other
- 406 transactions;
- 407 (l) Chapter 220, income tax code;
- 408 ~~(m) Chapter 221, emergency excise tax;~~
- 409 (m)~~(n)~~ Section 252.372, emergency management,
- 410 preparedness, and assistance surcharge;
- 411 (n)~~(o)~~ Section 379.362(3), Apalachicola Bay oyster
- 412 surcharge;
- 413 (o)~~(p)~~ Chapter 376, pollutant spill prevention and
- 414 control;
- 415 (p)~~(q)~~ Section 403.718, waste tire fees;
- 416 (q)~~(r)~~ Section 403.7185, lead-acid battery fees;
- 417 (r)~~(s)~~ Section 538.09, registration of secondhand dealers;
- 418 (s)~~(t)~~ Section 538.25, registration of secondary metals
- 419 recyclers;
- 420 (t)~~(u)~~ Sections 624.501 and 624.509-624.515, insurance

421 code;

422 (u)~~(v)~~ Section 681.117, motor vehicle warranty

423 enforcement; and

424 (v)~~(w)~~ Section 896.102, reports of financial transactions

425 in trade or business.

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

427 the department may provide:

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

429 202, 212, 220, ~~221~~, and 624 and former chapter 221 to the Office

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

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

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

433 qualified defense contractors and space flight business

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

435 for qualified target industry businesses authorized by s.

436 288.106.

437 2. Information relative to tax credits taken by a business

438 under s. 220.191 and exemptions or tax refunds received by a

439 business under s. 212.08(5)(j) to the Office of Tourism, Trade,

440 and Economic Development, or its employees or agents that are

441 identified in writing by the office to the department, in the

442 administration and evaluation of the capital investment tax

443 credit program authorized in s. 220.191 and the semiconductor,

444 defense, and space tax exemption program authorized in s.

445 212.08(5)(j).

446 3. Information relative to tax credits taken by a taxpayer

447 pursuant to the tax credit programs created in ss. 193.017;

448 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;

449 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;
 450 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;
 451 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
 452 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to
 453 the Office of Tourism, Trade, and Economic Development, or its
 454 employees or agents that are identified in writing by the office
 455 to the department, for use in the administration or evaluation
 456 of such programs.

457 4. Information relative to single sales factor
 458 apportionment used by a taxpayer to the Office of Tourism,
 459 Trade, and Economic Development or its employees or agents who
 460 are identified in writing by the office to the department for
 461 use by the office to administer s. 220.153.

462
 463 Disclosure of information under this subsection shall be
 464 pursuant to a written agreement between the executive director
 465 and the agency. Such agencies, governmental or nongovernmental,
 466 shall be bound by the same requirements of confidentiality as
 467 the Department of Revenue. Breach of confidentiality is a
 468 misdemeanor of the first degree, punishable as provided by s.
 469 775.082 or s. 775.083.

470 Section 11. Effective January 1, 2012, subsection (12) of
 471 section 213.255, Florida Statutes, is amended to read:

472 213.255 Interest.—Interest shall be paid on overpayments
 473 of taxes, payment of taxes not due, or taxes paid in error,
 474 subject to the following conditions:

475 (12) The rate of interest shall be the adjusted rate
 476 established pursuant to s. 213.235, except that the annual rate

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477 of interest shall never be greater than 11 percent. This annual
 478 rate of interest shall be applied to all refunds of taxes
 479 administered by the department except for corporate income taxes
 480 ~~and emergency excise taxes~~ governed by ss. 220.721 and 220.723.

481 Section 12. Effective January 1, 2012, chapter 221,
 482 Florida Statutes, consisting of sections 221.01, 221.02, 221.04,
 483 and 221.05, is repealed.

484 Section 13. Effective January 1, 2012, paragraph (a) of
 485 subsection (6) of section 288.075, Florida Statutes, is amended
 486 to read:

487 288.075 Confidentiality of records.—

488 (6) ECONOMIC INCENTIVE PROGRAMS.—

489 (a) The following information held by an economic
 490 development agency pursuant to the administration of an economic
 491 incentive program for qualified businesses is confidential and
 492 exempt from s. 119.07(1) and s. 24(a), Art. I of the State
 493 Constitution for a period not to exceed the duration of the
 494 incentive agreement, including an agreement authorizing a tax
 495 refund or tax credit, or upon termination of the incentive
 496 agreement:

497 1. The percentage of the business's sales occurring
 498 outside this state and, for businesses applying under s.
 499 288.1045, the percentage of the business's gross receipts
 500 derived from Department of Defense contracts during the 5 years
 501 immediately preceding the date the business's application is
 502 submitted.

503 2. The anticipated wages for the project jobs that the
 504 business plans to create, as reported on the application for

505 certification.

506 3. The average wage actually paid by the business for
 507 those jobs created by the project or an employee's personal
 508 identifying information which is held as evidence of the
 509 achievement or nonachievement of the wage requirements of the
 510 tax refund, tax credit, or incentive agreement programs or of
 511 the job creation requirements of such programs.

512 4. The amount of:

- 513 a. Taxes on sales, use, and other transactions paid
- 514 pursuant to chapter 212;
- 515 b. Corporate income taxes paid pursuant to chapter 220;
- 516 c. Intangible personal property taxes paid pursuant to
- 517 chapter 199;
- 518 ~~d. Emergency excise taxes paid pursuant to chapter 221;~~
- 519 d.e. Insurance premium taxes paid pursuant to chapter 624;
- 520 e.f. Excise taxes paid on documents pursuant to chapter
- 521 201;
- 522 f.g. Ad valorem taxes paid, as defined in s. 220.03(1); or
- 523 g.h. State communications services taxes paid pursuant to
- 524 chapter 202.

525 Section 14. Effective January 1, 2012, paragraph (f) of
 526 subsection (2) of section 288.1045, Florida Statutes, is amended
 527 to read:

528 288.1045 Qualified defense contractor and space flight
 529 business tax refund program.—

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

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

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

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

540 a. Taxes on sales, use, and other transactions paid
 541 pursuant to chapter 212.

542 b. Intangible personal property taxes paid pursuant to
 543 chapter 199.

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

545 c.d. Excise taxes paid on documents pursuant to chapter
 546 201.

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

549 ~~e.f.~~ State communications services taxes administered
 550 under chapter 202. This provision does not apply to the gross
 551 receipts tax imposed under chapter 203 and administered under
 552 chapter 202 or the local communications services tax authorized
 553 under s. 202.19.

554
 555 However, a qualified applicant may not receive a tax refund
 556 pursuant to this section for any amount of credit, refund, or
 557 exemption granted such contractor for any of such taxes. If a
 558 refund for such taxes is provided by the office, which taxes are
 559 subsequently adjusted by the application of any credit, refund,
 560 or exemption granted to the qualified applicant other than that

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561 provided in this section, the qualified applicant shall
 562 reimburse the Economic Development Trust Fund for the amount of
 563 such credit, refund, or exemption. A qualified applicant must
 564 notify and tender payment to the office within 20 days after
 565 receiving a credit, refund, or exemption, other than that
 566 provided in this section. The addition of communications
 567 services taxes administered under chapter 202 is remedial in
 568 nature and retroactive to October 1, 2001. The office may make
 569 supplemental tax refund payments to allow for tax refunds for
 570 communications services taxes paid by an eligible qualified
 571 defense contractor after October 1, 2001.

572 Section 15. Effective January 1, 2012, paragraph (d) of
 573 subsection (3) of section 288.106, Florida Statutes, is amended
 574 to read:

575 288.106 Tax refund program for qualified target industry
 576 businesses.—

577 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

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

580 1. Receive refunds from the account for the following
 581 taxes due and paid by that business beginning with the first
 582 taxable year of the business that begins after entering into the
 583 agreement:

584 a. Corporate income taxes under chapter 220.

585 b. Insurance premium tax under s. 624.509.

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

- 589 a. Taxes on sales, use, and other transactions under
- 590 chapter 212.
- 591 b. Intangible personal property taxes under chapter 199.
- 592 ~~e. Emergency excise taxes under chapter 221.~~
- 593 c.d. Excise taxes on documents under chapter 201.
- 594 ~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1).
- 595 e.f. State communications services taxes administered
- 596 under chapter 202. This provision does not apply to the gross
- 597 receipts tax imposed under chapter 203 and administered under
- 598 chapter 202 or the local communications services tax authorized
- 599 under s. 202.19.

600 Section 16. Paragraph (h) of subsection (1), paragraphs
 601 (c) and (e) of subsection (3), paragraph (b) of subsection (4),
 602 and paragraph (a) of subsection (7) of section 288.1254, Florida
 603 Statutes are amended, and paragraphs (k), (l), (m), and (n) are
 604 added to subsection (1) of that section, to read:

605 288.1254 Entertainment industry financial incentive
 606 program.—

607 (1) DEFINITIONS.—As used in this section, the term:
 608 (h) "Qualified expenditures" means production expenditures
 609 incurred in this state by a qualified production for:

610 1. Goods purchased or leased from, or services, including,
 611 but not limited to, insurance costs and bonding, payroll
 612 services, and legal fees, which are provided by, a vendor or
 613 supplier in this state that is registered with the Department of
 614 State or the Department of Revenue, has a physical location in
 615 this state, and employs one or more legal residents of this
 616 state. This does not include re-billed goods or services

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617 provided by an in-state company from out-of-state vendors or
618 suppliers. When services are provided by the vendor or supplier
619 include personal services or labor, only personal services or
620 labor provided by residents of this state, evidenced by the
621 required documentation of residency in this state, qualify.

622 2. Payments to legal residents of this state in the form
623 of salary, wages, or other compensation up to a maximum of
624 \$400,000 per resident unless otherwise specified in subsection
625 (4). A completed declaration of residency in this state must
626 accompany the documentation submitted to the office for
627 reimbursement.

628
629 For a qualified production involving an event, such as an awards
630 show, the term does not include expenditures solely associated
631 with the event itself and not directly required by the
632 production. The term does not include expenditures incurred
633 before certification, with the exception of those incurred for a
634 commercial, a music video, or the pickup of additional episodes
635 of a high-impact television series within a single season. Under
636 no circumstances may the qualified production include in the
637 calculation for qualified expenditures the original purchase
638 price for equipment or other tangible property that is later
639 sold or transferred by the qualified production for
640 consideration. In such cases, the qualified expenditure is the
641 net of the original purchase price minus the consideration
642 received upon sale or transfer.

643 (k) "Qualified production facility" means a building or
644 complex of buildings and their improvements and associated

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645 backlot facilities in which films and television productions are
646 or are intended to be regularly produced and which contain at
647 least one sound stage of at least 7,800 square feet, have
648 sufficient air-conditioning for shooting without the need for
649 supplemental units, and incorporate a permanent grid designed to
650 bear the load requirements for lighting for motion picture
651 production and sufficient built-in electric service for shooting
652 without the need for generators.

653 (l) "Regional population ratio" means the ratio of the
654 population of a region to the population of this state. The
655 regional population ratio applicable to a given fiscal year is
656 the regional population ratio calculated by the Office of Film
657 and Entertainment using the latest official estimates of
658 population certified under s. 186.901, available on the first
659 day of that fiscal year.

660 (m) "Regional tax credit ratio" means a ratio the
661 numerator of which is of the sum of tax credits awarded to
662 productions in a region to date plus the tax credits certified,
663 but not yet awarded, to productions currently in that region and
664 the denominator of which is the sum of all tax credits awarded
665 in the state to date plus all tax credits certified, but not yet
666 awarded, to productions currently in the state. The regional tax
667 credit ratio applicable to a given year is the regional tax
668 credit ratio calculated by the Office of Film and Entertainment
669 using credit award and certification information available on
670 the first day of that fiscal year.

671 (n) "Underutilized region" for a given state fiscal year
672 means a region with a regional tax credit ratio applicable to

673 that fiscal year that is lower than its regional population
 674 ratio applicable to that fiscal year. The following regions are
 675 established for purposes of making this determination:

676 1. North Region, consisting of Alachua, Baker, Bay,
 677 Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia,
 678 Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson,
 679 Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau,
 680 Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor,
 681 Union, Wakulla, Walton, and Washington counties.

682 2. Central East Region, consisting of Brevard, Flagler,
 683 Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.
 684 Lucie, and Volusia counties.

685 3. Central West Region, consisting of Citrus, Hernando,
 686 Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,
 687 and Sumter counties.

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

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

692 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

693 (c) Application process.—The Office of Film and
 694 Entertainment shall establish a process by which an application
 695 is accepted and reviewed and by which tax credit eligibility and
 696 award amount are determined. The Office of Film and
 697 Entertainment may request assistance from a duly appointed local
 698 film commission in determining compliance with this section. A
 699 high-impact television series may submit an application for no
 700 more than two successive seasons, notwithstanding the fact that

701 the successive season has not been ordered. The successive
 702 season qualified expenditure amounts shall be based on the
 703 current season's estimated qualified expenditures.

704 (e) Grounds for denial.—The Office of Film and
 705 Entertainment shall deny an application if it determines that
 706 the application is not complete or the production or application
 707 does not meet the requirements of this section. Within 90 days
 708 after submitting a program application, except with respect to
 709 applications in the independent Florida filmmaker queue, a
 710 production must establish verification of project financing to
 711 the Office of Film and Entertainment, otherwise the project is
 712 deemed denied and removed from the respective queue. A project
 713 that has been denied is eligible for resubmittal upon proof of
 714 financing.

715 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
 716 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
 717 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
 718 ACQUISITIONS.—

719 (b) Tax credit eligibility.—

720 1. General production queue.—Ninety-four percent of tax
 721 credits authorized pursuant to subsection (6) in any state
 722 fiscal year must be dedicated to the general production queue.
 723 The general production queue consists of all qualified
 724 productions other than those eligible for the commercial and
 725 music video queue or the independent and emerging media
 726 production queue. A qualified production that demonstrates a
 727 minimum of \$625,000 in qualified expenditures is eligible for
 728 tax credits equal to 20 percent of its actual qualified

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729 expenditures, up to a maximum of \$8 million. A qualified
730 production that incurs qualified expenditures during multiple
731 state fiscal years may combine those expenditures to satisfy the
732 \$625,000 minimum threshold.

733 a. An off-season certified production that is a feature
734 film, independent film, or television series or pilot is
735 eligible for an additional 5-percent tax credit on actual
736 qualified expenditures. An off-season certified production that
737 does not complete 75 percent of principal photography due to a
738 disruption caused by a hurricane or tropical storm may not be
739 disqualified from eligibility for the additional 5-percent
740 credit as a result of the disruption.

741 b. The calculations required by this sub-subparagraph
742 shall use only credits available to be certified and awarded on
743 or after July 1, 2011.

744 (I) If less than 35 percent of the sum of the total tax
745 credits awarded to productions and the total tax credits
746 certified, but not yet awarded, to productions currently in this
747 state has been to high-impact television series, any ~~A~~ qualified
748 high-impact television series shall be allowed first position in
749 this queue for tax credit awards not yet certified.

750 (II) If less than 20 percent of the sum of the total tax
751 credits awarded to productions and the total tax credits
752 certified, but not yet awarded, to productions currently in this
753 state has been to digital media projects, any digital media
754 project shall be allowed first position in this queue for tax
755 credit awards not yet certified.

756 (III) For the purposes of determining position between a

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757 high-impact television series allowed first position and a
758 digital media project allowed first position under this sub-
759 subparagraph, tax credits shall be awarded on a first-come,
760 first-served basis.

761 c. A qualified production that incurs at least 85 percent
762 of its qualified expenditures within a region designated as an
763 underutilized region at the time that the production is
764 certified is eligible for an additional 5 percent tax credit.

765 d. Any qualified production that employs students enrolled
766 full-time in a film and entertainment-related or digital media-
767 related course of study at an institution of higher education in
768 this state is eligible for an additional 15 percent tax credit
769 on qualified expenditures that are wages, salaries, or other
770 compensation paid to such students.

771 e. A qualified production for which 50 percent or more of
772 its principal photography occurs at a qualified production
773 facility is eligible for an additional 5 percent tax credit on
774 actual qualified expenditures.

775 2. Commercial and music video queue.—Three percent of tax
776 credits authorized pursuant to subsection (6) in any state
777 fiscal year must be dedicated to the commercial and music video
778 queue. A qualified production company that produces national or
779 regional commercials or music videos may be eligible for a tax
780 credit award if it demonstrates a minimum of \$100,000 in
781 qualified expenditures per national or regional commercial or
782 music video and exceeds a combined threshold of \$500,000 after
783 combining actual qualified expenditures from qualified
784 commercials and music videos during a single state fiscal year.

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785 After a qualified production company that produces commercials,
786 music videos, or both reaches the threshold of \$500,000, it is
787 eligible to apply for certification for a tax credit award. The
788 maximum credit award shall be equal to 20 percent of its actual
789 qualified expenditures up to a maximum of \$500,000. If there is
790 a surplus at the end of a fiscal year after the Office of Film
791 and Entertainment certifies and determines the tax credits for
792 all qualified commercial and video projects, such surplus tax
793 credits shall be carried forward to the following fiscal year
794 and be available to any eligible qualified productions under the
795 general production queue.

796 3. Independent and emerging media production queue.—Three
797 percent of tax credits authorized pursuant to subsection (6) in
798 any state fiscal year must be dedicated to the independent and
799 emerging media production queue. This queue is intended to
800 encourage Florida independent film and emerging media
801 production. Any qualified production, excluding commercials,
802 infomercials, or music videos, that demonstrates at least
803 \$100,000, but not more than \$625,000, in total qualified
804 expenditures is eligible for tax credits equal to 20 percent of
805 its actual qualified expenditures. If a surplus exists at the
806 end of a fiscal year after the Office of Film and Entertainment
807 certifies and determines the tax credits for all qualified
808 independent and emerging media production projects, such surplus
809 tax credits shall be carried forward to the following fiscal
810 year and be available to any eligible qualified productions
811 under the general production queue.

812 4. Family-friendly productions.—A certified theatrical or

813 direct-to-video motion picture production or video game
 814 determined by the Commissioner of Film and Entertainment, with
 815 the advice of the Florida Film and Entertainment Advisory
 816 Council, to be family-friendly, based on the review of the
 817 script and the review of the final release version, is eligible
 818 for an additional tax credit equal to 5 percent of its actual
 819 qualified expenditures. Family-friendly productions are those
 820 that have cross-generational appeal; would be considered
 821 suitable for viewing by children age 5 or older; are appropriate
 822 in theme, content, and language for a broad family audience;
 823 embody a responsible resolution of issues; and do not exhibit or
 824 imply any act of smoking, sex, nudity, or vulgar or profane
 825 language.

826 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

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

- 829 1. For fiscal year 2010-2011, \$53.5 million.
- 830 2. For fiscal year 2011-2012, \$74.5 million.
- 831 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,
 832 \$50 ~~\$38~~ million per fiscal year.

833 Section 17. Subsection (5) of section 288.1258, Florida
 834 Statutes, is amended to read:

835 288.1258 Entertainment industry qualified production
 836 companies; application procedure; categories; duties of the
 837 Department of Revenue; records and reports.—

838 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
 839 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film
 840 and Entertainment shall keep annual records from the information

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841 provided on taxpayer applications for tax exemption certificates
842 beginning January 1, 2001. ~~These records shall reflect a ratio~~
843 ~~of the annual amount of sales and use tax exemptions under this~~
844 ~~section and incentives awarded pursuant to s. 288.1254 to the~~
845 ~~estimated amount of funds expended by certified productions,~~
846 ~~including productions that received incentives pursuant to s.~~
847 ~~288.1254.~~ These records also shall reflect a separate ratio of
848 the annual amount of sales and use tax exemptions under this
849 section, plus the incentives awarded pursuant to s. 288.1254 to
850 the estimated amount of funds expended by certified productions.
851 In addition, the office shall maintain data showing annual
852 growth in Florida-based entertainment industry companies and
853 entertainment industry employment and wages. The employment
854 information shall include an estimate of the full-time
855 equivalent positions created by each production that received
856 tax credits pursuant to s. 288.1254. The Office of Film and
857 Entertainment shall report this information to the Legislature
858 no later than December 1 of each year.

859 Section 18. Effective January 1, 2012, paragraph (d) is
860 added to subsection (6) of section 290.0055, Florida Statutes,
861 to read:

862 290.0055 Local nominating procedure.—

863 (6)

864 (d)1. The governing body of a jurisdiction which has
865 nominated an application for an enterprise zone that is no
866 larger than 12 square miles and includes a portion of the state
867 designated as a rural area of critical economic concern under s.
868 288.0656(7) may apply to the Office of Tourism, Trade, and

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869 Economic Development to expand the boundary of the enterprise
870 zone by not more than 3 square miles. An application to expand
871 the boundary of an enterprise zone under this paragraph must be
872 submitted by December 31, 2012.

873 2. Notwithstanding the area limitations specified in
874 subsection (4), the Office of Tourism, Trade, and Economic
875 Development may approve the request for a boundary amendment if
876 the area continues to satisfy the remaining requirements of this
877 section.

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

881 Section 19. Effective January 1, 2012, section 290.00726,
882 Florida Statutes, is created to read:

883 290.00726 Enterprise zone designation for Martin County.-
884 Martin County may apply to the Office of Tourism, Trade, and
885 Economic Development for designation of one enterprise zone for
886 an area within Martin County, which zone shall encompass an area
887 of up to 10 square miles consisting of land within the primary
888 urban services boundary and focusing on Indiantown, but
889 excluding property owned by Florida Power and Light to the west,
890 two areas to the north designated as estate residential, and the
891 county-owned Timer Powers Recreational Area. Within the
892 designated enterprise zone, Martin County shall exempt
893 residential condominiums from benefiting from state enterprise
894 zone incentives, unless prohibited by law. The application must
895 have been submitted by December 31, 2011, and must comply with
896 the requirements of s. 290.0055. Notwithstanding s. 290.0065

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897 limiting the total number of enterprise zones designated and the
 898 number of enterprise zones within a population category, the
 899 Office of Tourism, Trade, and Economic Development may designate
 900 one enterprise zone under this section. The Office of Tourism,
 901 Trade, and Economic Development shall establish the initial
 902 effective date of the enterprise zone designated under this
 903 section.

904 Section 20. Section 290.00727, Florida Statutes, is
 905 created to read:

906 290.00727 Enterprise zone designation for the City of Palm
 907 Bay.—The City of Palm Bay may apply to the Office of Tourism,
 908 Trade, and Economic Development for designation of one
 909 enterprise zone for an area within the northeast portion of the
 910 city, which zone shall encompass an area of up to 5 square
 911 miles. The application must have been submitted by December 31,
 912 2011, and must comply with the requirements of s. 290.0055.
 913 Notwithstanding s. 290.0065 limiting the total number of
 914 enterprise zones designated and the number of enterprise zones
 915 within a population category, the Office of Tourism, Trade, and
 916 Economic Development may designate one enterprise zone under
 917 this section. The Office of Tourism, Trade, and Economic
 918 Development shall establish the initial effective date of the
 919 enterprise zone designated under this section.

920 Section 21. Effective January 1, 2012, subsection (1) of
 921 section 334.30, Florida Statutes, is amended to read:

922 334.30 Public-private transportation facilities.—The
 923 Legislature finds and declares that there is a public need for
 924 the rapid construction of safe and efficient transportation

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925 facilities for the purpose of traveling within the state, and
926 that it is in the public's interest to provide for the
927 construction of additional safe, convenient, and economical
928 transportation facilities.

929 (1) The department may receive or solicit proposals and,
930 with legislative approval as evidenced by approval of the
931 project in the department's work program, enter into agreements
932 with private entities, or consortia thereof, for the building,
933 operation, ownership, or financing of transportation facilities.
934 The department may advance projects programmed in the adopted 5-
935 year work program or projects increasing transportation capacity
936 and greater than \$500 million in the 10-year Strategic
937 Intermodal Plan using funds provided by public-private
938 partnerships or private entities to be reimbursed from
939 department funds for the project as programmed in the adopted
940 work program. The department shall by rule establish an
941 application fee for the submission of unsolicited proposals
942 under this section. The fee must be sufficient to pay the costs
943 of evaluating the proposals. The department may engage the
944 services of private consultants to assist in the evaluation.
945 Before approval, the department must determine that the proposed
946 project:

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

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

950 (c) Would have adequate safeguards in place to ensure that
951 no additional costs or service disruptions would be realized by
952 the traveling public and residents of the state in the event of

953 default or cancellation of the agreement by the department;

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

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

960

961 The department shall ensure that all reasonable costs to the
 962 state, related to transportation facilities that are not part of
 963 the State Highway System, are borne by the private entity. The
 964 department shall also ensure that all reasonable costs to the
 965 state and substantially affected local governments and
 966 utilities, related to the private transportation facility, are
 967 borne by the private entity for transportation facilities that
 968 are owned by private entities. For projects on the State Highway
 969 System, the department may use state resources to participate in
 970 funding and financing the project as provided for under the
 971 department's enabling legislation. Because the Legislature
 972 recognizes that private entities or consortia thereof would
 973 perform a governmental or public purpose or function when they
 974 enter into agreements with the department to design, build,
 975 operate, own, or finance transportation facilities, the
 976 transportation facilities, including leasehold interests
 977 thereof, are exempt from ad valorem taxes as provided in chapter
 978 196 to the extent property is owned by the state or other
 979 government entity, and from intangible taxes as provided in
 980 chapter 199 and special assessments of the state, any city,

981 town, county, special district, political subdivision of the
 982 state, or any other governmental entity. The private entities or
 983 consortia thereof are exempt from tax imposed by chapter 201 on
 984 all documents or obligations to pay money which arise out of the
 985 agreements to design, build, operate, own, lease, or finance
 986 transportation facilities. Any private entities or consortia
 987 thereof must pay any applicable corporate taxes as provided in
 988 chapter ~~chapters~~ 220 and ~~221~~, and unemployment compensation
 989 taxes as provided in chapter 443, and sales and use tax as
 990 provided in chapter 212 shall be applicable. The private
 991 entities or consortia thereof must also register and collect the
 992 tax imposed by chapter 212 on all their direct sales and leases
 993 that are subject to tax under chapter 212. The agreement between
 994 the private entity or consortia thereof and the department
 995 establishing a transportation facility under this chapter
 996 constitutes documentation sufficient to claim any exemption
 997 under this section.

998 Section 22. Effective January 1, 2012, subsection (4),
 999 paragraph (a) of subsection (6), and subsection (7) of section
 1000 624.509, Florida Statutes, are amended to read:

1001 624.509 Premium tax; rate and computation.—

1002 (4) The income tax imposed under chapter 220 ~~and the~~
 1003 ~~emergency excise tax imposed under chapter 221~~ which is are paid
 1004 by any insurer shall be credited against, and to the extent
 1005 thereof shall discharge, the liability for tax imposed by this
 1006 section for the annual period in which such tax payments are
 1007 made. As to any insurer issuing policies insuring against loss
 1008 or damage from the risks of fire, tornado, and certain casualty

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1009 lines, the tax imposed by this section, as intended and
 1010 contemplated by this subsection, shall be construed to mean the
 1011 net amount of such tax remaining after there has been credited
 1012 thereon such gross premium receipts tax as may be payable by
 1013 such insurer in pursuance of the imposition of such tax by any
 1014 incorporated cities or towns in the state for firefighters'
 1015 relief and pension funds and police officers' retirement funds
 1016 maintained in such cities or towns, as provided in and by
 1017 relevant provisions of the Florida Statutes. For purposes of
 1018 this subsection, payments of estimated income tax under chapter
 1019 220 ~~and of estimated emergency excise tax under chapter 221~~
 1020 shall be deemed paid either at the time the insurer actually
 1021 files its annual returns under chapter 220 or at the time such
 1022 returns are required to be filed, whichever first occurs, and
 1023 not at such earlier time as such payments of estimated tax are
 1024 actually made.

1025 (6) (a) The total of the credit granted for the taxes paid
 1026 by the insurer under chapter ~~chapters~~ 220 ~~and 221~~ and the credit
 1027 granted by subsection (5) may ~~shall~~ not exceed 65 percent of the
 1028 tax due under subsection (1) after deducting therefrom the taxes
 1029 paid by the insurer under ss. 175.101 and 185.08 and any
 1030 assessments pursuant to s. 440.51.

1031 (7) Credits and deductions against the tax imposed by this
 1032 section shall be taken in the following order: deductions for
 1033 assessments made pursuant to s. 440.51; credits for taxes paid
 1034 under ss. 175.101 and 185.08; credits for income taxes paid
 1035 under chapter 220, ~~the emergency excise tax paid under chapter~~
 1036 ~~221~~ and the credit allowed under subsection (5), as these

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1037 credits are limited by subsection (6); all other available
 1038 credits and deductions.

1039 Section 23. Effective January 1, 2012, subsection (1) of
 1040 section 624.51055, Florida Statutes, is amended to read:

1041 624.51055 Credit for contributions to eligible nonprofit
 1042 scholarship-funding organizations.—

1043 (1) There is allowed a credit of 100 percent of an
 1044 eligible contribution made to an eligible nonprofit scholarship-
 1045 funding organization under s. 1002.395 against any tax due for a
 1046 taxable year under s. 624.509(1). However, such a credit may not
 1047 exceed 75 percent of the tax due under s. 624.509(1) after
 1048 deducting from such tax deductions for assessments made pursuant
 1049 to s. 440.51; credits for taxes paid under ss. 175.101 and
 1050 185.08; credits for income taxes paid under chapter 220; ~~credits~~
 1051 ~~for the emergency excise tax paid under chapter 221;~~ and the
 1052 credit allowed under s. 624.509(5), as such credit is limited by
 1053 s. 624.509(6). An insurer claiming a credit against premium tax
 1054 liability under this section shall not be required to pay any
 1055 additional retaliatory tax levied pursuant to s. 624.5091 as a
 1056 result of claiming such credit. Section 624.5091 does not limit
 1057 such credit in any manner.

1058 Section 24. (1) The executive director of the Department
 1059 of Revenue is authorized, and all conditions are deemed met, to
 1060 adopt emergency rules under ss. 120.536(1) and 120.54(4),
 1061 Florida Statutes, for the purpose of implementing this act.

1062 (2) Notwithstanding any other provision of law, such
 1063 emergency rules shall remain in effect for 6 months after the
 1064 date adopted and may be renewed during the pendency of

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1065 procedures to adopt permanent rules addressing the subject of
1066 the emergency rules.

1067 Section 25. Effective July 1, 2011, there is appropriated
1068 for the 2011-2012 state fiscal year to the Office of Tourism,
1069 Trade, and Economic Development within the Executive Office of
1070 the Governor:

1071 (1) The sum of \$44,500,000 in nonrecurring funds from the
1072 General Revenue Fund to the State Economic Enhancement and
1073 Development Trust Fund for the purposes set forth in this
1074 section.

1075 (2) The sum of \$44,500,000 from the State Economic
1076 Enhancement and Development Trust Fund to the Office of Tourism,
1077 Trade and Economic Development within the Executive Office of
1078 the Governor for business expansion and creation opportunities
1079 using any one or more of the following incentive programs:

1080 (a) Quick-response training for economic development
1081 pursuant to s. 288.047.

1082 (b) The Incumbent Worker Training Program pursuant to s.
1083 445.003.

1084 (c) Contracts for transportation projects pursuant to s.
1085 288.063.

1086 (d) The qualified defense contractor and space flight
1087 business tax refund program pursuant to s. 288.1045.

1088 (e) The tax refund program for qualified target industry
1089 businesses pursuant to s. 288.106.

1090 (f) Brownfield redevelopment bonus refunds pursuant to s.
1091 288.107.

1092 (g) High-impact business pursuant to s. 288.108.

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1093 (h) The Quick Action Closing Fund pursuant to s. 288.1088.

1094 (i) The Innovation Incentive Program pursuant to s.

1095 288.1089.

1096 (j) Space Florida for business development.

1097 Section 26. Except as otherwise expressly provided in this

1098 act, this act shall take effect July 1, 2011.