

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;

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;

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; creating s.
 60 290.00728, F.S.; authorizing Lake County to apply to the
 61 Office of Tourism, Trade, and Economic Development for
 62 designation of an enterprise zone; providing application
 63 requirements; authorizing the office to designate an
 64 enterprise zone in Lake County; providing responsibilities
 65 of the office; amending ss. 334.30, 624.509, and
 66 624.51055, F.S.; deleting references to conform to changes
 67 made by this act; authorizing the executive director of
 68 the Department of Revenue to adopt emergency rules;
 69 providing appropriations; providing effective dates.

70

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

72

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

76 72.011 Jurisdiction of circuit courts in specific tax
 77 matters; administrative hearings and appeals; time for
 78 commencing action; parties; deposits.—

79 (1) (a) A taxpayer may contest the legality of any
 80 assessment or denial of refund of tax, fee, surcharge, permit,
 81 interest, or penalty provided for under s. 125.0104, s.
 82 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,
 83 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,
 84 chapter 212, chapter 213, chapter 220, ~~chapter 221~~, s.

85 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s.
86 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,
87 chapter 563, chapter 564, chapter 565, chapter 624, or s.
88 681.117 by filing an action in circuit court; or, alternatively,
89 the taxpayer may file a petition under the applicable provisions
90 of chapter 120. However, once an action has been initiated under
91 s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s.
92 120.80(14)(b), no action relating to the same subject matter may
93 be filed by the taxpayer in circuit court, and judicial review
94 shall be exclusively limited to appellate review pursuant to s.
95 120.68; and once an action has been initiated in circuit court,
96 no action may be brought under chapter 120.

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

99 72.041 Tax liabilities arising under the laws of other
100 states.—Actions to enforce lawfully imposed sales, use, and
101 corporate income taxes and motor and other fuel taxes of another
102 state may be brought in a court of this state under the
103 following conditions:

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

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

109 (3) This section does not apply to the enforcement of tax
110 warrants of another state unless the warrant has been obtained
111 as a result of a judgment entered by a court of competent
112 jurisdiction in the taxing state or unless the courts of the

113 state seeking to enforce its warrant allow the enforcement of
 114 the warrants issued by the Department of Revenue pursuant to
 115 chapters 206, 212, 213, and 220,~~and 221~~; and

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

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

121 220.02 Legislative intent.—

122 (8) It is the intent of the Legislature that credits
 123 against either the corporate income tax or the franchise tax be
 124 applied in the following order: those enumerated in s. 631.828,
 125 those enumerated in s. 220.191, those enumerated in s. 220.181,
 126 those enumerated in s. 220.183, those enumerated in s. 220.182,
 127 those enumerated in s. 220.1895, those enumerated in s. 220.194
 128 ~~221.02~~, those enumerated in s. 220.184, those enumerated in s.
 129 220.186, those enumerated in s. 220.1845, those enumerated in s.
 130 220.19, those enumerated in s. 220.185, those enumerated in s.
 131 220.1875, those enumerated in s. 220.192, those enumerated in s.
 132 220.193, those enumerated in s. 288.9916, those enumerated in s.
 133 220.1899, and those enumerated in s. 220.1896.

134 Section 4. Effective January 1, 2012, paragraph (a) of
 135 subsection (1) of section 220.13, Florida Statutes, is amended
 136 to read:

137 220.13 "Adjusted federal income" defined.—

138 (1) The term "adjusted federal income" means an amount
 139 equal to the taxpayer's taxable income as defined in subsection
 140 (2), or such taxable income of more than one taxpayer as

141 provided in s. 220.131, for the taxable year, adjusted as
 142 follows:

143 (a) Additions.—There shall be added to such taxable
 144 income:

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

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

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

162 4. That portion of the wages or salaries paid or incurred
 163 for the taxable year which is equal to the amount of the credit
 164 allowable for the taxable year under s. 220.181. This
 165 subparagraph shall expire on the date specified in s. 290.016
 166 for the expiration of the Florida Enterprise Zone Act.

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

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

172 6. The amount taken as a credit under s. 220.194 ~~of~~
 173 ~~emergency excise tax paid or accrued as a liability to this~~
 174 ~~state under chapter 221~~ which tax is deductible from gross
 175 income in the computation of taxable income for the taxable
 176 year.

177 7. That portion of assessments to fund a guaranty
 178 association incurred for the taxable year which is equal to the
 179 amount of the credit allowable for the taxable year.

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

185 9. The amount taken as a credit for the taxable year under
 186 s. 220.1895.

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

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

196 12. The amount taken as a credit for the taxable year

197 under s. 220.192.

198 13. The amount taken as a credit for the taxable year
199 under s. 220.193.

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

203 15. The costs to acquire a tax credit pursuant to s.
204 288.1254(5) that are deducted from or otherwise reduce federal
205 taxable income for the taxable year.

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

208 220.131 Adjusted federal income; affiliated groups.—

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

222 Section 6. Section 220.153, Florida Statutes, is created
223 to read:

224 220.153 Apportionment by sales factor.—

225 (1) DEFINITIONS.—As used in this section, the term:
 226 (a) "Full-time employee" means an employee who works an
 227 average of at least 36 hours per week for an entire year and
 228 receives an average weekly wage greater than the lower of the
 229 state or local average weekly wages for the taxpayer's industry;
 230 however, a full-time employee does not include an employee who
 231 is hired to construct improvements to real property.
 232 (b) "Qualified capital expenditures" means expenditures in
 233 this state for purposes substantially related to a business's
 234 production or sale of goods or services for funding the
 235 acquisition of additional real property (land, buildings,
 236 including appurtenances, fixtures and fixed equipment,
 237 structures, etc.), including additions, replacements, major
 238 repairs, and renovations to real property which materially
 239 extend its useful life or materially improve or change its
 240 functional use and including furniture and equipment necessary
 241 to furnish and operate a new or improved facility. The term
 242 "qualified capital expenditures" does not include the outlay of
 243 capital to fund any passive investment intended for the
 244 accumulation of reserves or the realization of profit for
 245 distribution to any person holding an ownership interest in the
 246 business.
 247 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not
 248 including a financial organization as defined in s. 220.15(6) or
 249 a bank, savings association, international banking facility, or
 250 banking organization as defined in s. 220.62, doing business
 251 within and without this state, who applies and demonstrates to
 252 the Office of Tourism, Trade, and Economic Development that, on

253 or after July 1, 2013, it has made qualified capital
 254 expenditures equal to or exceeding \$250 million and has
 255 continuously maintained at least the number of full-time
 256 employees who were employed by the taxpayer in this state at the
 257 time it notified the office of its intent to apply for
 258 apportionment pursuant to this section may apportion its
 259 adjusted federal income solely by the sales factor set forth in
 260 s. 220.15(5), commencing in the taxable year of such
 261 determination.

262 (3) APPLICATION PROCESS.—

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

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

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

277 (b) The taxpayer notice and application forms shall be
 278 established by the office by rule. The office shall acknowledge
 279 receipt of the notice and approve or deny the application in
 280 writing within 45 days after receipt.

281 (c) Upon approval, the taxpayer, by the due date for
282 filing its tax return for the taxable year during which its
283 eligibility has been determined, including any extensions
284 thereof, may elect to apportion its adjusted federal income by
285 filing a return for the taxable year using the method provided
286 under this chapter.

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

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

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

302 (b) The Office of Tourism, Trade, and Economic Development
303 may, by order, revoke its decision to grant eligibility for
304 apportionment, and may also order the recalculation of
305 apportionment factors to those applicable under s. 220.15 if, as
306 the result of an audit, investigation, or examination, it
307 determines that information provided by the taxpayer in the
308 application, or in a statement, representation, record, report,

309 plan, or other document provided to the office to become
310 eligible for apportionment, was materially false at the time it
311 was made and that an individual acting on behalf of the taxpayer
312 knew, or should have known, that the information submitted was
313 false. The taxpayer shall pay such additional taxes and interest
314 as may be due pursuant to this chapter computed as the
315 difference between the tax that would have been due under the
316 apportionment formula provided in s. 220.15 for such years and
317 the tax actually paid. In addition, the department shall assess
318 a penalty equal to 100 percent of the additional tax due.

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

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

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

337 220.194 Emergency excise tax credit.-

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

342 (2) If a credit granted pursuant to this section is not
 343 fully used in taxable years ending in 2012 because of
 344 insufficient tax liability on the part of the taxpayer, the
 345 unused amount may be carried forward for a period not to exceed
 346 5 years. The carryover credit may be used in a subsequent year
 347 when the tax imposed by this chapter for such year exceeds the
 348 credit for such year, after applying the other credits and
 349 unused credit carryovers in the order provided in s. 220.02(8).

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

352 220.801 Penalties; failure to timely file returns.-

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

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

359 213.05 Department of Revenue; control and administration
 360 of revenue laws.-The Department of Revenue shall have only those
 361 responsibilities for ad valorem taxation specified to the
 362 department in chapter 192, taxation, general provisions; chapter
 363 193, assessments; chapter 194, administrative and judicial
 364 review of property taxes; chapter 195, property assessment

365 administration and finance; chapter 196, exemption; chapter 197,
366 tax collections, sales, and liens; chapter 199, intangible
367 personal property taxes; and chapter 200, determination of
368 millage. The Department of Revenue shall have the responsibility
369 of regulating, controlling, and administering all revenue laws
370 and performing all duties as provided in s. 125.0104, the Local
371 Option Tourist Development Act; s. 125.0108, tourist impact tax;
372 chapter 198, estate taxes; chapter 201, excise tax on documents;
373 chapter 202, communications services tax; chapter 203, gross
374 receipts taxes; chapter 206, motor and other fuel taxes; chapter
375 211, tax on production of oil and gas and severance of solid
376 minerals; chapter 212, tax on sales, use, and other
377 transactions; chapter 220, income tax code; ~~chapter 221,~~
378 ~~emergency excise tax;~~ ss. 336.021 and 336.025, taxes on motor
379 fuel and special fuel; s. 376.11, pollutant spill prevention and
380 control; s. 403.718, waste tire fees; s. 403.7185, lead-acid
381 battery fees; s. 538.09, registration of secondhand dealers; s.
382 538.25, registration of secondary metals recyclers; s. 624.4621,
383 group self-insurer's fund premium tax; s. 624.5091, retaliatory
384 tax; s. 624.475, commercial self-insurance fund premium tax; ss.
385 624.509-624.511, insurance code: administration and general
386 provisions; s. 624.515, State Fire Marshal regulatory
387 assessment; s. 627.357, medical malpractice self-insurance
388 premium tax; s. 629.5011, reciprocal insurers premium tax; and
389 s. 681.117, motor vehicle warranty enforcement.

390 Section 10. Effective January 1, 2012, subsection (1) and
391 paragraph (k) of subsection (8) of section 213.053, Florida

392 Statutes, as amended by chapter 2010-280, Laws of Florida, are
 393 amended to read:

394 213.053 Confidentiality and information sharing.—

395 (1) This section applies to:

396 (a) Section 125.0104, county government;

397 (b) Section 125.0108, tourist impact tax;

398 (c) Chapter 175, municipal firefighters' pension trust
 399 funds;

400 (d) Chapter 185, municipal police officers' retirement
 401 trust funds;

402 (e) Chapter 198, estate taxes;

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

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

405 (h) Chapter 202, the Communications Services Tax
 406 Simplification Law;

407 (i) Chapter 203, gross receipts taxes;

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

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

412 (l) Chapter 220, income tax code;

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

414 (m)~~(n)~~ Section 252.372, emergency management,
 415 preparedness, and assistance surcharge;

416 (n)~~(o)~~ Section 379.362(3), Apalachicola Bay oyster
 417 surcharge;

418 (o)~~(p)~~ Chapter 376, pollutant spill prevention and
 419 control;

420 (p) ~~(q)~~ Section 403.718, waste tire fees;
 421 (q) ~~(r)~~ Section 403.7185, lead-acid battery fees;
 422 (r) ~~(s)~~ Section 538.09, registration of secondhand dealers;
 423 (s) ~~(t)~~ Section 538.25, registration of secondary metals
 424 recyclers;
 425 (t) ~~(u)~~ Sections 624.501 and 624.509-624.515, insurance
 426 code;
 427 (u) ~~(v)~~ Section 681.117, motor vehicle warranty
 428 enforcement; and
 429 (v) ~~(w)~~ Section 896.102, reports of financial transactions
 430 in trade or business.

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

433 (k)1. Payment information relative to chapters 199, 201,
 434 202, 212, 220, ~~221~~, and 624 and former chapter 221 to the Office
 435 of Tourism, Trade, and Economic Development, or its employees or
 436 agents that are identified in writing by the office to the
 437 department, in the administration of the tax refund program for
 438 qualified defense contractors and space flight business
 439 contractors authorized by s. 288.1045 and the tax refund program
 440 for qualified target industry businesses authorized by s.
 441 288.106.

442 2. Information relative to tax credits taken by a business
 443 under s. 220.191 and exemptions or tax refunds received by a
 444 business under s. 212.08(5)(j) to the Office of Tourism, Trade,
 445 and Economic Development, or its employees or agents that are
 446 identified in writing by the office to the department, in the
 447 administration and evaluation of the capital investment tax

448 credit program authorized in s. 220.191 and the semiconductor,
 449 defense, and space tax exemption program authorized in s.
 450 212.08(5)(j).

451 3. Information relative to tax credits taken by a taxpayer
 452 pursuant to the tax credit programs created in ss. 193.017;
 453 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;
 454 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;
 455 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;
 456 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
 457 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to
 458 the Office of Tourism, Trade, and Economic Development, or its
 459 employees or agents that are identified in writing by the office
 460 to the department, for use in the administration or evaluation
 461 of such programs.

462 4. Information relative to single sales factor
 463 apportionment used by a taxpayer to the Office of Tourism,
 464 Trade, and Economic Development or its employees or agents who
 465 are identified in writing by the office to the department for
 466 use by the office to administer s. 220.153.

467
 468 Disclosure of information under this subsection shall be
 469 pursuant to a written agreement between the executive director
 470 and the agency. Such agencies, governmental or nongovernmental,
 471 shall be bound by the same requirements of confidentiality as
 472 the Department of Revenue. Breach of confidentiality is a
 473 misdemeanor of the first degree, punishable as provided by s.
 474 775.082 or s. 775.083.

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

477 213.255 Interest.—Interest shall be paid on overpayments
 478 of taxes, payment of taxes not due, or taxes paid in error,
 479 subject to the following conditions:

480 (12) The rate of interest shall be the adjusted rate
 481 established pursuant to s. 213.235, except that the annual rate
 482 of interest shall never be greater than 11 percent. This annual
 483 rate of interest shall be applied to all refunds of taxes
 484 administered by the department except for corporate income taxes
 485 ~~and emergency excise taxes~~ governed by ss. 220.721 and 220.723.

486 Section 12. Effective January 1, 2012, chapter 221,
 487 Florida Statutes, consisting of sections 221.01, 221.02, 221.04,
 488 and 221.05, is repealed.

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

492 288.075 Confidentiality of records.—

493 (6) ECONOMIC INCENTIVE PROGRAMS.—

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

502 1. The percentage of the business's sales occurring

503 outside this state and, for businesses applying under s.
 504 288.1045, the percentage of the business's gross receipts
 505 derived from Department of Defense contracts during the 5 years
 506 immediately preceding the date the business's application is
 507 submitted.

508 2. The anticipated wages for the project jobs that the
 509 business plans to create, as reported on the application for
 510 certification.

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

517 4. The amount of:

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

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

521 c. Intangible personal property taxes paid pursuant to
 522 chapter 199;

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

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

525 e.f. Excise taxes paid on documents pursuant to chapter
 526 201;

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

528 g.h. State communications services taxes paid pursuant to
 529 chapter 202.

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

533 288.1045 Qualified defense contractor and space flight
 534 business tax refund program.—

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

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

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

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

545 a. Taxes on sales, use, and other transactions paid
 546 pursuant to chapter 212.

547 b. Intangible personal property taxes paid pursuant to
 548 chapter 199.

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

550 ~~c.d.~~ c. Excise taxes paid on documents pursuant to chapter
 551 201.

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

554 ~~e.f.~~ e. State communications services taxes administered
 555 under chapter 202. This provision does not apply to the gross
 556 receipts tax imposed under chapter 203 and administered under
 557 chapter 202 or the local communications services tax authorized

558 | under s. 202.19.

559 |
 560 | However, a qualified applicant may not receive a tax refund
 561 | pursuant to this section for any amount of credit, refund, or
 562 | exemption granted such contractor for any of such taxes. If a
 563 | refund for such taxes is provided by the office, which taxes are
 564 | subsequently adjusted by the application of any credit, refund,
 565 | or exemption granted to the qualified applicant other than that
 566 | provided in this section, the qualified applicant shall
 567 | reimburse the Economic Development Trust Fund for the amount of
 568 | such credit, refund, or exemption. A qualified applicant must
 569 | notify and tender payment to the office within 20 days after
 570 | receiving a credit, refund, or exemption, other than that
 571 | provided in this section. The addition of communications
 572 | services taxes administered under chapter 202 is remedial in
 573 | nature and retroactive to October 1, 2001. The office may make
 574 | supplemental tax refund payments to allow for tax refunds for
 575 | communications services taxes paid by an eligible qualified
 576 | defense contractor after October 1, 2001.

577 | Section 15. Effective January 1, 2012, paragraph (d) of
 578 | subsection (3) of section 288.106, Florida Statutes, is amended
 579 | to read:

580 | 288.106 Tax refund program for qualified target industry
 581 | businesses.—

582 | (3) TAX REFUND; ELIGIBLE AMOUNTS.—

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

585 | 1. Receive refunds from the account for the following

586 taxes due and paid by that business beginning with the first
 587 taxable year of the business that begins after entering into the
 588 agreement:

589 a. Corporate income taxes under chapter 220.

590 b. Insurance premium tax under s. 624.509.

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

594 a. Taxes on sales, use, and other transactions under
 595 chapter 212.

596 b. Intangible personal property taxes under chapter 199.

597 ~~e. Emergency excise taxes under chapter 221.~~

598 c.d. Excise taxes on documents under chapter 201.

599 ~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1).

600 ~~e.f.~~ State communications services taxes administered
 601 under chapter 202. This provision does not apply to the gross
 602 receipts tax imposed under chapter 203 and administered under
 603 chapter 202 or the local communications services tax authorized
 604 under s. 202.19.

605 Section 16. Paragraph (h) of subsection (1), paragraphs
 606 (c) and (e) of subsection (3), paragraph (b) of subsection (4),
 607 and paragraph (a) of subsection (7) of section 288.1254, Florida
 608 Statutes are amended, and paragraphs (k), (l), (m), and (n) are
 609 added to subsection (1) of that section, to read:

610 288.1254 Entertainment industry financial incentive
 611 program.—

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

613 (h) "Qualified expenditures" means production expenditures

614 incurred in this state by a qualified production for:

615 1. Goods purchased or leased from, or services, including,
616 but not limited to, insurance costs and bonding, payroll
617 services, and legal fees, which are provided by, a vendor or
618 supplier in this state that is registered with the Department of
619 State or the Department of Revenue, has a physical location in
620 this state, and employs one or more legal residents of this
621 state. This does not include re-billed goods or services
622 provided by an in-state company from out-of-state vendors or
623 suppliers. When services are provided by the vendor or supplier
624 include personal services or labor, only personal services or
625 labor provided by residents of this state, evidenced by the
626 required documentation of residency in this state, qualify.

627 2. Payments to legal residents of this state in the form
628 of salary, wages, or other compensation up to a maximum of
629 \$400,000 per resident unless otherwise specified in subsection
630 (4). A completed declaration of residency in this state must
631 accompany the documentation submitted to the office for
632 reimbursement.

633

634 For a qualified production involving an event, such as an awards
635 show, the term does not include expenditures solely associated
636 with the event itself and not directly required by the
637 production. The term does not include expenditures incurred
638 before certification, with the exception of those incurred for a
639 commercial, a music video, or the pickup of additional episodes
640 of a high-impact television series within a single season. Under
641 no circumstances may the qualified production include in the

642 calculation for qualified expenditures the original purchase
643 price for equipment or other tangible property that is later
644 sold or transferred by the qualified production for
645 consideration. In such cases, the qualified expenditure is the
646 net of the original purchase price minus the consideration
647 received upon sale or transfer.

648 (k) "Qualified production facility" means a building or
649 complex of buildings and their improvements and associated
650 backlot facilities in which films and television productions are
651 or are intended to be regularly produced and which contain at
652 least one sound stage of at least 7,800 square feet, have
653 sufficient air-conditioning for shooting without the need for
654 supplemental units, and incorporate a permanent grid designed to
655 bear the load requirements for lighting for motion picture
656 production and sufficient built-in electric service for shooting
657 without the need for generators.

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

665 (m) "Regional tax credit ratio" means a ratio the
666 numerator of which is of the sum of tax credits awarded to
667 productions in a region to date plus the tax credits certified,
668 but not yet awarded, to productions currently in that region and
669 the denominator of which is the sum of all tax credits awarded

670 in the state to date plus all tax credits certified, but not yet
671 awarded, to productions currently in the state. The regional tax
672 credit ratio applicable to a given year is the regional tax
673 credit ratio calculated by the Office of Film and Entertainment
674 using credit award and certification information available on
675 the first day of that fiscal year.

676 (n) "Underutilized region" for a given state fiscal year
677 means a region with a regional tax credit ratio applicable to
678 that fiscal year that is lower than its regional population
679 ratio applicable to that fiscal year. The following regions are
680 established for purposes of making this determination:

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

687 2. Central East Region, consisting of Brevard, Flagler,
688 Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.
689 Lucie, and Volusia counties.

690 3. Central West Region, consisting of Citrus, Hernando,
691 Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,
692 and Sumter counties.

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

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

697 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

698 (c) Application process.—The Office of Film and
 699 Entertainment shall establish a process by which an application
 700 is accepted and reviewed and by which tax credit eligibility and
 701 award amount are determined. The Office of Film and
 702 Entertainment may request assistance from a duly appointed local
 703 film commission in determining compliance with this section. A
 704 high-impact television series may submit an application for no
 705 more than two successive seasons, notwithstanding the fact that
 706 the successive season has not been ordered. The successive
 707 season qualified expenditure amounts shall be based on the
 708 current season's estimated qualified expenditures.

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

720 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
 721 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
 722 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
 723 ACQUISITIONS.—

724 (b) Tax credit eligibility.—

725 1. General production queue.—Ninety-four percent of tax

726 credits authorized pursuant to subsection (6) in any state
 727 fiscal year must be dedicated to the general production queue.
 728 The general production queue consists of all qualified
 729 productions other than those eligible for the commercial and
 730 music video queue or the independent and emerging media
 731 production queue. A qualified production that demonstrates a
 732 minimum of \$625,000 in qualified expenditures is eligible for
 733 tax credits equal to 20 percent of its actual qualified
 734 expenditures, up to a maximum of \$8 million. A qualified
 735 production that incurs qualified expenditures during multiple
 736 state fiscal years may combine those expenditures to satisfy the
 737 \$625,000 minimum threshold.

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

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

749 (I) If less than 35 percent of the sum of the total tax
 750 credits awarded to productions and the total tax credits
 751 certified, but not yet awarded, to productions currently in this
 752 state has been to high-impact television series, any A qualified
 753 high-impact television series shall be allowed first position in

754 this queue for tax credit awards not yet certified.

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

761 (III) For the purposes of determining position between a
762 high-impact television series allowed first position and a
763 digital media project allowed first position under this sub-
764 subparagraph, tax credits shall be awarded on a first-come,
765 first-served basis.

766 c. A qualified production that incurs at least 85 percent
767 of its qualified expenditures within a region designated as an
768 underutilized region at the time that the production is
769 certified is eligible for an additional 5 percent tax credit.

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

776 e. A qualified production for which 50 percent or more of
777 its principal photography occurs at a qualified production
778 facility is eligible for an additional 5 percent tax credit on
779 actual qualified expenditures.

780 2. Commercial and music video queue.—Three percent of tax
781 credits authorized pursuant to subsection (6) in any state

782 fiscal year must be dedicated to the commercial and music video
783 queue. A qualified production company that produces national or
784 regional commercials or music videos may be eligible for a tax
785 credit award if it demonstrates a minimum of \$100,000 in
786 qualified expenditures per national or regional commercial or
787 music video and exceeds a combined threshold of \$500,000 after
788 combining actual qualified expenditures from qualified
789 commercials and music videos during a single state fiscal year.
790 After a qualified production company that produces commercials,
791 music videos, or both reaches the threshold of \$500,000, it is
792 eligible to apply for certification for a tax credit award. The
793 maximum credit award shall be equal to 20 percent of its actual
794 qualified expenditures up to a maximum of \$500,000. If there is
795 a surplus at the end of a fiscal year after the Office of Film
796 and Entertainment certifies and determines the tax credits for
797 all qualified commercial and video projects, such surplus tax
798 credits shall be carried forward to the following fiscal year
799 and be available to any eligible qualified productions under the
800 general production queue.

801 3. Independent and emerging media production queue.—Three
802 percent of tax credits authorized pursuant to subsection (6) in
803 any state fiscal year must be dedicated to the independent and
804 emerging media production queue. This queue is intended to
805 encourage Florida independent film and emerging media
806 production. Any qualified production, excluding commercials,
807 infomercials, or music videos, that demonstrates at least
808 \$100,000, but not more than \$625,000, in total qualified
809 expenditures is eligible for tax credits equal to 20 percent of

810 its actual qualified expenditures. If a surplus exists at the
 811 end of a fiscal year after the Office of Film and Entertainment
 812 certifies and determines the tax credits for all qualified
 813 independent and emerging media production projects, such surplus
 814 tax credits shall be carried forward to the following fiscal
 815 year and be available to any eligible qualified productions
 816 under the general production queue.

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

831 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

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

- 834 1. For fiscal year 2010-2011, \$53.5 million.
- 835 2. For fiscal year 2011-2012, \$74.5 million.
- 836 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,
 837 \$50 ~~\$38~~ million per fiscal year.

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

840 288.1258 Entertainment industry qualified production
841 companies; application procedure; categories; duties of the
842 Department of Revenue; records and reports.—

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

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

867 290.0055 Local nominating procedure.—

868 (6)

869 (d)1. The governing body of a jurisdiction which has
 870 nominated an application for an enterprise zone that is no
 871 larger than 12 square miles and includes a portion of the state
 872 designated as a rural area of critical economic concern under s.
 873 288.0656(7) may apply to the Office of Tourism, Trade, and
 874 Economic Development to expand the boundary of the enterprise
 875 zone by not more than 3 square miles. An application to expand
 876 the boundary of an enterprise zone under this paragraph must be
 877 submitted by December 31, 2012.

878 2. Notwithstanding the area limitations specified in
 879 subsection (4), the Office of Tourism, Trade, and Economic
 880 Development may approve the request for a boundary amendment if
 881 the area continues to satisfy the remaining requirements of this
 882 section.

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

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

888 290.00726 Enterprise zone designation for Martin County.—
 889 Martin County may apply to the Office of Tourism, Trade, and
 890 Economic Development for designation of one enterprise zone for
 891 an area within Martin County, which zone shall encompass an area

892 of up to 10 square miles consisting of land within the primary
893 urban services boundary and focusing on Indiantown, but
894 excluding property owned by Florida Power and Light to the west,
895 two areas to the north designated as estate residential, and the
896 county-owned Timer Powers Recreational Area. Within the
897 designated enterprise zone, Martin County shall exempt
898 residential condominiums from benefiting from state enterprise
899 zone incentives, unless prohibited by law. The application must
900 have been submitted by December 31, 2011, and must comply with
901 the requirements of s. 290.0055. Notwithstanding s. 290.0065
902 limiting the total number of enterprise zones designated and the
903 number of enterprise zones within a population category, the
904 Office of Tourism, Trade, and Economic Development may designate
905 one enterprise zone under this section. The Office of Tourism,
906 Trade, and Economic Development shall establish the initial
907 effective date of the enterprise zone designated under this
908 section.

909 Section 20. Section 290.00727, Florida Statutes, is
910 created to read:

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

920 within a population category, the Office of Tourism, Trade, and
 921 Economic Development may designate one enterprise zone under
 922 this section. The Office of Tourism, Trade, and Economic
 923 Development shall establish the initial effective date of the
 924 enterprise zone designated under this section.

925 Section 21. Section 290.00728, Florida Statutes, is
 926 created to read:

927 290.00728 Enterprise zone designation for Lake County.—
 928 Lake County may apply to the Office of Tourism, Trade, and
 929 Economic Development for designation of one enterprise zone,
 930 which zone shall encompass an area of up to 10 square miles
 931 within Lake County. The application must have been submitted by
 932 December 31, 2011, and must comply with the requirements of s.
 933 290.0055. Notwithstanding s. 290.0065 limiting the total number
 934 of enterprise zones designated and the number of enterprise
 935 zones within a population category, the Office of Tourism,
 936 Trade, and Economic Development may designate one enterprise
 937 zone under this section. The Office of Tourism, Trade, and
 938 Economic Development shall establish the initial effective date
 939 of the enterprise zone designated under this section.

940 Section 22. Effective January 1, 2012, subsection (1) of
 941 section 334.30, Florida Statutes, is amended to read:

942 334.30 Public-private transportation facilities.—The
 943 Legislature finds and declares that there is a public need for
 944 the rapid construction of safe and efficient transportation
 945 facilities for the purpose of traveling within the state, and
 946 that it is in the public's interest to provide for the
 947 construction of additional safe, convenient, and economical

948 transportation facilities.

949 (1) The department may receive or solicit proposals and,
 950 with legislative approval as evidenced by approval of the
 951 project in the department's work program, enter into agreements
 952 with private entities, or consortia thereof, for the building,
 953 operation, ownership, or financing of transportation facilities.
 954 The department may advance projects programmed in the adopted 5-
 955 year work program or projects increasing transportation capacity
 956 and greater than \$500 million in the 10-year Strategic
 957 Intermodal Plan using funds provided by public-private
 958 partnerships or private entities to be reimbursed from
 959 department funds for the project as programmed in the adopted
 960 work program. The department shall by rule establish an
 961 application fee for the submission of unsolicited proposals
 962 under this section. The fee must be sufficient to pay the costs
 963 of evaluating the proposals. The department may engage the
 964 services of private consultants to assist in the evaluation.
 965 Before approval, the department must determine that the proposed
 966 project:

- 967 (a) Is in the public's best interest;
- 968 (b) Would not require state funds to be used unless the
 969 project is on the State Highway System;
- 970 (c) Would have adequate safeguards in place to ensure that
 971 no additional costs or service disruptions would be realized by
 972 the traveling public and residents of the state in the event of
 973 default or cancellation of the agreement by the department;
- 974 (d) Would have adequate safeguards in place to ensure that
 975 the department or the private entity has the opportunity to add

976 capacity to the proposed project and other transportation
 977 facilities serving similar origins and destinations; and
 978 (e) Would be owned by the department upon completion or
 979 termination of the agreement.

980
 981 The department shall ensure that all reasonable costs to the
 982 state, related to transportation facilities that are not part of
 983 the State Highway System, are borne by the private entity. The
 984 department shall also ensure that all reasonable costs to the
 985 state and substantially affected local governments and
 986 utilities, related to the private transportation facility, are
 987 borne by the private entity for transportation facilities that
 988 are owned by private entities. For projects on the State Highway
 989 System, the department may use state resources to participate in
 990 funding and financing the project as provided for under the
 991 department's enabling legislation. Because the Legislature
 992 recognizes that private entities or consortia thereof would
 993 perform a governmental or public purpose or function when they
 994 enter into agreements with the department to design, build,
 995 operate, own, or finance transportation facilities, the
 996 transportation facilities, including leasehold interests
 997 thereof, are exempt from ad valorem taxes as provided in chapter
 998 196 to the extent property is owned by the state or other
 999 government entity, and from intangible taxes as provided in
 1000 chapter 199 and special assessments of the state, any city,
 1001 town, county, special district, political subdivision of the
 1002 state, or any other governmental entity. The private entities or
 1003 consortia thereof are exempt from tax imposed by chapter 201 on

1004 all documents or obligations to pay money which arise out of the
 1005 agreements to design, build, operate, own, lease, or finance
 1006 transportation facilities. Any private entities or consortia
 1007 thereof must pay any applicable corporate taxes as provided in
 1008 chapter ~~chapters~~ 220 and ~~221~~, and unemployment compensation
 1009 taxes as provided in chapter 443, and sales and use tax as
 1010 provided in chapter 212 shall be applicable. The private
 1011 entities or consortia thereof must also register and collect the
 1012 tax imposed by chapter 212 on all their direct sales and leases
 1013 that are subject to tax under chapter 212. The agreement between
 1014 the private entity or consortia thereof and the department
 1015 establishing a transportation facility under this chapter
 1016 constitutes documentation sufficient to claim any exemption
 1017 under this section.

1018 Section 23. Effective January 1, 2012, subsection (4),
 1019 paragraph (a) of subsection (6), and subsection (7) of section
 1020 624.509, Florida Statutes, are amended to read:

1021 624.509 Premium tax; rate and computation.—

1022 (4) The income tax imposed under chapter 220 ~~and the~~
 1023 ~~emergency excise tax imposed under chapter 221~~ which is are paid
 1024 by any insurer shall be credited against, and to the extent
 1025 thereof shall discharge, the liability for tax imposed by this
 1026 section for the annual period in which such tax payments are
 1027 made. As to any insurer issuing policies insuring against loss
 1028 or damage from the risks of fire, tornado, and certain casualty
 1029 lines, the tax imposed by this section, as intended and
 1030 contemplated by this subsection, shall be construed to mean the
 1031 net amount of such tax remaining after there has been credited

1032 thereon such gross premium receipts tax as may be payable by
 1033 such insurer in pursuance of the imposition of such tax by any
 1034 incorporated cities or towns in the state for firefighters'
 1035 relief and pension funds and police officers' retirement funds
 1036 maintained in such cities or towns, as provided in and by
 1037 relevant provisions of the Florida Statutes. For purposes of
 1038 this subsection, payments of estimated income tax under chapter
 1039 220 ~~and of estimated emergency excise tax under chapter 221~~
 1040 shall be deemed paid either at the time the insurer actually
 1041 files its annual returns under chapter 220 or at the time such
 1042 returns are required to be filed, whichever first occurs, and
 1043 not at such earlier time as such payments of estimated tax are
 1044 actually made.

1045 (6) (a) The total of the credit granted for the taxes paid
 1046 by the insurer under chapter ~~chapters~~ 220 ~~and 221~~ and the credit
 1047 granted by subsection (5) may ~~shall~~ not exceed 65 percent of the
 1048 tax due under subsection (1) after deducting therefrom the taxes
 1049 paid by the insurer under ss. 175.101 and 185.08 and any
 1050 assessments pursuant to s. 440.51.

1051 (7) Credits and deductions against the tax imposed by this
 1052 section shall be taken in the following order: deductions for
 1053 assessments made pursuant to s. 440.51; credits for taxes paid
 1054 under ss. 175.101 and 185.08; credits for income taxes paid
 1055 under chapter 220, ~~the emergency excise tax paid under chapter~~
 1056 ~~221~~ and the credit allowed under subsection (5), as these
 1057 credits are limited by subsection (6); all other available
 1058 credits and deductions.

1059 Section 24. Effective January 1, 2012, subsection (1) of
 1060 section 624.51055, Florida Statutes, is amended to read:

1061 624.51055 Credit for contributions to eligible nonprofit
 1062 scholarship-funding organizations.—

1063 (1) There is allowed a credit of 100 percent of an
 1064 eligible contribution made to an eligible nonprofit scholarship-
 1065 funding organization under s. 1002.395 against any tax due for a
 1066 taxable year under s. 624.509(1). However, such a credit may not
 1067 exceed 75 percent of the tax due under s. 624.509(1) after
 1068 deducting from such tax deductions for assessments made pursuant
 1069 to s. 440.51; credits for taxes paid under ss. 175.101 and
 1070 185.08; credits for income taxes paid under chapter 220; ~~credits~~
 1071 ~~for the emergency excise tax paid under chapter 221;~~ and the
 1072 credit allowed under s. 624.509(5), as such credit is limited by
 1073 s. 624.509(6). An insurer claiming a credit against premium tax
 1074 liability under this section shall not be required to pay any
 1075 additional retaliatory tax levied pursuant to s. 624.5091 as a
 1076 result of claiming such credit. Section 624.5091 does not limit
 1077 such credit in any manner.

1078 Section 25. (1) The executive director of the Department
 1079 of Revenue is authorized, and all conditions are deemed met, to
 1080 adopt emergency rules under ss. 120.536(1) and 120.54(4),
 1081 Florida Statutes, for the purpose of implementing this act.

1082 (2) Notwithstanding any other provision of law, such
 1083 emergency rules shall remain in effect for 6 months after the
 1084 date adopted and may be renewed during the pendency of
 1085 procedures to adopt permanent rules addressing the subject of
 1086 the emergency rules.

1087 Section 26. Effective July 1, 2011, there is appropriated
 1088 for the 2011-2012 state fiscal year to the Office of Tourism,
 1089 Trade, and Economic Development within the Executive Office of
 1090 the Governor:

1091 (1) The sum of \$44,500,000 in nonrecurring funds from the
 1092 General Revenue Fund to the State Economic Enhancement and
 1093 Development Trust Fund for the purposes set forth in this
 1094 section.

1095 (2) The sum of \$44,500,000 from the State Economic
 1096 Enhancement and Development Trust Fund to the Office of Tourism,
 1097 Trade and Economic Development within the Executive Office of
 1098 the Governor for business expansion and creation opportunities
 1099 using any one or more of the following incentive programs:

1100 (a) Quick-response training for economic development
 1101 pursuant to s. 288.047.

1102 (b) The Incumbent Worker Training Program pursuant to s.
 1103 445.003.

1104 (c) Contracts for transportation projects pursuant to s.
 1105 288.063.

1106 (d) The qualified defense contractor and space flight
 1107 business tax refund program pursuant to s. 288.1045.

1108 (e) The tax refund program for qualified target industry
 1109 businesses pursuant to s. 288.106.

1110 (f) Brownfield redevelopment bonus refunds pursuant to s.
 1111 288.107.

1112 (g) High-impact business pursuant to s. 288.108.

1113 (h) The Quick Action Closing Fund pursuant to s. 288.1088.

1114 (i) The Innovation Incentive Program pursuant to s.

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1115 | 288.1089.

1116 | (j) Space Florida for business development.

1117 | Section 27. Except as otherwise expressly provided in this

1118 | act, this act shall take effect July 1, 2011.