

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Crisafulli offered the following:

Amendment

Remove lines 371-466 and insert:

(4) TAX CREDITS.-

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

1. A certified spaceflight business may take a nontransferable corporate income tax credit for up to 50 percent of the business's tax liability under this chapter for the taxable year in which the credit is taken. The maximum nontransferable tax credit amount that may be approved per taxpayer for a taxable year is \$1 million, and the total tax credits that may be approved pursuant to this subparagraph may

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16 not exceed \$5 million. No credit may be approved after October
17 1, 2017.

18 2. A certified spaceflight business may transfer, in whole
19 or in part, its Florida net operating loss that would otherwise
20 be available to be taken on a return filed under this chapter.
21 The maximum transferable tax credit amount that may be approved
22 per taxpayer for a taxable year is \$2.5 million; the total tax
23 credits that may be approved pursuant to this subparagraph may
24 not exceed \$15 million. No credit may be approved after October
25 1, 2017.

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

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

29 (II) Have incurred a qualifying net operating loss on
30 activity in this state directly associated with one or more
31 space flight projects in any of its 3 previous taxable years;

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

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

40 b. The amount that may be claimed and transferred by a
41 business is equal to:

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42 (I) One hundred percent of the net operating loss that
43 could otherwise be claimed on a return filed under this chapter
44 during its first full year of operations in this state.

45 (II) One hundred percent of the net operating loss that
46 could otherwise be claimed on a return filed under this chapter
47 during its second full year of operations in this state.

48 (III) One hundred percent of the net operating loss that
49 could otherwise be claimed on a return filed under this chapter
50 during its third full year of operations in this state.

51 (b) Each business may be approved for only one credit per
52 state fiscal year and may not claim any credit more than once.

53 (c) Unless transferred pursuant to this section, credits
54 may be granted only against the corporate income tax liability
55 generated by or arising out of a spaceflight project in this
56 state, as documented in the certified spaceflight business's
57 annual audit prepared by a certified public accountant licensed
58 to do business in this state and as verified by the office.

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

62 (e) The certified spaceflight business or transferee must
63 demonstrate to the satisfaction of the office and the department
64 that it is eligible to take the credits approved under this
65 section.

66 (5) APPLICATION AND CERTIFICATION.—

67 (a) In order to claim a tax credit under this section, a
68 spaceflight business must first submit an application to the
69 office for approval to earn credits. The application must be

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70 filed by the date established by the office. In addition to any
71 information that the office may require, the applicant must
72 provide a complete description of the activity in this state
73 which demonstrates to the office the applicant's likelihood to
74 be certified to take or transfer a credit. The applicant must
75 also provide a description of the total amount and type of
76 credits for which approval is sought. The office may consult
77 with Space Florida regarding the qualifications of an applicant.
78 The applicant shall provide an affidavit certifying that all
79 information contained in the application is true and correct.

80 1. Approval of the credits shall be provided on a first-
81 come, first-served basis, based on the date the completed
82 applications are received by the office. A taxpayer may not
83 submit more than one completed application per state fiscal
84 year. The office may not accept an incomplete placeholder
85 application, and the submission of such an application will not
86 secure a place in the first-come, first-served application line.

87 2. The office has 60 days after the receipt of a completed
88 application within which to issue a notice of intent to deny or
89 approve an application for credits. The