

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Tobia offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 231 and 232, insert:

5 Section 5. Section 220.11, Florida Statutes, is amended to
6 read:

7 220.11 Tax imposed.—

8 (1) A tax measured by net income is hereby imposed on
9 every taxpayer for each taxable year commencing on or after
10 January 1, 1972, and for each taxable year which begins before
11 and ends after January 1, 1972, for the privilege of conducting
12 business, earning or receiving income in this state, or being a
13 resident or citizen of this state. Such tax shall be in addition
14 to all other occupation, excise, privilege, and property taxes
15 imposed by this state or by any political subdivision thereof,

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16 including any municipality or other district, jurisdiction, or
17 authority of this state.

18 (2) The tax imposed by this section shall be an amount
19 equal to 5 1/2 percent of the taxpayer's net income for the
20 taxable year.

21 (3) The tax imposed by this section, for taxpayers
22 determining taxable income under s. 220.13(2)(k), shall be an
23 amount equal to 3.3 percent of the taxpayer's net income for the
24 taxable year.

25 (4) In the case of a taxpayer to which s. 55 of the
26 Internal Revenue Code is applied for the taxable year, the
27 amount of tax determined under this section shall be the greater
28 of the tax determined under subsection (2) without the
29 application of s. 55 of the Internal Revenue Code or the tax
30 determined under subsection (3).

31 (5) This section expires December 31, 2013, and the
32 expiration of the tax in this section first applies to the
33 taxable year of a taxpayer beginning on or after January 1,
34 2013.

35 Section 6. The Department of Revenue is authorized, and
36 all conditions are deemed met, to adopt emergency rules to
37 administer sections 5 and 7 of this act. The emergency rules
38 shall remain in effect for 6 months after adoption and may be
39 renewed during the pendency of procedures to adopt permanent
40 rules addressing the subject of the emergency rules.

41 Section 7. Legislative findings; intent; application.—The
42 Legislature recognizes that issues relating to the collection
43 and liability for the payment of corporate income taxes imposed

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44 before the effective date of the repeal provided for in section
45 5 of this act shall remain unresolved after the effective date
46 of the repeal. To ensure that the resolution of those issues
47 occurs in as orderly a manner as possible, the Legislature finds
48 it necessary to delay the repeal of certain other sections of
49 chapter 220, Florida Statutes, relating to the corporate income
50 tax. To that end and to the extent that the remaining sections
51 of chapter 220, Florida Statutes, are not manifestly
52 inapplicable or incompatible with the resolution of issues
53 arising before the effective date of the repeal provided for in
54 section 5 of this act, the Legislature intends for the remaining
55 sections to apply.

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59 **T I T L E A M E N D M E N T**

60 Remove line 37 and insert:

61 tax when certain transfers of a business occur; amending s.
62 220.11, F.S.; providing for the future repeal of the corporate
63 income tax; providing that the termination of the corporate
64 income tax applies to taxable years of a taxpayer which begin on
65 or after January 1, 2013; authorizing the Department of Revenue
66 to adopt rules; providing legislative findings and intent;
67 providing application; providing