

1                                   A bill to be entitled  
 2       An act relating to the Florida Tax Credit Scholarship  
 3       Program; amending s. 213.053, F.S.; authorizing the  
 4       Department of Revenue to disclose certain information  
 5       relating to taxpayers to an eligible nonprofit  
 6       scholarship-funding organization; providing for  
 7       application to specified taxes; providing requirements for  
 8       release of information; providing restrictions; amending  
 9       ss. 220.1875 and 624.51055, F.S.; revising provisions  
 10      relating to the amount of a tax credit allowed for a  
 11      contribution made to an eligible nonprofit scholarship-  
 12      funding organization; amending s. 1002.395, F.S.; revising  
 13      provisions relating to the carryforward of an unused  
 14      amount of a tax credit and the rescindment of all or part  
 15      of a tax credit under the Florida Tax Credit Scholarship  
 16      Program; providing an effective date.

17  
 18 Be It Enacted by the Legislature of the State of Florida:  
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20           Section 1. Paragraph (dd) is added to subsection (8) of  
 21      section 213.053, Florida Statutes, as amended by chapter 2010-  
 22      280, Laws of Florida, to read:

23           213.053 Confidentiality and information sharing.—  
 24           (8) Notwithstanding any other provision of this section,  
 25      the department may provide:

26           (dd) Names and addresses of the 100 taxpayers with the  
 27      greatest tax liabilities after all tax credits are applied  
 28      during the most recent calendar year for which information is

29 available for each tax identified in subparagraphs 1., 2., and  
30 4., and names and addresses of the 100 taxpayers with the  
31 greatest tax liability after all tax credits are applied for the  
32 most recent taxable years for which information is available for  
33 the tax identified in subparagraph 3., to an eligible nonprofit  
34 scholarship-funding organization under s. 1002.395 for which the  
35 department approved at least \$10 million of tax credit  
36 allocations in the prior year. An eligible nonprofit  
37 scholarship-funding organization may request the information for  
38 any of the taxes identified in subparagraphs 1.-4. but may not  
39 make more than one such request for each tax in any 12-month  
40 period. For the information for taxes identified in  
41 subparagraphs 1., 2., and 4., the department must provide such  
42 information within 45 days after a request by an eligible  
43 nonprofit scholarship-funding organization. For the information  
44 for taxes identified in subparagraph 3., the department must  
45 first request the taxpayer's consent to the release of the  
46 information and grant the taxpayer a 45-day notice period to  
47 object to the release of the information. Information pertaining  
48 to a taxpayer that objects to the release of the information may  
49 not be released. After the 45-day notice period, the department  
50 shall release the information relating to any taxpayer that did  
51 not object. The information may be used by the eligible  
52 nonprofit scholarship-funding organization only for purposes of  
53 notifying the taxpayer of the opportunity to make an eligible  
54 contribution to the Florida Tax Credit Scholarship Program under  
55 s. 1002.395. This paragraph applies only to information relating  
56 to taxes under:

- 57 |       1. Sections 211.02 and 211.025.
- 58 |       2. Chapter 212 from a direct pay permit holder as a result
- 59 | of the direct pay permit held pursuant to s. 212.183.
- 60 |       3. Chapter 220, unless disclosure of the names and
- 61 | addresses would violate the terms of any information-sharing
- 62 | agreement between the department and an agency of the Federal
- 63 | Government.
- 64 |       4. Section 624.509(1).

65 |  
 66 | Disclosure of information under this subsection shall be  
 67 | pursuant to a written agreement between the executive director  
 68 | and the agency. Such agencies, governmental or nongovernmental,  
 69 | shall be bound by the same requirements of confidentiality as  
 70 | the Department of Revenue. Breach of confidentiality is a  
 71 | misdemeanor of the first degree, punishable as provided by s.  
 72 | 775.082 or s. 775.083.

73 |       Section 2. Subsection (1) of section 220.1875, Florida  
 74 | Statutes, is amended to read:

75 |       220.1875 Credit for contributions to eligible nonprofit  
 76 | scholarship-funding organizations.—

77 |       (1) There is allowed a credit of 100 percent of an  
 78 | eligible contribution made to an eligible nonprofit scholarship-  
 79 | funding organization under s. 1002.395 against any tax due for a  
 80 | taxable year under this chapter. ~~However, such a credit may not~~  
 81 | ~~exceed 75 percent of the tax due under this chapter for the~~  
 82 | ~~taxable year,~~ after the application of any other allowable  
 83 | credits by the taxpayer. The credit granted by this section  
 84 | shall be reduced by the difference between the amount of federal

85 corporate income tax taking into account the credit granted by  
 86 this section and the amount of federal corporate income tax  
 87 without application of the credit granted by this section.

88 Section 3. Subsection (1) of section 624.51055, Florida  
 89 Statutes, is amended to read:

90 624.51055 Credit for contributions to eligible nonprofit  
 91 scholarship-funding organizations.—

92 (1) There is allowed a credit of 100 percent of an  
 93 eligible contribution made to an eligible nonprofit scholarship-  
 94 funding organization under s. 1002.395 against any tax due for a  
 95 taxable year under s. 624.509(1). ~~However, such a credit may not~~  
 96 ~~exceed 75 percent of the tax due under s. 624.509(1) after~~  
 97 deducting from such tax deductions for assessments made pursuant  
 98 to s. 440.51; credits for taxes paid under ss. 175.101 and  
 99 185.08; credits for income taxes paid under chapter 220; credits  
 100 for the emergency excise tax paid under chapter 221; and the  
 101 credit allowed under s. 624.509(5), as such credit is limited by  
 102 s. 624.509(6). An insurer claiming a credit against premium tax  
 103 liability under this section shall not be required to pay any  
 104 additional retaliatory tax levied pursuant to s. 624.5091 as a  
 105 result of claiming such credit. Section 624.5091 does not limit  
 106 such credit in any manner.

107 Section 4. Paragraphs (c) and (e) of subsection (5) of  
 108 section 1002.395, Florida Statutes, are amended to read:

109 1002.395 Florida Tax Credit Scholarship Program.—

110 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

111 (c) If a tax credit approved under paragraph (b) is not  
 112 fully used within the specified state fiscal year for credits

113 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes  
114 due for the specified taxable year for credits under s. 220.1875  
115 or s. 624.51055 because of insufficient tax liability on the  
116 part of the taxpayer, the unused amount may be carried forward  
117 for a period not to exceed 5 ~~3~~ years. However, any taxpayer that  
118 seeks to carry forward an unused amount of tax credit must  
119 submit an application to the department for approval of the  
120 carryforward tax credit in the year that the taxpayer intends to  
121 use the carryforward. The department must obtain the division's  
122 approval prior to approving the carryforward of a tax credit  
123 under s. 561.1211.

124 (e) Within any state fiscal year, a taxpayer may rescind  
125 all or part of a tax credit approved under paragraph (b). The  
126 amount rescinded shall become available for that state fiscal  
127 year to another eligible taxpayer as approved by the department  
128 if the taxpayer receives notice from the department that the  
129 rescindment has been accepted by the department ~~and the taxpayer~~  
130 ~~has not previously rescinded any or all of its tax credits~~  
131 ~~approved under paragraph (b) more than once in the previous 3~~  
132 ~~tax years~~. The department must obtain the division's approval  
133 prior to accepting the rescindment of a tax credit under s.  
134 561.1211. Any amount rescinded under this paragraph shall become  
135 available to an eligible taxpayer on a first-come, first-served  
136 basis based on tax credit applications received after the date  
137 the rescindment is accepted by the department.

138 Section 5. This act shall take effect July 1, 2011.