



LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/07/2012	.	
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03/09/2012 01:48 PM	.	
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The Committee on Budget (Alexander) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Paragraph (a) of subsection (2) of section
196.199, Florida Statutes, is amended to read:

196.199 Government property exemption.—

(2) Property owned by the following governmental units but
used by nongovernmental lessees shall only be exempt from
taxation under the following conditions:

(a) Leasehold interests in property of the United States,
of the state or any of its several political subdivisions, or of
municipalities, agencies, authorities, and other public bodies



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14 corporate of the state shall be exempt from ad valorem taxation
15 and the intangible tax pursuant to paragraph (b) only when the
16 lessee serves or performs a governmental, municipal, or public
17 purpose or function, as defined in s. 196.012(6). In all such
18 cases, all other interests in the leased property shall also be
19 exempt from ad valorem taxation. However, a leasehold interest
20 in property of the state may not be exempted from ad valorem
21 taxation when a nongovernmental lessee uses such property for
22 the operation of a multipurpose hazardous waste treatment
23 facility.

24 Section 2. The amendment to s. 196.199, Florida Statutes,
25 made by this act shall take effect upon this act becoming a law
26 and shall apply retroactively to all governmental leaseholds in
27 existence as of January 1, 2011. This section is intended to be
28 remedial in nature and does not create a right to a refund or
29 require any governmental entity to refund any tax, penalty, or
30 interest remitted to the Department of Revenue before the
31 effective date of this act.

32 Section 3. Paragraph (b) of subsection (2) of section
33 210.20, Florida Statutes, is amended, and paragraph (c) is added
34 to subsection (2) of that section, to read:

35 210.20 Employees and assistants; distribution of funds.—

36 (2) As collections are received by the division from such
37 cigarette taxes, it shall pay the same into a trust fund in the
38 State Treasury designated "Cigarette Tax Collection Trust Fund"
39 which shall be paid and distributed as follows:

40 ~~(b)1. Beginning January 1, 1999, and continuing for 10~~
41 ~~years thereafter, the division shall from month to month certify~~
42 ~~to the Chief Financial Officer the amount derived from the~~



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43 ~~eigarette tax imposed by s. 210.02, less the service charges~~
44 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~
45 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
46 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~
47 ~~specifying an amount equal to 2.59 percent of the net~~
48 ~~collections, and that amount shall be paid to the Board of~~
49 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
50 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
51 ~~Chief Financial Officer upon the State Treasury. These funds are~~
52 ~~hereby appropriated monthly out of the Cigarette Tax Collection~~
53 ~~Trust Fund, to be used for the purpose of constructing,~~
54 ~~furnishing, and equipping a cancer research facility at the~~
55 ~~University of South Florida adjacent to the H. Lee Moffitt~~
56 ~~Cancer Center and Research Institute. In fiscal years 1999-2000~~
57 ~~and thereafter with the exception of fiscal year 2008-2009, the~~
58 ~~appropriation to the H. Lee Moffitt Cancer Center and Research~~
59 ~~Institute authorized by this subparagraph shall not be less than~~
60 ~~the amount that would have been paid to the H. Lee Moffitt~~
61 ~~Cancer Center and Research Institute for fiscal year 1998-1999~~
62 ~~had payments been made for the entire fiscal year rather than~~
63 ~~for a 6-month period thereof.~~

64 ~~2. Beginning July 1, 2002, and continuing through June 30,~~
65 ~~2004, the division shall, in addition to the distribution~~
66 ~~authorized in subparagraph 1., from month to month certify to~~
67 ~~the Chief Financial Officer the amount derived from the~~
68 ~~eigarette tax imposed by s. 210.02, less the service charges~~
69 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~
70 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
71 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~



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72 ~~specifying an amount equal to 0.2632 percent of the net~~
73 ~~collections, and that amount shall be paid to the Board of~~
74 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
75 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
76 ~~Chief Financial Officer. Beginning July 1, 2004, and continuing~~
77 ~~through June 30, 2013 2020, the division shall, ~~in addition to~~~~
78 ~~the distribution authorized in subparagraph 1., from month to~~
79 ~~month certify to the Chief Financial Officer the amount derived~~
80 ~~from the cigarette tax imposed by s. 210.02, less the service~~
81 ~~charges provided for in s. 215.20 and less 0.9 percent of the~~
82 ~~amount derived from the cigarette tax imposed by s. 210.02,~~
83 ~~which shall be deposited into the Alcoholic Beverage and Tobacco~~
84 ~~Trust Fund, specifying an amount equal to 1.47 percent of the~~
85 ~~net collections, and that amount shall be paid to the Board of~~
86 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
87 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
88 ~~Chief Financial Officer. Beginning July 1, 2013, and continuing~~
89 ~~through June 30, 2033, the division shall from month to month~~
90 ~~certify to the Chief Financial Officer the amount derived from~~
91 ~~the cigarette tax imposed by s. 210.02, less the service charges~~
92 ~~provided for in s. 215.20 and less 0.9 percent of the amount~~
93 ~~derived from the cigarette tax imposed by s. 210.02, which shall~~
94 ~~be deposited into the Alcoholic Beverage and Tobacco Trust Fund,~~
95 ~~specifying an amount equal to 2.75 percent of the net~~
96 ~~collections, and that amount shall be paid to the Board of~~
97 ~~Directors of the H. Lee Moffitt Cancer Center and Research~~
98 ~~Institute, established under s. 1004.43, by warrant drawn by the~~
99 ~~Chief Financial Officer. These funds are appropriated monthly~~
100 ~~out of the Cigarette Tax Collection Trust Fund, to be used for~~



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101 lawful purposes, including the purpose of constructing,
102 furnishing, and equipping, financing, operating, and maintaining
103 a cancer research and clinical and related facilities;
104 furnishing, equipping, operating, and maintaining other
105 properties owned or leased by facility at the University of
106 South Florida adjacent to the H. Lee Moffitt Cancer Center and
107 Research Institute; and paying costs incurred in connection with
108 purchasing, financing, operating, and maintaining such
109 equipment, facilities, and properties. In fiscal years 2004-2005
110 and thereafter, the appropriation to the H. Lee Moffitt Cancer
111 Center and Research Institute authorized by this subparagraph
112 shall not be less than the amount that would have been paid to
113 the H. Lee Moffitt Cancer Center and Research Institute in
114 fiscal year 2001-2002, had this subparagraph been in effect.

115 (c) Beginning July 1, 2013, and continuing through June 30,
116 2021, the division shall from month to month certify to the
117 Chief Financial Officer the amount derived from the cigarette
118 tax imposed by s. 210.02, less the service charges provided for
119 in s. 215.20 and less 0.9 percent of the amount derived from the
120 cigarette tax imposed by s. 210.02, which shall be deposited
121 into the Alcoholic Beverage and Tobacco Trust Fund, specifying
122 an amount equal to 1 percent of the net collections, and that
123 amount shall be deposited into the Biomedical Research Trust
124 Fund in the Department of Health. These funds are appropriated
125 annually in an amount not to exceed \$3 million from the
126 Biomedical Research Trust Fund for the Department of Health and
127 the Sanford-Burnham Medical Research Institute to work in
128 conjunction for the purpose of establishing activities and grant
129 opportunities in relation to biomedical research.



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130 Section 4. Section 210.201, Florida Statutes, is amended to
131 read:

132 210.201 H. Lee Moffitt Cancer Center and Research Institute
133 facilities ~~Cancer research facility at the University of South~~
134 ~~Florida~~; establishment; funding.—The Board of Directors of the
135 H. Lee Moffitt Cancer Center and Research Institute shall
136 construct, furnish, and equip, and shall covenant to complete,
137 the cancer research and clinical and related facilities of
138 ~~facility at the University of South Florida adjacent to the H.~~
139 Lee Moffitt Cancer Center and Research Institute funded with
140 proceeds from the Cigarette Tax Collection Trust Fund pursuant
141 to s. 210.20. Moneys transferred to the Board of Directors of
142 the H. Lee Moffitt Cancer Center and Research Institute pursuant
143 to s. 210.20 may ~~shall~~ be used to secure financing to pay costs
144 related to constructing, furnishing, ~~and~~ equipping, operating,
145 and maintaining ~~the~~ cancer research and clinical and related
146 facilities; furnishing, equipping, operating, and maintaining
147 other leased or owned properties; and paying costs incurred in
148 connection with purchasing, financing, operating, and
149 maintaining such equipment, facilities, and properties as
150 provided in s. 210.20 ~~facility~~. Such financing may include the
151 issuance of tax-exempt bonds or other forms of indebtedness by a
152 local authority, municipality, or county pursuant to parts II
153 and III of chapter 159. Such bonds shall not constitute state
154 bonds for purposes of s. 11, Art. VII of the State Constitution,
155 but shall constitute bonds of a "local agency," as defined in s.
156 159.27(4). The cigarette tax dollars pledged to facilities ~~this~~
157 ~~facility~~ pursuant to s. 210.20 may be replaced annually by the
158 Legislature from tobacco litigation settlement proceeds.



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159 Section 5. Section 211.3103, Florida Statutes, is amended
160 to read:

161 211.3103 Levy of tax on severance of phosphate rock; rate,
162 basis, and distribution of tax.—

163 (1) There is hereby levied an excise tax upon each every
164 person engaging in the business of severing phosphate rock from
165 the soils or waters of this state for commercial use. The tax
166 shall be collected, administered, and enforced by the
167 department.

168 (2) The tax rate shall be \$1.61 per ton severed, except for
169 the time period beginning January 1, 2015, until December 31,
170 2022, when the tax rate shall be \$1.80 per ton severed.

171 ~~(2) Beginning July 1, 2004, the proceeds of all taxes,~~
172 ~~interest, and penalties imposed under this section shall be paid~~
173 ~~into the State Treasury as follows:~~

174 ~~(a) The first \$10 million in revenue collected from the tax~~
175 ~~during each fiscal year shall be paid to the credit of the~~
176 ~~Conservation and Recreation Lands Trust Fund.~~

177 ~~(b) The remaining revenues collected from the tax during~~
178 ~~that fiscal year, after the required payment under paragraph~~
179 ~~(a), shall be paid into the State Treasury as follows:~~

180 ~~1. To the credit of the General Revenue Fund of the state,~~
181 ~~40.1 percent.~~

182 ~~2. For payment to counties in proportion to the number of~~
183 ~~tons of phosphate rock produced from a phosphate rock matrix~~
184 ~~located within such political boundary, 16.5 percent. The~~
185 ~~department shall distribute this portion of the proceeds~~
186 ~~annually based on production information reported by the~~
187 ~~producers on the annual returns for the taxable year. Any such~~



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188 ~~proceeds received by a county shall be used only for phosphate-~~
189 ~~related expenses.~~

190 ~~3. For payment to counties that have been designated a~~
191 ~~rural area of critical economic concern pursuant to s. 288.0656~~
192 ~~in proportion to the number of tons of phosphate rock produced~~
193 ~~from a phosphate rock matrix located within such political~~
194 ~~boundary, 13 percent. The department shall distribute this~~
195 ~~portion of the proceeds annually based on production information~~
196 ~~reported by the producers on the annual returns for the taxable~~
197 ~~year. Payments under this subparagraph shall be made to the~~
198 ~~counties unless the Legislature by special act creates a local~~
199 ~~authority to promote and direct the economic development of the~~
200 ~~county. If such authority exists, payments shall be made to that~~
201 ~~authority.~~

202 ~~4. To the credit of the Phosphate Research Trust Fund in~~
203 ~~the Division of Universities of the Department of Education, 9.3~~
204 ~~percent.~~

205 ~~5. To the credit of the Minerals Trust Fund, 10.7 percent.~~

206 ~~6. To the credit of the Nonmandatory Land Reclamation Trust~~
207 ~~Fund, 10.4 percent.~~

208 ~~(3) Beginning July 1, 2003, and annually thereafter, the~~
209 ~~Department of Environmental Protection may use up to \$2 million~~
210 ~~of the funds in the Nonmandatory Land Reclamation Trust Fund to~~
211 ~~purchase a surety bond or a policy of insurance, the proceeds of~~
212 ~~which would pay the cost of restoration, reclamation, and~~
213 ~~cleanup of any phosphogypsum stack system and phosphate mining~~
214 ~~activities in the event that an operator or permittee thereof~~
215 ~~has been subject to a final order of bankruptcy and all funds~~
216 ~~available therefrom are determined to be inadequate to~~



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217 ~~accomplish such restoration, reclamation, and cleanup. This~~
218 ~~section does not imply that such operator or permittee is~~
219 ~~thereby relieved of its obligations or relieved of any~~
220 ~~liabilities pursuant to any other remedies at law,~~
221 ~~administrative remedies, statutory remedies, or remedies~~
222 ~~pursuant to bankruptcy law. The department shall adopt rules to~~
223 ~~implement this subsection, including the purchase and oversight~~
224 ~~of the bond or policy.~~

225 ~~(4) Funds distributed pursuant to subparagraphs (2) (b) 3.~~
226 ~~and (11) (e) 4. shall be used for:~~

227 ~~(a) Planning, preparing, and financing of infrastructure~~
228 ~~projects for job creation and capital investment, especially~~
229 ~~those related to industrial and commercial sites. Infrastructure~~
230 ~~investments may include the following public or public-private~~
231 ~~partnership facilities: stormwater systems, telecommunications~~
232 ~~facilities, roads or other remedies to transportation~~
233 ~~impediments, nature-based tourism facilities, or other physical~~
234 ~~requirements necessary to facilitate trade and economic~~
235 ~~development activities.~~

236 ~~(b) Maximizing the use of federal, local, and private~~
237 ~~resources, including, but not limited to, those available under~~
238 ~~the Small Cities Community Development Block Grant Program.~~

239 ~~(c) Projects that improve inadequate infrastructure that~~
240 ~~has resulted in regulatory action that prohibits economic or~~
241 ~~community growth, if such projects are related to specific job~~
242 ~~creation or job retention opportunities.~~

243 ~~(5) Beginning January 1, 2004, the tax rate shall be the~~
244 ~~base rate of \$1.62 per ton severed.~~

245 ~~(6) Beginning January 1, 2005, and annually thereafter, the~~



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246 ~~tax rate shall be the base rate times the base rate adjustment~~
247 ~~for the tax year as calculated by the department in accordance~~
248 ~~with subsection (8).~~

249 ~~(3)(7)~~ The excise tax levied by this section applies shall
250 ~~apply~~ to the total production of the producer during the taxable
251 year, measured on the basis of bone-dry tons produced at the
252 point of severance.

253 ~~(8)(a) On or before March 30, 2004, and annually~~
254 ~~thereafter, the department shall calculate the base rate~~
255 ~~adjustment, if any, for phosphate rock based on the change in~~
256 ~~the unadjusted annual producer price index for the prior~~
257 ~~calendar year in relation to the unadjusted annual producer~~
258 ~~price index for calendar year 1999.~~

259 ~~(b) For the purposes of determining the base rate~~
260 ~~adjustment for any year, the base rate adjustment shall be a~~
261 ~~fraction, the numerator of which is the unadjusted annual~~
262 ~~producer price index for the prior calendar year and the~~
263 ~~denominator of which is the unadjusted annual producer price~~
264 ~~index for calendar year 1999.~~

265 ~~(c) The department shall provide the base rate, the base~~
266 ~~rate adjustment, and the resulting tax rate to affected~~
267 ~~producers by written notice on or before April 15 of the current~~
268 ~~year.~~

269 ~~(d) If the producer price index for phosphate rock is~~
270 ~~substantially revised, the department shall make appropriate~~
271 ~~adjustment in the method used to compute the base rate~~
272 ~~adjustment under this subsection which will produce results~~
273 ~~reasonably consistent with the result that would have been~~
274 ~~obtained if the producer price index for phosphate rock had not~~



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275 ~~been revised. However, the tax rate shall not be less than \$1.51~~
276 ~~per ton severed.~~

277 ~~(c) If the producer price index for phosphate rock is~~
278 ~~discontinued, a comparable index shall be selected by the~~
279 ~~department and adopted by rule.~~

280 ~~(4)(9)~~ The excise tax levied on the severance of phosphate
281 rock ~~is shall be~~ in addition to any ad valorem taxes levied upon
282 the separately assessed mineral interest in the real property
283 upon which the site of severance is located, or any other tax,
284 permit, or license fee imposed by the state or its political
285 subdivisions.

286 ~~(5)(10)~~ The tax levied by this section shall be collected
287 in the manner prescribed in s. 211.33.

288 ~~(11)(a) Beginning July 1, 2008, there is hereby levied a~~
289 ~~surcharge of \$1.38 per ton severed in addition to the excise tax~~
290 ~~levied by this section. The surcharge shall be levied until the~~
291 ~~last day of the calendar quarter in which the total revenue~~
292 ~~generated by the surcharge equals \$60 million. Revenues derived~~
293 ~~from the surcharge shall be deposited into the Nonmandatory Land~~
294 ~~Reclamation Trust Fund and shall be exempt from the general~~
295 ~~revenue service charge provided in s. 215.20. Revenues derived~~
296 ~~from the surcharge shall be used to augment funds appropriated~~
297 ~~for the rehabilitation, management, and closure of the Piney~~
298 ~~Point and Mulberry sites and for approved reclamation of~~
299 ~~nonmandatory lands in accordance with chapter 378. A minimum of~~
300 ~~75 percent of the revenues from the surcharge shall be dedicated~~
301 ~~to the Piney Point and Mulberry sites.~~

302 ~~(b) Beginning July 1, 2008, the excise tax rate shall be~~
303 ~~\$1.945 per ton severed and the base rate adjustment provided in~~



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304 ~~subsection (6) shall not apply.~~
305 ~~(c)1. Beginning July 1 of the 2010-2011 fiscal year, the~~
306 ~~tax rate shall be the base rate of \$1.71 per ton severed.~~
307 ~~2. Beginning July 1 of the 2011-2012 fiscal year, the tax~~
308 ~~rate shall be the base rate of \$1.61 per ton severed.~~
309 ~~3. The base rate adjustment provided in subsection (6)~~
310 ~~shall not apply until the conditions of paragraph (d) are met.~~
311 ~~(d) Beginning July 1 of the fiscal year following the date~~
312 ~~on which a taxpayer's surcharge offset equals or exceeds the~~
313 ~~total amount of surcharge remitted by such taxpayer under~~
314 ~~paragraph (a), and each year thereafter, the excise tax rate~~
315 ~~levied on such taxpayer shall be adjusted as provided in~~
316 ~~subsection (6). The surcharge offset for each taxpayer is an~~
317 ~~amount calculated by the department equal to the cumulative~~
318 ~~difference between the amount of excise tax that would have been~~
319 ~~collected under subsections (5) and (6) and the excise tax~~
320 ~~collected under subparagraphs (c)1. and 2. from such taxpayer.~~
321 ~~(c) Beginning July 1 of the 2010-2011 fiscal year, the~~
322 ~~proceeds of all taxes, interest, and penalties imposed under~~
323 ~~this section shall be exempt from the general revenue service~~
324 ~~charge provided in s. 215.20, and shall be paid into the State~~
325 ~~Treasury as follows:~~
326 ~~1. To the credit of the Conservation and Recreation Lands~~
327 ~~Trust Fund, 21.9 percent.~~
328 ~~2. To the credit of the General Revenue Fund of the state,~~
329 ~~37.1 percent.~~
330 ~~3. For payment to counties in proportion to the number of~~
331 ~~tons of phosphate rock produced from a phosphate rock matrix~~
332 ~~located within such political boundary, 12 percent. The~~



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333 ~~department shall distribute this portion of the proceeds~~
334 ~~annually based on production information reported by the~~
335 ~~producers on the annual returns for the taxable year. Any such~~
336 ~~proceeds received by a county shall be used only for phosphate-~~
337 ~~related expenses.~~

338 ~~4. For payment to counties that have been designated a~~
339 ~~rural area of critical economic concern pursuant to s. 288.0656~~
340 ~~in proportion to the number of tons of phosphate rock produced~~
341 ~~from a phosphate rock matrix located within such political~~
342 ~~boundary, 9.4 percent. The department shall distribute this~~
343 ~~portion of the proceeds annually based on production information~~
344 ~~reported by the producers on the annual returns for the taxable~~
345 ~~year. Payments under this subparagraph shall be made to the~~
346 ~~counties unless the Legislature by special act creates a local~~
347 ~~authority to promote and direct the economic development of the~~
348 ~~county. If such authority exists, payments shall be made to that~~
349 ~~authority.~~

350 ~~5. To the credit of the Nonmandatory Land Reclamation Trust~~
351 ~~Fund, 5.8 percent.~~

352 ~~6. To the credit of the Phosphate Research Trust Fund in~~
353 ~~the Division of Universities of the Department of Education, 5.8~~
354 ~~percent.~~

355 ~~7. To the credit of the Minerals Trust Fund, 8.0 percent.~~

356 (6) (a) (f) Beginning July 1 of the 2011-2012 fiscal year,
357 the proceeds of all taxes, interest, and penalties imposed under
358 this section are exempt from the general revenue service charge
359 provided in s. 215.20, and such proceeds shall be paid into the
360 State Treasury as follows:

361 1. To the credit of the Conservation and Recreation Lands



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362 Trust Fund, 25.5 percent.

363 2. To the credit of the General Revenue Fund of the state,
364 35.7 percent.

365 3. For payment to counties in proportion to the number of
366 tons of phosphate rock produced from a phosphate rock matrix
367 located within such political boundary, 12.8 percent. The
368 department shall distribute this portion of the proceeds
369 annually based on production information reported by the
370 producers on the annual returns for the taxable year. Any such
371 proceeds received by a county shall be used only for phosphate-
372 related expenses.

373 4. For payment to counties that have been designated as a
374 rural area of critical economic concern pursuant to s. 288.0656
375 in proportion to the number of tons of phosphate rock produced
376 from a phosphate rock matrix located within such political
377 boundary, 10.0 percent. The department shall distribute this
378 portion of the proceeds annually based on production information
379 reported by the producers on the annual returns for the taxable
380 year. Payments under this subparagraph shall be made to the
381 counties unless the Legislature by special act creates a local
382 authority to promote and direct the economic development of the
383 county. If such authority exists, payments shall be made to that
384 authority.

385 5. To the credit of the Nonmandatory Land Reclamation Trust
386 Fund, 6.2 percent.

387 6. To the credit of the Phosphate Research Trust Fund in
388 the Division of Universities of the Department of Education, 6.2
389 percent.

390 7. To the credit of the Minerals Trust Fund, 3.6 percent.



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391 (b) Notwithstanding paragraph (a), from January 1, 2015,
392 until December 31, 2022, the proceeds of all taxes, interest,
393 and penalties imposed under this section are exempt from the
394 general revenue service charge provided in s. 215.20, and such
395 proceeds shall be paid to the State Treasury as follows:

396 1. To the credit of the Conservation and Recreation Lands
397 Trust Fund, 22.8 percent.

398 2. To the credit of the General Revenue Fund of the state,
399 31.9 percent.

400 3. For payment to counties pursuant to subparagraph (a)3.,
401 11.5 percent.

402 4. For payment to counties pursuant to subparagraph (a)4.,
403 8.9 percent.

404 5. To the credit of the Nonmandatory Land Reclamation Trust
405 Fund, 16.1 percent.

406 6. To the credit of the Phosphate Research Trust Fund in
407 the Division of Universities of the Department of Education, 5.6
408 percent.

409 7. To the credit of the Minerals Trust Fund, 3.2 percent.

410 (c) ~~(g)~~ For purposes of this section, "phosphate-related
411 expenses" means those expenses that provide for infrastructure
412 or services in support of the phosphate industry, reclamation or
413 restoration of phosphate lands, community infrastructure on such
414 reclaimed lands, and similar expenses directly related to
415 support of the industry.

416 Section 6. Paragraph (b) of subsection (1) of section
417 211.02, Florida Statutes, is amended, present subsections (4)
418 and (5) of that section are renumbered as subsections (5) and
419 (6), respectively, and a new subsection (4) is added to that



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420 section, to read:

421 211.02 Oil production tax; basis and rate of tax; tertiary
422 oil and mature field recovery oil.—An excise tax is hereby
423 levied upon every person who severs oil in the state for sale,
424 transport, storage, profit, or commercial use. Except as
425 otherwise provided in this part, the tax is levied on the basis
426 of the entire production of oil in this state, including any
427 royalty interest. Such tax shall accrue at the time the oil is
428 severed and shall be a lien on production regardless of the
429 place of sale, to whom sold, or by whom used, and regardless of
430 the fact that delivery of the oil may be made outside the state.

431 (1) The amount of tax shall be measured by the value of the
432 oil produced and saved or sold during a month. The value of oil
433 shall be taxed at the following rates:

434 (b) Tertiary oil and mature field recovery oil:

435 1. One percent of the gross value of oil on the value of
436 oil \$60 dollars and below;

437 2. Seven percent of the gross value of oil on the value of
438 oil above \$60 and below \$80; and

439 3. Nine percent of the gross value of oil on the value of
440 oil \$80 and above.

441 (4) As used in this section, the term "mature field
442 recovery oil" means the barrels of oil recovered from new wells
443 that begin production after July 1, 2012, in fields that were
444 discovered prior to 1981.

445 Section 7. Subsection (2) of section 211.06, Florida
446 Statutes, is amended to read:

447 211.06 Oil and Gas Tax Trust Fund; distribution of tax
448 proceeds.—All taxes, interest, and penalties imposed under this



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449 part shall be collected by the department and placed in a
450 special fund designated the "Oil and Gas Tax Trust Fund."

451 (2) ~~Beginning July 1, 1995,~~ The remaining proceeds in the
452 Oil and Gas Tax Trust Fund shall be distributed monthly by the
453 department and shall be paid into the State Treasury as follows:

454 (a) To the credit of the General Revenue Fund of the state:

455 1. Seventy-five percent of the proceeds from the oil
456 production tax imposed under s. 211.02(1)(c).

457 2. Sixty-three ~~Sixty-seven~~ and one-half percent of the
458 proceeds from the tax on small well oil, ~~and~~ tertiary oil, and
459 mature field recovery oil imposed under s. 211.02(1)(a) and (b).

460 3. Sixty-seven and one-half percent of the proceeds from
461 the tax on gas imposed under s. 211.025.

462 4. Sixty-seven and one-half percent of the proceeds of the
463 tax on sulfur imposed under s. 211.026.

464 (b) To the credit of the general revenue fund of the board
465 of county commissioners of the county where produced, subject to
466 the service charge imposed under chapter 215:

467 1. Twelve and one-half percent of the proceeds from the tax
468 on oil imposed under s. 211.02(1)(c).

469 2. Twenty percent of the proceeds from the tax on small
470 well oil, ~~and~~ tertiary oil, and mature field recovery oil
471 imposed under s. 211.02(1)(a) and (b).

472 3. Twenty percent of the proceeds from the tax on gas
473 imposed under s. 211.025.

474 4. Twenty percent of the proceeds from the tax on sulfur
475 imposed under s. 211.026.

476 (c) To the credit of the Minerals Trust Fund:

477 1. Twelve and one-half percent of the proceeds from the tax



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478 on oil imposed under s. 211.02(1)(c).

479 2. ~~Sixteen~~ ~~Twelve~~ and one-half percent of the proceeds from
480 the tax on small well oil, and tertiary oil, and mature field
481 recovery oil imposed under s. 211.02(1)(a) and (b).

482 3. Twelve and one-half percent of the proceeds from the tax
483 on gas imposed under s. 211.025.

484 4. Twelve and one-half percent of the proceeds from the tax
485 on sulfur imposed under s. 211.026.

486 Section 8. Effective January 1, 2013, paragraphs (b) and
487 (e) of subsection (5) and paragraphs (ee) and (rr) of subsection
488 (7) of section 212.08, Florida Statutes, are amended, and
489 paragraph (hhh) and (iii) are added to subsection (7) of that
490 section, to read:

491 212.08 Sales, rental, use, consumption, distribution, and
492 storage tax; specified exemptions.—The sale at retail, the
493 rental, the use, the consumption, the distribution, and the
494 storage to be used or consumed in this state of the following
495 are hereby specifically exempt from the tax imposed by this
496 chapter.

497 (5) EXEMPTIONS; ACCOUNT OF USE.—

498 (b) *Machinery and equipment used to increase productive*
499 *output.*—

500 1. Industrial machinery and equipment purchased for
501 exclusive use by a new business in spaceport activities as
502 defined by s. 212.02 or for use in new businesses that
503 manufacture, process, compound, or produce for sale items of
504 tangible personal property at fixed locations are exempt from
505 the tax imposed by this chapter upon an affirmative showing by
506 the taxpayer to the satisfaction of the department that such



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507 items are used in a new business in this state. Such purchases
508 must be made before ~~prior to~~ the date the business first begins
509 its productive operations, and delivery of the purchased item
510 must be made within 12 months after that date.

511 2. Industrial machinery and equipment purchased for
512 exclusive use by an expanding facility which is engaged in
513 spaceport activities as defined by s. 212.02 or for use in
514 expanding manufacturing facilities or plant units which
515 manufacture, process, compound, or produce for sale items of
516 tangible personal property at fixed locations in this state are
517 exempt from any amount of tax imposed by this chapter upon an
518 affirmative showing by the taxpayer to the satisfaction of the
519 department that such items are used to increase the productive
520 output of such expanded facility or business by not less than 5
521 ~~10~~ percent.

522 3.a. To receive an exemption provided by subparagraph 1. or
523 subparagraph 2., a qualifying business entity shall apply to the
524 department for a temporary tax exemption permit. The application
525 shall state that a new business exemption or expanded business
526 exemption is being sought. Upon a tentative affirmative
527 determination by the department pursuant to subparagraph 1. or
528 subparagraph 2., the department shall issue such permit.

529 b. The applicant shall maintain all necessary books and
530 records to support the exemption. Upon completion of purchases
531 of qualified machinery and equipment pursuant to subparagraph 1.
532 or subparagraph 2., the temporary tax permit shall be delivered
533 to the department or returned to the department by certified or
534 registered mail.

535 c. If, in a subsequent audit conducted by the department,



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536 it is determined that the machinery and equipment purchased as
537 exempt under subparagraph 1. or subparagraph 2. did not meet the
538 criteria mandated by this paragraph or if commencement of
539 production did not occur, the amount of taxes exempted at the
540 time of purchase shall immediately be due and payable to the
541 department by the business entity, together with the appropriate
542 interest and penalty, computed from the date of purchase, in the
543 manner prescribed by this chapter.

544 d. If a qualifying business entity fails to apply for a
545 temporary exemption permit or if the tentative determination by
546 the department required to obtain a temporary exemption permit
547 is negative, a qualifying business entity shall receive the
548 exemption provided in subparagraph 1. or subparagraph 2. through
549 a refund of previously paid taxes. No refund may be made for
550 such taxes unless the criteria mandated by subparagraph 1. or
551 subparagraph 2. have been met and commencement of production has
552 occurred.

553 4. The department shall adopt rules governing applications
554 for, issuance of, and the form of temporary tax exemption
555 permits; provisions for recapture of taxes; and the manner and
556 form of refund applications, and may establish guidelines as to
557 the requisites for an affirmative showing of increased
558 productive output, commencement of production, and qualification
559 for exemption.

560 5. The exemptions provided in subparagraphs 1. and 2. do
561 not apply to machinery or equipment purchased or used by
562 electric utility companies, communications companies, oil or gas
563 exploration or production operations, publishing firms that do
564 not export at least 50 percent of their finished product out of



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565 the state, any firm subject to regulation by the Division of
566 Hotels and Restaurants of the Department of Business and
567 Professional Regulation, or any firm that does not manufacture,
568 process, compound, or produce for sale items of tangible
569 personal property or that does not use such machinery and
570 equipment in spaceport activities as required by this paragraph.
571 The exemptions provided in subparagraphs 1. and 2. shall apply
572 to machinery and equipment purchased for use in phosphate or
573 other solid minerals severance, mining, or processing
574 operations.

575 6. For the purposes of the exemptions provided in
576 subparagraphs 1. and 2., these terms have the following
577 meanings:

578 a. "Industrial machinery and equipment" means tangible
579 personal property or other property that has a depreciable life
580 of 3 years or more and that is used as an integral part in the
581 manufacturing, processing, compounding, or production of
582 tangible personal property for sale or is exclusively used in
583 spaceport activities. A building and its structural components
584 are not industrial machinery and equipment unless the building
585 or structural component is so closely related to the industrial
586 machinery and equipment that it houses or supports that the
587 building or structural component can be expected to be replaced
588 when the machinery and equipment are replaced. Heating and air-
589 conditioning systems are not industrial machinery and equipment
590 unless the sole justification for their installation is to meet
591 the requirements of the production process, even though the
592 system may provide incidental comfort to employees or serve, to
593 an insubstantial degree, nonproduction activities. The term



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594 includes parts and accessories only to the extent that the
595 exemption thereof is consistent with the provisions of this
596 paragraph.

597 b. "Productive output" means the number of units actually
598 produced by a single plant, operation, or product line in a
599 single continuous 12-month period, irrespective of sales.
600 Increases in productive output shall be measured by the output
601 for 12 continuous months selected by the expanding business
602 after ~~following the~~ completion of the installation of such
603 machinery or equipment over the output for the 12 continuous
604 months immediately preceding such installation. However, in no
605 case may such time period begin later than 2 years after
606 ~~following the~~ completion of the installation of the new
607 machinery and equipment. The units used to measure productive
608 output shall be physically comparable between the two periods,
609 irrespective of sales.

610 (e) *Gas or electricity used for certain agricultural*
611 *purposes.*—

612 1. Butane gas, propane gas, natural gas, and all other
613 forms of liquefied petroleum gases are exempt from the tax
614 imposed by this chapter if used in any tractor, vehicle, or
615 other farm equipment which is used exclusively on a farm or for
616 processing farm products on the farm and no part of which gas is
617 used in any vehicle or equipment driven or operated on the
618 public highways of this state. This restriction does not apply
619 to the movement of farm vehicles or farm equipment between
620 farms. The transporting of bees by water and the operating of
621 equipment used in the apiary of a beekeeper is also deemed an
622 exempt use.



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623 2. Electricity used directly or indirectly for production,
624 packing, or processing of agricultural products on the farm, or
625 used directly or indirectly in a packinghouse, is exempt from
626 the tax imposed by this chapter. As used in this subsection, the
627 term "packinghouse" means any building or structure where
628 fruits, vegetables, or meat from cattle or hogs are packed or
629 otherwise prepared for market or shipment in fresh form for
630 wholesale distribution. The exemption does not apply to
631 electricity used in buildings or structures where agricultural
632 products are sold at retail. This exemption applies only if the
633 electricity used for the exempt purposes is separately metered.
634 If the electricity is not separately metered, it is conclusively
635 presumed that some portion of the electricity is used for a
636 nonexempt purpose, and all of the electricity used for such
637 purposes is taxable.

638 (7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any
639 entity by this chapter do not inure to any transaction that is
640 otherwise taxable under this chapter when payment is made by a
641 representative or employee of the entity by any means,
642 including, but not limited to, cash, check, or credit card, even
643 when that representative or employee is subsequently reimbursed
644 by the entity. In addition, exemptions provided to any entity by
645 this subsection do not inure to any transaction that is
646 otherwise taxable under this chapter unless the entity has
647 obtained a sales tax exemption certificate from the department
648 or the entity obtains or provides other documentation as
649 required by the department. Eligible purchases or leases made
650 with such a certificate must be in strict compliance with this
651 subsection and departmental rules, and any person who makes an



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652 exempt purchase with a certificate that is not in strict
653 compliance with this subsection and the rules is liable for and
654 shall pay the tax. The department may adopt rules to administer
655 this subsection.

656 (ee) *Aircraft repair and maintenance labor charges.*—There
657 shall be exempt from the tax imposed by this chapter all labor
658 charges for the repair and maintenance of qualified aircraft,
659 aircraft of more than 2,000 ~~15,000~~ pounds maximum certified
660 takeoff weight, and rotary wing aircraft of more than 10,000
661 pounds maximum certified takeoff weight. Except as otherwise
662 provided in this chapter, charges for parts and equipment
663 furnished in connection with such labor charges are taxable.

664 (rr) *Equipment used in aircraft repair and maintenance.*—
665 There shall be exempt from the tax imposed by this chapter
666 replacement engines, parts, and equipment used in the repair or
667 maintenance of qualified aircraft, aircraft of more than 2,000
668 ~~15,000~~ pounds maximum certified takeoff weight, and rotary wing
669 aircraft of more than 10,300 pounds maximum certified takeoff
670 weight, when such parts or equipment are installed on such
671 aircraft that is being repaired or maintained in this state.

672 (hhh) *Items used in manufacturing and fabricating aircraft*
673 *and gas turbine engines.*—Chemicals, machinery, parts, and
674 equipment used and consumed in the manufacture or fabrication of
675 aircraft engines and gas turbine engines, including cores,
676 electrical discharge machining supplies, brass electrodes,
677 ceramic guides, reamers, grinding and deburring wheels, Norton
678 vortex wheels, argon, nitrogen, helium, fluid abrasive cutters,
679 solvents and soaps, boroscopes, penetrants, patterns, dies, and
680 molds consumed in the production of castings are exempt from the



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681 tax imposed by this chapter.

682 (iii) Accessible taxicabs.—The sale or lease of accessible
683 taxicabs is exempt from the tax imposed by this chapter. As used
684 in this paragraph, the term "accessible taxicab" means a
685 chauffer-driven taxi, limousine, sedan, van, or other passenger
686 vehicle for which an operator is hired to use for the
687 transportation of persons for compensation; which transports
688 eight passengers or fewer; is equipped with a lift or ramp
689 designed specifically to transport physically disabled persons
690 or contains any other device designed to permit access to, and
691 enable the transportation of, physically disabled persons,
692 including persons who use wheelchairs, motorized wheelchairs, or
693 similar mobility aids; which complies with the accessibility
694 requirements of the Americans with Disabilities Act of 1990, 49
695 C.F.R. ss. 38.23, 38.25, and 38.31, as amended, regardless of
696 whether such requirements would apply under federal law; and
697 meets all applicable federal motor vehicle safety standards and
698 regulations adopted thereunder. If the lift or ramp or any other
699 device is installed through an aftermarket conversion of a stock
700 vehicle, only the value of the conversion is exempt from the tax
701 imposed by this chapter.

702 Section 9. Subsection (5) of section 212.097, Florida
703 Statutes, is amended to read:

704 212.097 Urban High-Crime Area Job Tax Credit Program.—

705 (5) To be eligible for a tax credit under subsection (3),
706 the number of qualified employees employed 1 year before ~~prior~~
707 ~~to~~ the application date must be no lower than the number of
708 qualified employees on January 1, 2009, or on the application
709 date on which a credit under this section was based for any



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710 previous application, including an application under subsection
711 (2), whichever occurs later.

712 Section 10. Effective January 1, 2013, and applying to tax
713 years beginning on or after January 1, 2013, subsection (1) of
714 section 220.14, Florida Statutes, is amended to read:

715 220.14 Exemption.—

716 (1) In computing a taxpayer's liability for tax under this
717 code, there shall be exempt from the tax \$50,000 ~~\$25,000~~ of net
718 income as defined in s. 220.12 or such lesser amount as will,
719 without increasing the taxpayer's federal income tax liability,
720 provide the state with an amount under this code which is equal
721 to the maximum federal income tax credit which may be available
722 from time to time under federal law.

723 Section 11. Effective January 1, 2013, and applying to tax
724 years beginning on or after January 1, 2013, subsection (3) of
725 section 220.63, Florida Statutes, is amended to read:

726 220.63 Franchise tax imposed on banks and savings
727 associations.—

728 (3) For purposes of this part, the franchise tax base shall
729 be adjusted federal income, as defined in s. 220.13, apportioned
730 to this state, plus nonbusiness income allocated to this state
731 pursuant to s. 220.16, less the deduction allowed in subsection
732 (5) and less \$50,000 ~~\$25,000~~.

733 Section 12. Paragraphs (b), (d), and (f) of subsection (1),
734 paragraph (b) of subsection (4), and subsections (7) and (11) of
735 section 288.1254, Florida Statutes, are amended, present
736 paragraphs (c) through (o) of subsection (1) of that section are
737 redesignated as paragraphs (d) through (p), respectively, and
738 new paragraphs (c) and (q) are added to that subsection, to



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739 read:

740 288.1254 Entertainment industry financial incentive
741 program.—

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

743 (b) "Digital media project" means a production of
744 interactive entertainment that is produced for distribution in
745 commercial or educational markets. The term includes a video
746 game or production intended for Internet or wireless
747 distribution, an interactive website, digital animation, and
748 visual effects, including, but not limited to, three-dimensional
749 movie productions and movie conversions. The term does not
750 include a production that contains ~~obscene~~ content that is
751 obscene as defined in s. 847.001~~(10)~~.

752 (c) "High-impact digital media project" means a digital
753 media project that has qualified expenditures greater than \$4.5
754 million.

755 (e)~~(d)~~ "Off-season certified production" means a feature
756 film, independent film, or television series or pilot that ~~which~~
757 films 75 percent or more of its principal photography days from
758 June 1 through November 30.

759 (g)~~(f)~~ "Production" means a theatrical or direct-to-video
760 motion picture; a made-for-television motion picture; visual
761 effects or digital animation sequences produced in conjunction
762 with a motion picture; a commercial; a music video; an
763 industrial or educational film; an infomercial; a documentary
764 film; a television pilot program; a presentation for a
765 television pilot program; a television series, including, but
766 not limited to, a drama, a reality show, a comedy, a soap opera,
767 a telenovela, a game show, an awards show, or a miniseries



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768 production; or a digital media project by the entertainment
769 industry. One season of a television series is considered one
770 production. The term does not include a weather or market
771 program; a sporting event or a sporting event broadcast; a
772 ~~sports show;~~ a gala; a production that solicits funds; a home
773 shopping program; a political program; a political documentary;
774 political advertising; a gambling-related project or production;
775 a concert production; or a local, regional, or Internet-
776 distributed-only news show or, current-events show; a sports
777 news or sports recap show; a pornographic production; or any
778 production deemed obscene under chapter 847 ~~current-affairs~~
779 ~~show~~. A production may be produced on or by film, tape, or
780 otherwise by means of a motion picture camera; electronic camera
781 or device; tape device; computer; any combination of the
782 foregoing; or any other means, method, or device.

783 (q) "Interactive website" means a website or group of
784 websites that includes interactive and downloadable content, and
785 creates 25 new Florida full-time equivalent positions operating
786 from a principal place of business located within Florida. An
787 interactive website or group of websites must provide
788 documentation that those jobs were created to the Office of Film
789 and Entertainment prior to the award of tax credits. Each
790 subsequent program application must provide proof that 25
791 Florida full-time equivalent positions are maintained.

792 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
793 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
794 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
795 ACQUISITIONS.-

796 (b) *Tax credit eligibility.-*



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797 1. General production queue.—Ninety-four percent of tax
798 credits authorized pursuant to subsection (6) in any state
799 fiscal year must be dedicated to the general production queue.
800 The general production queue consists of all qualified
801 productions other than those eligible for the commercial and
802 music video queue or the independent and emerging media
803 production queue. A qualified production that demonstrates a
804 minimum of \$625,000 in qualified expenditures is eligible for
805 tax credits equal to 20 percent of its actual qualified
806 expenditures, up to a maximum of \$8 million. A qualified
807 production that incurs qualified expenditures during multiple
808 state fiscal years may combine those expenditures to satisfy the
809 \$625,000 minimum threshold.

810 a. An off-season certified production that is a feature
811 film, independent film, or television series or pilot is
812 eligible for an additional 5 percent ~~5-percent~~ tax credit on
813 actual qualified expenditures. An off-season certified
814 production that does not complete 75 percent of principal
815 photography due to a disruption caused by a hurricane or
816 tropical storm may not be disqualified from eligibility for the
817 additional 5 percent ~~5-percent~~ credit as a result of the
818 disruption.

819 b. If more than 45 ~~25~~ percent of the sum of total tax
820 credits awarded to productions initially certified after April
821 ~~July 1, 2012~~ 2010, and total tax credits certified after April
822 1, 2012, but not yet awarded, ~~to productions currently in this~~
823 ~~state~~ has been awarded for high-impact television series, then
824 no high-impact television series ~~or pilot~~ shall be eligible for
825 tax credits under this subparagraph. Tax credits certified for a



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826 high-impact television series prior to the percentage threshold
827 in this sub-subparagraph being reached may not be awarded after
828 the threshold has been reached.

829 ~~e. The calculations required by this sub-subparagraph shall~~
830 ~~use only credits available to be certified and awarded on or~~
831 ~~after July 1, 2011.~~

832 ~~(I) If the provisions of sub-subparagraph b. are not~~
833 ~~applicable and less than 25 percent of the sum of the total tax~~
834 ~~credits awarded to productions and the total tax credits~~
835 ~~certified, but not yet awarded, to productions currently in this~~
836 ~~state has been to high-impact television series, any qualified~~
837 ~~high-impact television series shall be allowed first position in~~
838 ~~this queue for tax credit awards not yet certified.~~

839 ~~(II) If less than 20 percent of the sum of the total tax~~
840 ~~credits awarded to productions and the total tax credits~~
841 ~~certified, but not yet awarded, to productions currently in this~~
842 ~~state has been to digital media projects, any digital media~~
843 ~~project with qualified expenditures of greater than \$4,500,000~~
844 ~~shall be allowed first position in this queue for tax credit~~
845 ~~awards not yet certified.~~

846 c.(III) Subject to sub-subparagraph b., first priority in
847 the queue for tax credit awards not yet certified shall be given
848 to high-impact television series and high-impact digital media
849 projects. For the purposes of determining priority position
850 between a high-impact television series allowed first position
851 and a high-impact digital media project allowed first position
852 under this sub-subparagraph, the first position must go to the
853 first application received. Thereafter, priority shall be
854 determined by alternating between a high-impact television



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855 series and a high-impact digital media project ~~tax credits shall~~
856 ~~be awarded~~ on a first-come, first-served basis. However, if the
857 Office of Film and Entertainment receives an application for a
858 high-impact television series or high-impact digital media
859 project that would be certified but for the alternating
860 priority, the office may certify the project as being in the
861 priority position if an application that would normally be the
862 priority position is not received within 5 business days.

863 d. A qualified production for which ~~that incurs~~ at least 67
864 85 percent of its principal photography days occur ~~qualified~~
865 ~~expenditures~~ within a region designated as an underutilized
866 region at the time that the production is certified is eligible
867 for an additional 5 percent ~~5-percent~~ tax credit.

868 e. A ~~Any~~ qualified production that employs students
869 enrolled full-time in a film and entertainment-related or
870 digital media-related course of study at an institution of
871 higher education in this state is eligible for an additional 15
872 percent ~~15-percent~~ tax credit on qualified expenditures that are
873 wages, salaries, or other compensation paid to such students.
874 The additional 15 percent ~~15-percent~~ tax credit is ~~shall~~ also ~~be~~
875 applicable to persons hired within 12 months after ~~of~~ graduating
876 from a film and entertainment-related or digital media-related
877 course of study at an institution of higher education in this
878 state. The additional 15 percent ~~15-percent~~ tax credit applies
879 ~~shall apply~~ to qualified expenditures that are wages, salaries,
880 or other compensation paid to such recent graduates for 1 year
881 after ~~from~~ the date of hiring.

882 f. A qualified production for which 50 percent or more of
883 its principal photography occurs at a qualified production



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884 facility, or a qualified digital media project or the digital
885 animation component of a qualified production for which 50
886 percent or more of the project's or component's qualified
887 expenditures are related to a qualified digital media production
888 facility, ~~is shall be~~ eligible for an additional 5 percent ~~5-~~
889 ~~percent~~ tax credit on actual qualified expenditures for
890 production activity at that facility.

891 g. A ~~No~~ qualified production is not ~~shall be~~ eligible for
892 tax credits provided under this paragraph totaling more than 30
893 percent of its actual qualified expenses.

894 2. Commercial and music video queue.—Three percent of tax
895 credits authorized pursuant to subsection (6) in any state
896 fiscal year must be dedicated to the commercial and music video
897 queue. A qualified production company that produces national or
898 regional commercials or music videos may be eligible for a tax
899 credit award if it demonstrates a minimum of \$100,000 in
900 qualified expenditures per national or regional commercial or
901 music video and exceeds a combined threshold of \$500,000 after
902 combining actual qualified expenditures from qualified
903 commercials and music videos during a single state fiscal year.
904 After a qualified production company that produces commercials,
905 music videos, or both reaches the threshold of \$500,000, it is
906 eligible to apply for certification for a tax credit award. The
907 maximum credit award shall be equal to 20 percent of its actual
908 qualified expenditures up to a maximum of \$500,000. If there is
909 a surplus at the end of a fiscal year after the Office of Film
910 and Entertainment certifies and determines the tax credits for
911 all qualified commercial and video projects, such surplus tax
912 credits shall be carried forward to the following fiscal year



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913 and are ~~be~~ available to any eligible qualified productions under
914 the general production queue.

915 3. Independent and emerging media production queue.—Three
916 percent of tax credits authorized pursuant to subsection (6) in
917 any state fiscal year must be dedicated to the independent and
918 emerging media production queue. This queue is intended to
919 encourage ~~Florida~~ independent film and emerging media production
920 in this state. Any qualified production, excluding commercials,
921 infomercials, or music videos, which ~~that~~ demonstrates at least
922 \$100,000, but not more than \$625,000, in total qualified
923 expenditures is eligible for tax credits equal to 20 percent of
924 its actual qualified expenditures. If a surplus exists at the
925 end of a fiscal year after the Office of Film and Entertainment
926 certifies and determines the tax credits for all qualified
927 independent and emerging media production projects, such surplus
928 tax credits shall be carried forward to the following fiscal
929 year and are ~~be~~ available to any eligible qualified productions
930 under the general production queue.

931 4. Family-friendly productions.—A certified theatrical or
932 direct-to-video motion picture production or video game
933 determined by the Commissioner of Film and Entertainment, with
934 the advice of the Florida Film and Entertainment Advisory
935 Council, to be family-friendly, based on ~~the~~ review of the
936 script and ~~the~~ review of the final release version, is eligible
937 for an additional tax credit equal to 5 percent of its actual
938 qualified expenditures. Family-friendly productions are those
939 that have cross-generational appeal; would be considered
940 suitable for viewing by children age 5 or older; are appropriate
941 in theme, content, and language for a broad family audience;



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942 embody a responsible resolution of issues; and do not exhibit or
943 imply any act of smoking, sex, nudity, or vulgar or profane
944 language.

945 (7) ANNUAL ALLOCATION OF TAX CREDITS.-

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

948 1. For fiscal year 2010-2011, \$53.5 million.

949 2. For fiscal year 2011-2012, \$74.5 million.

950 3. For fiscal years 2012-2013, 2013-2014, ~~and~~ 2014-2015,
951 and 2015-2016, \$42 million per fiscal year.

952 (b) Any portion of the maximum amount of tax credits
953 established per fiscal year in paragraph (a) that is not
954 certified as of the end of a fiscal year shall be carried
955 forward and made available for certification during the
956 following 2 fiscal years in addition to the amounts available
957 for certification under paragraph (a) for those fiscal years.

958 (c) Upon approval of the final tax credit award amount
959 pursuant to subparagraph (3) (f)2., an amount equal to the
960 difference between the maximum tax credit award amount
961 previously certified under paragraph (3) (d) and the approved
962 final tax credit award amount shall immediately be available for
963 recertification during the current and following fiscal years in
964 addition to the amounts available for certification under
965 paragraph (a) for those fiscal years.

966 (d) If, during a fiscal year, the total amount of credits
967 applied for, pursuant to paragraph (3) (a), exceeds the amount of
968 credits available for certification in that fiscal year, such
969 excess shall be treated as having been applied for on the first
970 day of the next fiscal year in which credits remain available



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971 for certification.

972 (11) REPEAL.—This section is repealed July 1, 2016 ~~2015~~,
973 except that:

974 (a) Tax credits certified under paragraph (3) (d) before
975 July 1, 2016 ~~2015~~, may be awarded under paragraph (3) (f) on or
976 after July 1, 2016 ~~2015~~, if the other requirements of this
977 section are met.

978 (b) Tax credits carried forward under paragraph (4) (e)
979 remain valid for the period specified.

980 (c) Subsections (5), (8) and (9) shall remain in effect
981 until July 1, 2021 ~~2020~~.

982 Section 13. Paragraph (c) of subsection (3) of section
983 288.9914, Florida Statutes, is amended to read:

984 288.9914 Certification of qualified investments; investment
985 issuance reporting.—

986 (3) REVIEW.—

987 (c) The department may not approve a cumulative amount of
988 qualified investments that may result in the claim of more than
989 \$163.8 ~~\$97.5~~ million in tax credits during the existence of the
990 program or more than \$33.6 ~~\$20~~ million in tax credits in a
991 single state fiscal year. However, the potential for a taxpayer
992 to carry forward an unused tax credit may not be considered in
993 calculating the annual limit.

994 Section 14. Subsection (1) of section 288.9915, Florida
995 Statutes, is amended to read:

996 288.9915 Use of proceeds from qualified investments;
997 recordkeeping.—

998 (1) For the period from the issuance of the qualified
999 investment to the 7th anniversary of such issuance, a qualified



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1000 community development entity may ~~not~~ make cash interest payments
1001 on a long-term debt security that is a qualified investment, but
1002 not in excess of the entity's cumulative operating income as of
1003 the date of the cash interest payment. For purposes of
1004 calculating operating income under this section, the interest
1005 expense on the security is disregarded for 6 years following the
1006 issuance of the security.

1007 Section 15. Section 290.00729, Florida Statutes, is created
1008 to read:

1009 290.00729 Enterprise zone designation for Charlotte
1010 County.—Charlotte County may apply to the Department of Economic
1011 Opportunity for designation of one enterprise zone encompassing
1012 an area not to exceed 20 square miles within Charlotte County.
1013 The application must be submitted by December 31, 2012, and must
1014 comply with the requirements in s. 290.0055. Notwithstanding s.
1015 290.0065 limiting the total number of enterprise zones
1016 designated and the number of enterprise zones within a
1017 population category, the department may designate one enterprise
1018 zone under this section. The department shall establish the
1019 initial effective date of the enterprise zone designated under
1020 this section.

1021 Section 16. Section 12. Section 290.00731, Florida
1022 Statutes, is created to read:

1023 290.00731 Enterprise zone designation for Citrus County.—
1024 Citrus County may apply to the department for designation of one
1025 enterprise zone for an area within Citrus County. The
1026 application must be submitted by December 31, 2012, and must
1027 comply with the requirements of s. 290.0055. Notwithstanding s.
1028 290.0065 limiting the total number of enterprise zones



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1029 designated and the number of enterprise zones within a
1030 population category, the department may designate one enterprise
1031 zone under this section. The department shall establish the
1032 initial effective date of the enterprise zone designated under
1033 this section.

1034 Section 17. Section 332.08, Florida Statutes, is amended to
1035 read:

1036 332.08 Additional powers.—

1037 (1) In addition to the general powers in ss. 332.01-332.12
1038 conferred and without limitation thereof, a municipality that
1039 ~~which~~ has established or may hereafter establish airports,
1040 restricted landing areas, or other air navigation facilities, or
1041 that ~~which~~ has acquired or set apart or may hereafter acquire or
1042 set apart real property for such purposes, is ~~hereby~~ authorized:

1043 (a) ~~(1)~~ To vest authority for the construction, enlargement,
1044 improvement, maintenance, equipment, operation, and regulation
1045 thereof in an officer, a board or body of such municipality by
1046 ordinance or resolution which shall prescribe the powers and
1047 duties of such officer, board or body. The expense of such
1048 construction, enlargement, improvement, maintenance, equipment,
1049 operation, and regulation shall be a responsibility of the
1050 municipality.

1051 (b) ~~(2)~~ ~~(a)~~ To adopt and amend all needful rules,
1052 regulations, and ordinances for the management, government, and
1053 use of any properties under its control, whether within or
1054 without the territorial limits of the municipality; to appoint
1055 airport guards or police, with full police powers; to fix by
1056 ordinance or resolution, as may be appropriate, penalties for
1057 the violation of said rules, regulations, and ordinances, and



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1058 enforce said penalties in the same manner in which penalties
1059 prescribed by other rules, regulations, and ordinances of the
1060 municipality are enforced.

1061 ~~(b) Provided, where a county operates one or more airports,~~
1062 ~~its regulations for the government thereof shall be by~~
1063 ~~resolution of the board of county commissioners, shall be~~
1064 ~~recorded in the minutes of the board and promulgated by posting~~
1065 ~~a copy at the courthouse and at every such airport for 4~~
1066 ~~consecutive weeks or by publication once a week in a newspaper~~
1067 ~~published in the county for the same period. Such regulations~~
1068 ~~shall be enforced as are the criminal laws. Violation thereof~~
1069 ~~shall be a misdemeanor of the second degree, punishable as~~
1070 ~~provided in s. 775.082 or s. 775.083.~~

1071 (c) ~~(3)~~ To lease for a term not exceeding 30 years such
1072 airports or other air navigation facilities, or real property
1073 acquired or set apart for airport purposes, to private parties,
1074 any municipal or state government or the national government, or
1075 any department of either thereof, for operation; to lease or
1076 assign for a term not exceeding 30 years to private parties, any
1077 municipal or state government or the national government, or any
1078 department of either thereof, for operation or use consistent
1079 with the purposes of ss. 332.01-332.12, space, area,
1080 improvements, or equipment on such airports; to sell any part of
1081 such airports, other air navigation facilities, or real property
1082 to any municipal or state government, or the United States or
1083 any department or instrumentality thereof, for aeronautical
1084 purposes or purposes incidental thereto, and to confer the
1085 privileges of concessions of supplying upon its airports goods,
1086 commodities, things, services, and facilities; provided, that in



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1087 each case in so doing the public is not deprived of its rightful
1088 equal and uniform use thereof.

1089 (d)~~(4)~~ To sell or lease any property, real or personal,
1090 acquired for airport purposes and belonging to the municipality,
1091 which, in the judgment of its governing body, may not be
1092 required for aeronautic purposes, in accordance with the laws of
1093 this state, or the provisions of the charter of the
1094 municipality, governing the sale or leasing of similar
1095 municipally owned property.

1096 (e)~~(5)~~ To exercise all powers necessarily incidental to the
1097 exercise of the general and special powers herein granted, and
1098 is specifically authorized to assess and shall assess against
1099 and collect from the owner or operator of each and every
1100 airplane using such airports a sufficient fee or service charge
1101 to cover the cost of the service furnished airplanes using such
1102 airports, including the liquidation of bonds or other
1103 indebtedness for construction and improvements.

1104 (2) If a county operates one or more airports, its
1105 regulations for the governance thereof shall be by resolution of
1106 the board of county commissioners, recorded in the minutes of
1107 the board, and promulgated by posting a copy at the courthouse
1108 and at every such airport for 4 consecutive weeks or by
1109 publication once a week in a newspaper published in the county
1110 for the same period. Such regulations shall be enforced in the
1111 same manner as the criminal laws. Violation thereof is a
1112 misdemeanor of the second degree, punishable as provided in s.
1113 775.082 or s. 775.083.

1114 (3) Notwithstanding any other provision of this section, a
1115 municipality participating in the Federal Aviation



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1116 Administration's Airport Privatization Pilot Program pursuant to
1117 49 U.S.C. s. 47134 may lease or sell an airport or other air
1118 navigation facility or real property, together with improvements
1119 and equipment, acquired or set apart for airport purposes to a
1120 private party under such terms and conditions as negotiated by
1121 the municipality. If state funds were provided to the
1122 municipality pursuant to s. 332.007, the municipality must
1123 obtain approval of the agreement from the Department of
1124 Transportation, which may approve the agreement if it determines
1125 that the state's investment has been adequately considered and
1126 protected consistent with the applicable conditions specified in
1127 49 U.S.C. s. 47134.

1128 Section 18. Section 565.07, Florida Statutes, is amended to
1129 read:

1130 565.07 Sale or consumption of certain distilled spirits
1131 prohibited.—A ~~No~~ distilled spirit greater than 153 proof may not
1132 shall be sold, processed, or consumed in the state. However, a
1133 distilled spirit greater than 153 proof may be distilled,
1134 bottled, packaged, or processed for export or sale outside the
1135 state.

1136 Section 19. (1) The tax levied under chapter 212, Florida
1137 Statutes, may not be collected during the period from 12:01 a.m.
1138 on August 3, 2012, through 11:59 p.m. on August 5, 2012, on the
1139 sale of:

1140 (a) Clothing, wallets, or bags, including handbags,
1141 backpacks, fanny packs, and diaper bags, but excluding
1142 briefcases, suitcases, and other garment bags, having a sales
1143 price of \$75 or less per item. As used in this paragraph, the
1144 term "clothing" means:



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1145 1. Any article of wearing apparel intended to be worn on or
1146 about the human body, excluding watches, watchbands, jewelry,
1147 umbrellas, or handkerchiefs; and

1148 2. All footwear, excluding skis, swim fins, roller blades,
1149 and skates.

1150 (b) School supplies having a sales price of \$15 or less per
1151 item. As used in this paragraph, the term "school supplies"
1152 means pens, pencils, erasers, crayons, notebooks, notebook
1153 filler paper, legal pads, binders, lunch boxes, construction
1154 paper, markers, folders, poster board, composition books, poster
1155 paper, scissors, cellophane tape, glue or paste, rulers,
1156 computer disks, protractors, compasses, and calculators.

1157 (2) The tax exemptions in this section do not apply to
1158 sales within a theme park or entertainment complex as defined in
1159 s. 509.013(9), Florida Statutes, a public lodging establishment
1160 as defined in s. 509.013(4), Florida Statutes, or an airport as
1161 defined in s. 330.27(2), Florida Statutes.

1162 Section 20. For the 2011-2012 fiscal year, the sum of
1163 \$226,284 in nonrecurring funds is appropriated from the General
1164 Revenue Fund to the Department of Revenue for purposes of
1165 administering section 19. Funds remaining unexpended or
1166 unencumbered from this appropriation as of June 30, 2012, shall
1167 revert and be reappropriated for the same purpose in the 2012-
1168 2013 fiscal year.

1169 Section 21. (1) The sum of \$14,900,000 in nonrecurring
1170 funds is appropriated from the General Revenue Fund to the State
1171 Economic Enhancement and Development Trust Fund for the 2012-
1172 2013 fiscal year.

1173 (2) The sum of \$14,900,000 is appropriated from the State



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1174 Economic Enhancement and Development Trust Fund for the 2012-
1175 2013 fiscal year to the Department of Economic Opportunity for
1176 the Qualified Target Industries, Qualified Defense Contractors,
1177 Brownfield Bonus, High Impact Performance Incentive, Quick
1178 Action Closing Fund, Brownfield Redevelopment, Innovation
1179 Incentive programs, and transportation facilities, and only for
1180 projects that meet the eligibility requirements of law. These
1181 funds shall not be released for any other purpose and shall only
1182 be disbursed when projects meet the contracted performance
1183 requirements.

1184 Section 22. (1) The executive director of the Department of
1185 Revenue is authorized, and all conditions are deemed met, to
1186 adopt emergency rules under ss. 120.536(1) and 120.54(4),
1187 Florida Statutes, for the purpose of implementing this act.

1188 (2) Notwithstanding any provision of law, such emergency
1189 rules shall remain in effect for 6 months after the date adopted
1190 and may be renewed during the pendency of procedures to adopt
1191 permanent rules addressing the subject of the emergency rules.

1192 Section 23. Except as otherwise expressly provided in this
1193 act and except for this section, which shall take effect upon
1194 this act becoming a law, this act shall take effect July 1,
1195 2012.

1197 ===== T I T L E A M E N D M E N T =====

1198 And the title is amended as follows:

1199 Delete everything before the enacting clause
1200 and insert:

1201 A bill to be entitled

1202 An act relating to economic development; amending s.



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1203 196.199, F.S.; providing an exemption from intangible
1204 tax for lessees performing a governmental, municipal,
1205 or public purpose or function; providing that the
1206 exemption from intangible tax applies retroactively to
1207 all governmental leaseholds in existence as of a
1208 certain date; providing that the provision is remedial
1209 in nature and does not create a right to certain
1210 refunds; amending s. 210.20, F.S.; deleting obsolete
1211 provisions; establishing a funding source for the H.
1212 Lee Moffitt Cancer Center and Research Institute from
1213 a portion of the cigarette tax collections; directing
1214 the purposes for which such funds may be used;
1215 establishing a funding source for the Department of
1216 Health from a portion of the cigarette tax collections
1217 to establish grants and undertake other activities in
1218 conjunction with the Sanford-Burnham Medical Research
1219 Institute to further biomedical research; directing
1220 the purposes for which such funds may be used;
1221 amending s. 210.201, F.S.; establishing the purposes
1222 for which funding to the H. Lee Moffitt Cancer Center
1223 and Research Institute may be used; amending s.
1224 211.3103, F.S.; revising the excise tax rates levied
1225 upon each ton of phosphate rock severed; specifying
1226 the period during which the rates apply; revising the
1227 distribution of the revenues received; deleting
1228 obsolete provisions; amending s. 211.02, F.S.;
1229 defining the term "mature field recovery oil" and
1230 applying to such oil the tiered severance tax rates
1231 applicable to tertiary oil; amending s. 211.06, F.S.;



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1232 revising the distribution of certain proceeds from the
1233 Oil and Gas Tax Trust Fund; amending s. 212.08, F.S.;

1234 providing an exemption from the tax on sales, use, and
1235 other transactions for electricity used by
1236 packinghouses; defining the term "packinghouse";

1237 expanding exemptions from the sales and use tax on
1238 labor, parts, and equipment used in repairs of certain
1239 aircraft; exempting certain items used to manufacture,
1240 produce, or modify aircraft and gas turbine engines
1241 and parts from the tax on sales, use, and other
1242 transactions; revising a condition for an exemption
1243 for machinery and equipment; providing an exemption
1244 from the tax on sales, use, and other transactions for
1245 the sale or lease of accessible taxicabs; defining the
1246 term "accessible taxicab"; amending s. 212.097, F.S.;

1247 revising the eligibility criteria for tax credits
1248 under the Urban High-Crime Area Job Tax Credit
1249 Program; amending s. 220.14, F.S.; increasing the
1250 amount of income that is exempt from the corporate
1251 income tax; amending s. 220.63, F.S.; increasing the
1252 amount of income that is exempt from the franchise tax
1253 imposed on banks and savings associations; amending s.
1254 288.1254, F.S.; redefining the terms "digital media
1255 project," "off-season certified production," and
1256 "production"; defining the terms "high-impact digital
1257 media project" and "interactive website"; revising
1258 provisions limiting the amount of tax credits for
1259 high-impact television series and digital media
1260 productions; providing criteria for determining



1261 priority for tax credits that have not yet been
1262 certified; reducing the required percent of certain
1263 production components necessary to qualify for
1264 additional credits; authorizing credit allocations for
1265 the 2015-2016 fiscal year; extending program repeal
1266 provisions by 1 year; amending s. 288.9914, F.S.;
1267 revising limits on tax credits that may be claimed by
1268 qualified community development entities under the
1269 program; amending s. 288.9915, F.S.; revising
1270 restrictions on a qualified community development
1271 entity's making of cash interest payments on certain
1272 long-term debt securities; creating s. 290.00729,
1273 F.S.; authorizing Charlotte County to apply to the
1274 Department of Economic Opportunity for designation of
1275 an enterprise zone; providing application
1276 requirements; authorizing the Department of Economic
1277 Opportunity to designate an enterprise zone in
1278 Charlotte County; requiring that the Department of
1279 Economic Opportunity establish the initial effective
1280 date for the enterprise zone; creating s. 290.00731,
1281 F.S.; authorizing Citrus County to apply to the
1282 Department of Economic Opportunity for designation of
1283 an enterprise zone; providing an application deadline
1284 and requirements; authorizing the Department of
1285 Economic Opportunity to designate an enterprise zone
1286 in Citrus County; requiring the Department of Economic
1287 Opportunity to establish the effective date of the
1288 enterprise zone; amending s. 332.08, F.S.; authorizing
1289 a municipality participating in a federal airport



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1290 privatization pilot program to lease or sell to a
1291 private party an airport or other air navigation
1292 facility or certain real property, improvements, and
1293 equipment; requiring approval by the Department of
1294 Transportation of the sale or lease agreement under
1295 certain circumstances; providing criteria for
1296 department approval; amending s. 565.07, F.S.;
1297 providing that a distilled spirit greater than 153
1298 proof may be distilled, bottled, packaged, or
1299 processed for export or sale outside the state;
1300 creating provisions specifying a period during this
1301 year when the sale of clothing, wallets, bags, and
1302 school supplies are exempt from the tax on sales;
1303 providing definitions; providing exceptions; providing
1304 an appropriation to the Department of Revenue;
1305 providing an appropriation to the State Economic
1306 Enhancement and Development Trust Fund and subsequent
1307 appropriation from the trust fund to the Department of
1308 Economic Opportunity to fund economic development
1309 programs for the 2012-2013 fiscal year; authorizing
1310 the Department of Revenue to adopt emergency rules;
1311 providing effective dates.