

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Plakon offered the following:

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

4 Remove lines 688-699 and insert:

5 and must provide other information that the Department of
6 Agriculture and Consumer Services ~~department~~ requires.

7 (k) A taxpayer's use of the credit granted pursuant to
8 this section does not reduce the amount of any credit available
9 to such taxpayer under s. 220.186.

10 (4) The Department of Agriculture and Consumer Services
11 shall make a determination on the eligibility of the applicant
12 for the credits sought and certify the determination to the
13 applicant and the Department of Revenue. The corporation must
14 attach the Department of Agriculture and Consumer Services'
15 certification to the tax return on which the credit is claimed.
16 The Department of Agriculture and Consumer Services is

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17 responsible for ensuring that the corporate income tax credits
18 granted in each fiscal year do not exceed the limits provided
19 for in this section.

20 (5) (a) In addition to its existing audit and investigation
21 authority, the Department of Revenue may perform any additional
22 financial and technical audits and investigations, including
23 examining the accounts, books, and records of the tax credit
24 applicant, which are necessary to verify the information
25 included in the tax credit return and to ensure compliance with
26 this section. The Department of Agriculture and Consumer
27 Services shall provide technical assistance when requested by
28 the Department of Revenue on any technical audits or
29 examinations performed pursuant to this section.

30 (b) It is grounds for forfeiture of previously claimed and
31 received tax credits if the Department of Revenue determines, as
32 a result of an audit or examination or from information received
33 from the Department of Agriculture and Consumer Services, that a
34 taxpayer received tax credits pursuant to this section to which
35 the taxpayer was not entitled. The taxpayer is responsible for
36 returning forfeited tax credits to the Department of Revenue,
37 and such funds shall be paid into the General Revenue Fund of
38 the state.

39 (c) The Department of Agriculture and Consumer Services
40 may revoke or modify any written decision granting eligibility
41 for tax credits under this section if it is discovered that the
42 tax credit applicant submitted any false statement,
43 representation, or certification in any application, record,
44 report, plan, or other document filed in an attempt to receive

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45 tax credits under this section. The Department of Agriculture
46 and Consumer Services shall immediately notify the Department of
47 Revenue of any revoked or modified orders affecting previously
48 granted tax credits. Additionally, the taxpayer must notify the
49 Department of Revenue of any change in its tax credit claimed.

50 (d) The taxpayer shall file with the Department of Revenue
51 an amended return or such other report as the Department of
52 Revenue prescribes by rule and shall pay any required tax and
53 interest within 60 days after the taxpayer receives notification
54 from the Department of Agriculture and Consumer Services that
55 previously approved tax credits have been revoked or modified.
56 If the revocation or modification order is contested, the
57 taxpayer shall file an amended return or other report as
58 provided in this paragraph within 60 days after a final order is
59 issued after proceedings.

60 (e) A notice of deficiency may be issued by the Department
61 of Revenue at any time within 3 years after the taxpayer
62 receives formal notification from the Department of Agriculture
63 and Consumer Services that previously approved tax credits have
64 been revoked or modified. If a taxpayer fails to notify the
65 Department of Revenue of any changes to its tax credit claimed,
66 a notice of deficiency may be issued at any time.

67 (6)-(4) The Department of Revenue and the Department of
68 Agriculture and Consumer Services ~~department~~ may adopt rules to
69 implement and administer this section, including rules
70 prescribing forms, the documentation needed to substantiate a
71 claim for the tax credit, and the specific procedures and
72 guidelines for claiming the credit.

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73 (7) The Department of Agriculture and Consumer Services
74 shall determine and publish on its website on a regular basis
75 the amount of available tax credits remaining in each fiscal
76 year.

77 (8)~~(5)~~ This section shall take effect upon becoming law
78 and shall apply to tax years beginning on and after January 1,
79 2013 ~~2007~~.

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

Remove line 42 and insert:
rulemaking authority to the Department of Revenue and
the Department of Agriculture and Consumer Services;
directing the Department of Agriculture and Consumer
Services to provide certain information on its
website;