



698404

LEGISLATIVE ACTION

Senate	.	House
Comm: WD	.	
04/22/2013	.	
	.	
	.	
	.	

---

---

The Committee on Appropriations (Ring) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 117 and 118  
insert:

Section 4. Paragraph (p) of subsection (5) of section 212.08, Florida Statutes, is amended to read:

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



698404

13 (5) EXEMPTIONS; ACCOUNT OF USE.—

14 (p) *Community contribution tax credit for donations.*—

15 1. Authorization.—Persons who are registered with the  
16 department under s. 212.18 to collect or remit sales or use tax  
17 and who make donations to eligible sponsors are eligible for tax  
18 credits against their state sales and use tax liabilities as  
19 provided in this paragraph:

20 a. The credit shall be computed as 50 percent of the  
21 person's approved annual community contribution.

22 b. The credit shall be granted as a refund against state  
23 sales and use taxes reported on returns and remitted in the 12  
24 months preceding the date of application to the department for  
25 the credit as required in sub-subparagraph 3.c. If the annual  
26 credit is not fully used through such refund because of  
27 insufficient tax payments during the applicable 12-month period,  
28 the unused amount may be included in an application for a refund  
29 made pursuant to sub-subparagraph 3.c. in subsequent years  
30 against the total tax payments made for such year. Carryover  
31 credits may be applied for a 3-year period without regard to any  
32 time limitation that would otherwise apply under s. 215.26.

33 c. A person may not receive more than \$200,000 in annual  
34 tax credits for all approved community contributions made in any  
35 one year.

36 d. All proposals for the granting of the tax credit require  
37 the prior approval of the Department of Economic Opportunity.

38 e. The total amount of tax credits which may be granted for  
39 all programs approved under this paragraph, s. 220.183, and s.  
40 624.5105 is \$10.5 million annually for projects that provide  
41 homeownership opportunities for low-income or very-low-income



698404

42 households as those terms are defined in s. 420.9071~~(19)~~ and  
43 ~~(28)~~ and \$3.5 million annually for all other projects.

44 f. A person who is eligible to receive the credit provided  
45 ~~for~~ in this paragraph, s. 220.183, or s. 624.5105 may receive  
46 the credit only under the one section pursuant to ~~of~~ the  
47 person's choice.

48 2. Eligibility requirements.-

49 a. A community contribution by a person must be in the  
50 following form:

51 (I) Cash or other liquid assets;

52 (II) Real property;

53 (III) Goods or inventory; or

54 (IV) Other physical resources ~~as~~ identified by the  
55 Department of Economic Opportunity.

56 b. All community contributions must be reserved exclusively  
57 for use in a project. As used in this sub-subparagraph, the term  
58 "project" means ~~any~~ activity undertaken by an eligible sponsor  
59 which is designed to construct, improve, or substantially  
60 rehabilitate housing that is affordable to low-income or very-  
61 low-income households as those terms are defined in s.  
62 420.9071~~(19)~~ and ~~(28)~~; designed to provide commercial,  
63 industrial, or public resources and facilities; or designed to  
64 improve entrepreneurial and job-development opportunities for  
65 low-income persons. A project may be the investment necessary to  
66 increase access to high-speed broadband capability in rural  
67 communities with enterprise zones, including projects that  
68 result in improvements to communications assets that are owned  
69 by a business. A project may include the provision of museum  
70 educational programs and materials that are directly related to



698404

71 a any project approved between January 1, 1996, and December 31,  
72 1999, and located in an enterprise zone designated pursuant to  
73 s. 290.0065. This paragraph does not preclude projects that  
74 propose to construct or rehabilitate housing for low-income or  
75 very-low-income households on scattered sites. With respect to  
76 housing, contributions may be used to pay the following eligible  
77 low-income and very-low-income housing-related activities:

78 (I) Project development impact and management fees for low-  
79 income or very-low-income housing projects;

80 (II) Down payment and closing costs for low-income persons  
81 and very-low-income eligible persons, as those terms are defined  
82 in s. 420.9071(19) ~~and (28)~~;

83 (III) Administrative costs, including housing counseling  
84 and marketing fees, not to exceed 10 percent of the community  
85 contribution, directly related to low-income or very-low-income  
86 projects; and

87 (IV) Removal of liens recorded against residential property  
88 by municipal, county, or special district local governments if  
89 ~~when~~ satisfaction of the lien is a necessary precedent to the  
90 transfer of the property to a low-income person or very-low-  
91 income an eligible person, as those terms are defined in s.  
92 420.9071(19) ~~and (28)~~, for the purpose of promoting home  
93 ownership. Contributions for lien removal must be received from  
94 a nonrelated third party.

95 c. The project must be undertaken by an "eligible sponsor,"  
96 which includes:

97 (I) A community action program;

98 (II) A nonprofit community-based development organization  
99 whose mission is the provision of housing for low-income or



698404

100 very-low-income households or increasing entrepreneurial and  
101 job-development opportunities for low-income persons;  
102 (III) A neighborhood housing services corporation;  
103 (IV) A local housing authority created under chapter 421;  
104 (V) A community redevelopment agency created under s.  
105 163.356;  
106 (VI) A historic preservation district agency or  
107 organization;  
108 (VII) A regional workforce board;  
109 (VIII) A direct-support organization as provided in s.  
110 1009.983;  
111 (IX) An enterprise zone development agency created under s.  
112 290.0056;  
113 (X) A community-based organization incorporated under  
114 chapter 617 which is recognized as educational, charitable, or  
115 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code  
116 and whose bylaws and articles of incorporation include  
117 affordable housing, economic development, or community  
118 development as the primary mission of the corporation;  
119 (XI) Units of local government;  
120 (XII) Units of state government; or  
121 (XIII) Any other agency that the Department of Economic  
122 Opportunity designates by rule.

123  
124 ~~In no event may~~ A contributing person may not have a  
125 financial interest in the eligible sponsor.

126 d. The project must be located in an area designated an  
127 enterprise zone or a Front Porch Florida Community, unless the  
128 project increases access to high-speed broadband capability for



698404

129 rural communities that have ~~with~~ enterprise zones but is  
130 physically located outside the designated rural zone boundaries.  
131 Any project designed to construct or rehabilitate housing for  
132 low-income or very-low-income households as those terms are  
133 defined in s. 420.9071(19) ~~and (28)~~ is exempt from the area  
134 requirement of this sub-subparagraph.

135 e.(I) If, during the first 10 business days of the state  
136 fiscal year, eligible tax credit applications for projects that  
137 provide homeownership opportunities for low-income households or  
138 very-low-income households as those terms are defined in s.  
139 420.9071(19) ~~and (28)~~ are received for less than the annual tax  
140 credits available for those projects, the Department of Economic  
141 Opportunity shall grant tax credits for those applications and  
142 ~~shall~~ grant remaining tax credits on a first-come, first-served  
143 basis for ~~any~~ subsequent eligible applications received before  
144 the end of the state fiscal year. If, during the first 10  
145 business days of the state fiscal year, eligible tax credit  
146 applications for projects that provide homeownership  
147 opportunities for low-income or very-low-income households ~~as~~  
148 ~~defined in s. 420.9071(19) and (28)~~ are received for more than  
149 the annual tax credits available for those projects, the  
150 Department of Economic Opportunity shall grant the tax credits  
151 for those applications as follows:

152 (A) If tax credit applications submitted for approved  
153 projects of an eligible sponsor do not exceed \$200,000 in total,  
154 the credits shall be granted in full if the tax credit  
155 applications are approved.

156 (B) If tax credit applications submitted for approved  
157 projects of an eligible sponsor exceed \$200,000 in total, the



698404

158 amount of tax credits granted pursuant to sub-sub-sub-  
159 subparagraph (A) shall be subtracted from the amount of  
160 available tax credits, and the remaining credits shall be  
161 granted to each approved tax credit application on a pro rata  
162 basis.

163 (II) If, during the first 10 business days of the state  
164 fiscal year, eligible tax credit applications for projects other  
165 than those that provide homeownership opportunities for low-  
166 income households or very-low-income households as those terms  
167 are defined in s. 420.9071(19) and (28) are received for less  
168 than the annual tax credits available for those projects, the  
169 Department of Economic Opportunity shall grant tax credits for  
170 those applications and ~~shall~~ grant remaining tax credits on a  
171 first-come, first-served basis for ~~any~~ subsequent eligible  
172 applications received before the end of the state fiscal year.  
173 If, during the first 10 business days of the state fiscal year,  
174 eligible tax credit applications for projects other than those  
175 that provide homeownership opportunities for low-income or very-  
176 low-income households ~~as defined in s. 420.9071(19) and (28)~~ are  
177 received for more than the annual tax credits available for  
178 those projects, the Department of Economic Opportunity shall  
179 grant the tax credits for those applications on a pro rata  
180 basis.

181 3. Application requirements.—

182 a. Any eligible sponsor seeking to participate in this  
183 program must submit a proposal to the Department of Economic  
184 Opportunity which sets forth the name of the sponsor, a  
185 description of the project, and the area in which the project is  
186 located, together with such supporting information as is



698404

187 prescribed by rule. The proposal must also contain a resolution  
188 from the local governmental unit in which the project is located  
189 certifying that the project is consistent with local plans and  
190 regulations.

191 b. Any person seeking to participate in this program must  
192 submit an application for tax credit to the Department of  
193 Economic Opportunity which sets forth the name of the sponsor, a  
194 description of the project, and the type, value, and purpose of  
195 the contribution. The sponsor shall verify, in writing, the  
196 terms of the application and indicate its receipt of the  
197 contribution, which ~~verification must be in writing and~~  
198 accompany the application for tax credit. The person must submit  
199 a separate tax credit application to the department ~~of Economic~~  
200 ~~Opportunity~~ for each individual contribution that it makes to  
201 each individual project.

202 c. Any person who has received notification from the  
203 Department of Economic Opportunity that a tax credit has been  
204 approved must apply to the department to receive the refund.  
205 Application must be made on the form prescribed for claiming  
206 refunds of sales and use taxes and be accompanied by a copy of  
207 the notification. A person may submit only one application for  
208 refund to the department within a ~~any~~ 12-month period.

209 4. Administration.—

210 a. The Department of Economic Opportunity may adopt rules  
211 ~~pursuant to ss. 120.536(1) and 120.54~~ necessary to administer  
212 this paragraph, including rules for the approval or disapproval  
213 of proposals by a person.

214 b. The decision of the Department of Economic Opportunity  
215 must be in writing, and, if approved, the notification shall





698404

216 state the maximum credit allowable to the person. Upon approval,  
217 the Department of Economic Opportunity shall transmit a copy of  
218 the decision to the Department of Revenue.

219 c. The Department of Economic Opportunity shall  
220 periodically monitor all projects in a manner consistent with  
221 available resources to ensure that resources are used in  
222 accordance with this paragraph; however, each project must be  
223 reviewed at least once every 2 years.

224 d. The Department of Economic Opportunity shall, in  
225 consultation with the statewide and regional housing and  
226 financial intermediaries, market the availability of the  
227 community contribution tax credit program to community-based  
228 organizations.

229 5. Expiration.—This paragraph expires June 30, 2025 ~~2015~~;  
230 however, any accrued credit carryover that is unused on that  
231 date may be used until the expiration of the 3-year carryover  
232 period for such credit.

233 Section 5. Subsection (5) of section 220.183, Florida  
234 Statutes, is amended to read:

235 220.183 Community contribution tax credit.—

236 (5) EXPIRATION.—The provisions of this section, except  
237 paragraph (1)(e), ~~shall~~ expire and are ~~be~~ void on June 30, 2025  
238 ~~2015~~.

239 Section 6. Subsection (6) of section 624.5105, Florida  
240 Statutes, is amended to read:

241 624.5105 Community contribution tax credit; authorization;  
242 limitations; eligibility and application requirements;  
243 administration; definitions; expiration.—

244 (6) EXPIRATION.—The provisions of this section, except



698404

245 paragraph (1)(e), ~~shall~~ expire and are ~~be~~ void on June 30, 2025  
246 ~~2015~~.

247  
248 ===== T I T L E A M E N D M E N T =====

249 And the title is amended as follows:

250 Delete line 10

251 and insert:

252 partnerships and used for affordable housing for  
253 certain income-qualified persons; amending s. 212.08,  
254 F.S.; revising criteria for community contribution tax  
255 credit for donations; amending ss. 220.183 and  
256 624.5105, F.S.; extending the expiration date  
257 applicable to the granting of community contribution  
258 tax credits against the sales and use tax, corporate  
259 income tax, and insurance premium tax for  
260 contributions to eligible sponsors of community  
261 projects approved by the Department of Economic  
262 Opportunity; amending s. 420.507,