

A bill to be entitled

An act relating to taxes; amending s. 212.031, F.S.; exempting from tax certain separately stated charges imposed on a lessee or licensee of leased or licensed premises; amending ss. 212.097 and 212.098, F.S.; authorizing businesses that receive tax credits under the Urban High-Crime Area Job Tax Credit Program or the Rural Job Tax Credit Program to assign or transfer the credits to other businesses; providing limitations on the use of transferred tax credits; providing requirements for the transfer of the tax credits; amending s. 288.106, F.S.; authorizing a qualified target industry business to sell, assign, exchange, convey, or otherwise transfer unused tax credits; providing for the carryforward of unused qualified target industry business tax credits; providing an effective date.

Be It Enacted by the Legislature of the State of Florida:

Section 1. Subsection (10) is added to section 212.031, Florida Statutes, to read:

212.031 Tax on rental or license fee for use of real property.—

(10) Separately stated charges imposed by a convention hall, exhibition hall, auditorium, stadium, theater, arena,

27 civic center, performing arts center, or publicly owned
28 recreational facility upon a lessee or licensee for food, drink,
29 or services that are required or available in connection with a
30 lease or license to use real property, including charges for
31 advertising and credit card processing and for laborers,
32 stagehands, ticket takers, event staff, security personnel,
33 cleaning staff, and other event-related personnel, are exempt
34 from the tax imposed by this section.

35 Section 2. Subsection (16) is added to section 212.097,
36 Florida Statutes, to read:

37 212.097 Urban High-Crime Area Job Tax Credit Program.—

38 (16) A business that receives a credit under this section
39 may assign or transfer the credit, or any portion thereof, to
40 any other business. A business receiving the transferred or
41 assigned credit may use the credit only in the year received,
42 and the credit may not be carried forward or backward. To
43 perfect the transfer, the transferor shall provide the
44 department with a written transfer statement notifying the
45 department of the transferor's intent to transfer the tax credit
46 to the transferee; the date that the transfer is effective; the
47 transferee's name, address, and federal taxpayer identification
48 number; the tax period; and the amount of the tax credit to be
49 transferred. The department shall, upon receipt of a transfer
50 statement conforming to the requirements of this subsection,
51 provide the transferee with a certificate reflecting the tax
52 credit amount transferred. A copy of the certificate must be

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53 attached to each tax return for which the transferee seeks to
54 apply the tax credit.

55 Section 3. Subsection (12) is added to section 212.098,
56 Florida Statutes, to read:

57 212.098 Rural Job Tax Credit Program.—

58 (12) A business that receives a credit under this section
59 may assign or transfer the credit, or any portion thereof, to
60 any other business. A business receiving the transferred or
61 assigned credit may use the credit only in the year received,
62 and the credit may not be carried forward or backward. To
63 perfect the transfer, the transferor shall provide the
64 department with a written transfer statement notifying the
65 department of the transferor's intent to transfer the tax credit
66 to the transferee; the date that the transfer is effective; the
67 transferee's name, address, and federal taxpayer identification
68 number; the tax period; and the amount of the tax credit to be
69 transferred. The department shall, upon receipt of a transfer
70 statement conforming to the requirements of this subsection,
71 provide the transferee with a certificate reflecting the tax
72 credit amount transferred. A copy of the certificate must be
73 attached to each tax return for which the transferee seeks to
74 apply the tax credit.

75 Section 4. Paragraph (j) is added to subsection (6) of
76 section 288.106, Florida Statutes, to read:

77 288.106 Tax refund program for qualified target industry
78 businesses.—

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79 (6) ANNUAL CLAIM FOR REFUND.—

80 (j) If a tax credit approved under subsection (4) is not
81 fully used within the specified state fiscal year, a qualified
82 target industry business may:

83 1. Sell, assign, exchange, convey, or otherwise transfer
84 tax credits allowed under this section; or

85 2. Carry forward an unused amount for up to 5 years after
86 the date the credit is awarded if the business submits an
87 application to the department in the year that it intends to use
88 the credit and the department approves the application.

89 Section 5. This act shall take effect July 1, 2014.