

Amendment No.

CHAMBER ACTION

Senate

House

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Representative Renner offered the following:

**Amendment to Amendment (903866) (with title amendment)**

Between lines 138 and 139 of the amendment, insert:

(6) The 2019 Legislature shall consider the report required by subsection (3) to determine whether adjustments to the automatic tax rate adjustment mechanism under s. 220.1105, Florida Statutes, are needed.

Section 4. Section 220.1105, Florida Statutes, is created to read:

220.1105 Tax imposed; automatic refunds and downward adjustments to tax rates.-

(1) As used in this section, the term:

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14 (a) "Net collections" means the total amount of taxes  
15 collected under this chapter by the department in the 2018-2019  
16 fiscal year, including related interest and penalties, minus the  
17 total amount of refunds of taxes levied under this chapter and  
18 issued by the department in that fiscal year. No later than  
19 September 1, 2019, the Office of Economic and Demographic  
20 Research shall determine net collections for the 2018-2019  
21 fiscal year.

22 (b) "Forecasted net collections" means the amount of net  
23 collections forecasted for the 2018-2019 fiscal year by the  
24 Revenue Estimating Conference on February 23, 2018.

25 (c) "Adjusted forecasted collections" means forecasted net  
26 collections for the 2018-2019 fiscal year multiplied by 1.07.

27 (d) "Tax rate imposed" is the tax rate as defined in ss.  
28 220.11(2) and 220.63(2) adjusted as set forth in this section.

29 (2) The tax rate imposed shall be adjusted based on net  
30 collections in the 2018-2019 fiscal year. If the net collections  
31 exceed the adjusted forecasted collections, the tax rate imposed  
32 for taxable years beginning on or after January 1, 2019, shall  
33 be the tax rate imposed for taxable years beginning on or after  
34 January 1, 2018, multiplied by the quotient of the adjusted  
35 forecasted collections divided by the net collections. The  
36 resulting tax rate shall be rounded to the nearest thousandth  
37 and rounded down if the fourth digit to the right of the decimal  
38 point is the number five.

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39 (3) By October 1, 2019, the Department of Revenue shall  
40 calculate the tax rate imposed, if it is to be adjusted pursuant  
41 to subsection (2), and shall on that same date report the  
42 results of such calculation to the Governor, the President of  
43 the Senate, and the Speaker of the House of Representatives.

44 (4) Any amount by which net collections exceed adjusted  
45 forecasted collections for the 2018-2019 fiscal year shall only  
46 be used to provide refunds to corporate income tax payers as  
47 follows:

48 (a) For purposes of this subsection:

49 1. "Eligible taxpayer" means a taxpayer whose taxable year  
50 begins between April 1, 2017, and March 31, 2018, and whose  
51 final tax liability for such taxable year is greater than zero.

52 2. "Excess collections" means the amount by which net  
53 collections for the 2018-2019 year exceed adjusted forecasted  
54 collections for that fiscal year.

55 3. "Final tax liability" means the taxpayer's amount of  
56 tax due under this chapter for a taxable year, reported on a  
57 return filed pursuant to s. 220.222, including a return filed  
58 timely pursuant to a valid extension.

59 4. "Total eligible tax liability" means the sum of final  
60 tax liabilities of all eligible taxpayers.

61 5. "Taxpayer refund share" means an eligible taxpayer's  
62 final tax liability as a percentage of the total eligible tax  
63 liability.

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64       6. "Taxpayer refund" means the taxpayer refund share  
65 multiplied by the excess collections.

66       (b) No later than February 15, 2020, the department shall  
67 determine total eligible tax liability, the taxpayer refund  
68 share for each eligible taxpayer, and the taxpayer refund for  
69 each eligible taxpayer.

70       (c) No later than March 1, 2020, the department shall  
71 refund a taxpayer refund to each eligible taxpayer.

72       (5) Tax rate adjustments pursuant to this section are  
73 repealed for taxable years beginning on or after January 1,  
74 2020.

75       Section 5. Subsection (2) of section 220.11, Florida  
76 Statutes, is amended to read:

77       220.11 Tax imposed.—

78       (2)(a) The tax imposed by this section shall be an amount  
79 equal to 5 1/2 percent of the taxpayer's net income for the  
80 taxable year, except as provided in paragraph (b).

81       (b) The tax rate imposed in paragraph (a) shall be  
82 adjusted as provided in s. 220.1105.

83       Section 6. Subsection (2) of section 220.63, Florida  
84 Statutes, is amended to read:

85       220.63 Franchise tax imposed on banks and savings  
86 associations.—

87       (2)(a) The tax imposed by this section shall be an amount  
88 equal to 5 1/2 percent of the franchise tax base of the bank or

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89 savings association for the taxable year, except as provided in  
90 paragraph (b).

91 (b) The tax rate imposed in paragraph (a) shall be  
92 adjusted as provided in s. 220.1105.

93 Section 7. (1) The Department of Revenue is authorized,  
94 and all conditions are deemed to be met, to adopt emergency  
95 rules pursuant to s. 120.54(4), Florida Statutes, for the  
96 purpose of implementing this act.

97 (2) Notwithstanding any other provision of law, emergency  
98 rules adopted pursuant to subsection (1) are effective for 6  
99 months after adoption and may be renewed during the pendency of  
100 procedures to adopt permanent rules addressing the subject of  
101 the emergency rules.

102 (3) This section expires January 1, 2021.

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

107 Remove line 162 of the amendment and insert:  
108 Conference in developing required reports; requiring  
109 the 2019 Legislature to consider the report concerning  
110 the automatic tax rate adjustment mechanism; creating  
111 s. 220.1105, F.S.; providing definitions; providing  
112 for the adjustment of the corporate tax rate based on  
113 net collections exceeding adjusted forecasted

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114 collections for fiscal years 2018-2019 through 2020-  
115 2021; specifying the treatment of net collections  
116 amounts that exceed adjusted forecasted net  
117 collections for fiscal years 2018-2019 through 2020-  
118 2021; amending s. 220.11, F.S.; revising the  
119 adjustment of the tax rate imposed; amending s.  
120 220.63, F.S.; revising the adjustment of the franchise  
121 tax rate imposed on banking and savings associations;  
122 providing emergency rulemaking authority; providing

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