

1 A bill to be entitled
 2 An act relating to taxable income of licensed medical
 3 marijuana treatment centers; amending s. 220.13, F.S.;
 4 authorizing certain businesses to subtract specified
 5 deductions and credits from their taxable income;
 6 providing an effective date.

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

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 10 Section 1. Paragraph (b) of subsection (1) of section
 11 220.13, Florida Statutes, is amended to read:

12 220.13 "Adjusted federal income" defined.—

13 (1) The term "adjusted federal income" means an amount
 14 equal to the taxpayer's taxable income as defined in subsection
 15 (2), or such taxable income of more than one taxpayer as
 16 provided in s. 220.131, for the taxable year, adjusted as
 17 follows:

18 (b) Subtractions.—

19 1. There shall be subtracted from such taxable income:

20 a. The net operating loss deduction allowable for federal
 21 income tax purposes under s. 172 of the Internal Revenue Code
 22 for the taxable year, except that any net operating loss that is
 23 transferred pursuant to s. 220.194(6) may not be deducted by the
 24 seller,

25 b. The net capital loss allowable for federal income tax

26 | purposes under s. 1212 of the Internal Revenue Code for the
 27 | taxable year,

28 | c. The excess charitable contribution deduction allowable
 29 | for federal income tax purposes under s. 170(d)(2) of the
 30 | Internal Revenue Code for the taxable year, and

31 | d. The excess contributions deductions allowable for
 32 | federal income tax purposes under s. 404 of the Internal Revenue
 33 | Code for the taxable year.

34 | e. In the case of a medical marijuana treatment center
 35 | licensed pursuant to s. 381.986, the deductions and credits that
 36 | would have been allowable for federal income tax purposes if not
 37 | for s. 280E of the Internal Revenue Code.

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 39 | However, a net operating loss and a capital loss shall never be
 40 | carried back as a deduction to a prior taxable year, but all
 41 | deductions attributable to such losses shall be deemed net
 42 | operating loss carryovers and capital loss carryovers,
 43 | respectively, and treated in the same manner, to the same
 44 | extent, and for the same time periods as are prescribed for such
 45 | carryovers in ss. 172 and 1212, respectively, of the Internal
 46 | Revenue Code.

47 | 2. There shall be subtracted from such taxable income any
 48 | amount to the extent included therein the following:

49 | a. Dividends treated as received from sources without the
 50 | United States, as determined under s. 862 of the Internal

51 Revenue Code.

52 b. All amounts included in taxable income under s. 78, s.
53 951, or s. 951A of the Internal Revenue Code.

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55 However, any amount subtracted under this subparagraph is
56 allowed only to the extent such amount is not deductible in
57 determining federal taxable income. As to any amount subtracted
58 under this subparagraph, there shall be added to such taxable
59 income all expenses deducted on the taxpayer's return for the
60 taxable year which are attributable, directly or indirectly, to
61 such subtracted amount. Further, no amount shall be subtracted
62 with respect to dividends paid or deemed paid by a Domestic
63 International Sales Corporation.

64 3. In computing "adjusted federal income" for taxable
65 years beginning after December 31, 1976, there shall be allowed
66 as a deduction the amount of wages and salaries paid or incurred
67 within this state for the taxable year for which no deduction is
68 allowed pursuant to s. 280C(a) of the Internal Revenue Code
69 (relating to credit for employment of certain new employees).

70 4. There shall be subtracted from such taxable income any
71 amount of nonbusiness income included therein.

72 5. There shall be subtracted any amount of taxes of
73 foreign countries allowable as credits for taxable years
74 beginning on or after September 1, 1985, under s. 901 of the
75 Internal Revenue Code to any corporation which derived less than

76 | 20 percent of its gross income or loss for its taxable year
77 | ended in 1984 from sources within the United States, as
78 | described in s. 861(a)(2)(A) of the Internal Revenue Code, not
79 | including credits allowed under ss. 902 and 960 of the Internal
80 | Revenue Code, withholding taxes on dividends within the meaning
81 | of sub-subparagraph 2.a., and withholding taxes on royalties,
82 | interest, technical service fees, and capital gains.

83 | 6. Notwithstanding any other provision of this code,
84 | except with respect to amounts subtracted pursuant to
85 | subparagraphs 1. and 3., any increment of any apportionment
86 | factor which is directly related to an increment of gross
87 | receipts or income which is deducted, subtracted, or otherwise
88 | excluded in determining adjusted federal income shall be
89 | excluded from both the numerator and denominator of such
90 | apportionment factor. Further, all valuations made for
91 | apportionment factor purposes shall be made on a basis
92 | consistent with the taxpayer's method of accounting for federal
93 | income tax purposes.

94 | Section 2. This act shall take effect July 1, 2023.