

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;IT

23 b. The net capital loss allowable for federal income tax
 24 purposes under s. 1212 of the Internal Revenue Code for the
 25 taxable year;IT

26 c. The excess charitable contribution deduction allowable
 27 for federal income tax purposes under s. 170(d)(2) of the
 28 Internal Revenue Code for the taxable year; ~~and~~

29 d. The excess contributions deductions allowable for
 30 federal income tax purposes under s. 404 of the Internal Revenue
 31 Code for the taxable year; and

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

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

45 2. There shall be subtracted from such taxable income any
 46 amount to the extent included therein the following:

47 a. Dividends treated as received from sources without the
 48 United States, as determined under s. 862 of the Internal
 49 Revenue Code.

50 b. All amounts included in taxable income under s. 78, s.

51 | 951, or s. 951A of the Internal Revenue Code.

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

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

68 | 4. There shall be subtracted from such taxable income any
69 | amount of nonbusiness income included therein.

70 | 5. There shall be subtracted any amount of taxes of
71 | foreign countries allowable as credits for taxable years
72 | beginning on or after September 1, 1985, under s. 901 of the
73 | Internal Revenue Code to any corporation which derived less than
74 | 20 percent of its gross income or loss for its taxable year
75 | ended in 1984 from sources within the United States, as

76 | described in s. 861(a)(2)(A) of the Internal Revenue Code, not
77 | including credits allowed under ss. 902 and 960 of the Internal
78 | Revenue Code, withholding taxes on dividends within the meaning
79 | of sub-subparagraph 2.a., and withholding taxes on royalties,
80 | interest, technical service fees, and capital gains.

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

92 | Section 2. This act shall take effect July 1, 2024.