

By Senator Rodriguez

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1 A bill to be entitled
 2 An act relating to the corporate income tax; amending
 3 s. 220.13, F.S.; requiring the subtraction from
 4 adjusted federal income of certain expenditures of a
 5 taxpayer that is a medical marijuana treatment center;
 6 providing an effective date.

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;

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;

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

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30 federal income tax purposes under s. 404 of the Internal Revenue
31 Code for the taxable year; and

32 e. For a taxpayer that is a medical marijuana treatment
33 center under s. 381.986(8), an amount equal to any expenditure
34 that is eligible to be claimed as a federal income tax deduction
35 but is disallowed because marijuana is a controlled substance
36 under federal law.

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

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

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

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

53
54 However, any amount subtracted under this subparagraph is
55 allowed only to the extent such amount is not deductible in
56 determining federal taxable income. As to any amount subtracted
57 under this subparagraph, there shall be added to such taxable
58 income all expenses deducted on the taxpayer's return for the

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59 taxable year which are attributable, directly or indirectly, to
60 such subtracted amount. Further, no amount shall be subtracted
61 with respect to dividends paid or deemed paid by a Domestic
62 International Sales Corporation.

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

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

71 5. There shall be subtracted any amount of taxes of foreign
72 countries allowable as credits for taxable years beginning on or
73 after September 1, 1985, under s. 901 of the Internal Revenue
74 Code to any corporation which derived less than 20 percent of
75 its gross income or loss for its taxable year ended in 1984 from
76 sources within the United States, as described in s.
77 861(a)(2)(A) of the Internal Revenue Code, not including credits
78 allowed under ss. 902 and 960 of the Internal Revenue Code,
79 withholding taxes on dividends within the meaning of sub-
80 subparagraph 2.a., and withholding taxes on royalties, interest,
81 technical service fees, and capital gains.

82 6. Notwithstanding any other provision of this code, except
83 with respect to amounts subtracted pursuant to subparagraphs 1.
84 and 3., any increment of any apportionment factor which is
85 directly related to an increment of gross receipts or income
86 which is deducted, subtracted, or otherwise excluded in
87 determining adjusted federal income shall be excluded from both

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88 the numerator and denominator of such apportionment factor.
89 Further, all valuations made for apportionment factor purposes
90 shall be made on a basis consistent with the taxpayer's method
91 of accounting for federal income tax purposes.

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