

1 A bill to be entitled
2 An act relating to resilient buildings; creating s.
3 220.197, F.S.; defining the term "resilient building";
4 specifying that owners of resilient buildings are
5 eligible to receive a specified tax credit; specifying
6 that a resilient building may qualify for such tax
7 credit only once; requiring building owners to file a
8 specified application with the Department of Business
9 and Professional Regulation by a specified date in
10 order to claim such tax credit; authorizing the
11 department to accept such applications electronically;
12 specifying requirements for such applications;
13 requiring the department to take certain actions;
14 requiring a building owner to attach a specified
15 letter to certain tax returns; providing that a
16 building owner may file only one application with the
17 department; providing exceptions; specifying the
18 amounts of the tax credit; authorizing a building
19 owner to carry forward the unused amount of a tax
20 credit to a subsequent tax year; authorizing the
21 transfer of all or part of the tax credits under
22 certain conditions; requiring the department to
23 rescind eligibility for the tax credit under certain
24 circumstances; requiring the Department of Revenue and
25 the Department of Business and Professional Regulation

26 to adopt rules; creating s. 553.972, F.S.; creating
 27 the Florida Resilient Building Advisory Council
 28 adjunct to the Department of Business and Professional
 29 Regulation; providing the purpose of the advisory
 30 council; requiring the department to post certain
 31 policies on its website; providing for the duties,
 32 membership, and meetings of the advisory council;
 33 requiring the department to provide the advisory
 34 council with staffing and administrative assistance;
 35 providing for expiration of the advisory council;
 36 amending ss. 213.053, 220.02, and 220.13, F.S.;
 37 conforming provisions to changes made by the act;
 38 providing an effective date.

39

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

41

42 **Section 1. Section 220.197, Florida Statutes, is created**
 43 **to read:**

44 220.197 Resilient building tax credit program.—

45 (1) As used in this section, the term "resilient building"
 46 means any of the following:

47 (a) A building that has a Leadership in Energy and
 48 Environmental Design (LEED) certificate of silver, gold, or
 49 platinum in building design and construction (BD+C), which
 50 certificate meets the requirements for the LEED resilience

51 pathway.

52 (b) A building that has an LEED certificate of silver,
53 gold, or platinum in operations and maintenance (O+M), which
54 certificate meets the requirements for the LEED resilience
55 pathway.

56 (2) For taxable years beginning on or after January 1,
57 2026, the owner of a resilient building is eligible to receive a
58 credit against the tax imposed by this chapter as specified in
59 subsection (3). A resilient building may qualify for the tax
60 credit under this section only once.

61 (a) To claim a credit under this section, a building owner
62 must file an application for a tax credit with the Department of
63 Business and Professional Regulation on a form prescribed by the
64 Department of Business and Professional Regulation no later than
65 March 1 of the year immediately following the year of the
66 building's LEED certification. The Department of Business and
67 Professional Regulation may allow applications to be filed
68 electronically. The building owner must verify the application
69 under oath, under the penalty of perjury, and the application
70 must contain all of the following:

71 1. Documentation evidencing the type of LEED certification
72 that was granted for the building that is the subject of the
73 application.

74 2. The date on which LEED certification was granted.

75 3. A statement by the building owner that, for the purpose

76 of research, the resilient building's energy use information
77 will be reported in every year of the 5-year credit period to
78 the Department of Business and Professional Regulation using the
79 ENERGY STAR Portfolio Manager.

80 4. Other information the Department of Business and
81 Professional Regulation deems necessary to make a proper review
82 and determine eligibility.

83 (b) No later than 30 days after a building owner submits a
84 completed application for the tax credit, the Department of
85 Business and Professional Regulation shall do one of the
86 following:

87 1. If the building owner is not eligible for a tax credit,
88 notify the building owner in writing of the reasons the building
89 owner is not entitled to a tax credit.

90 2. If the building owner is eligible for a tax credit,
91 issue a letter to the building owner which includes the name of
92 the taxpayer, the address of the resilient building, the amount
93 of the tax credit as specified in subsection (3), and the tax
94 years for which the building owner is eligible for the tax
95 credit. The building owner must attach the letter from the
96 Department of Business and Professional Regulation to the tax
97 return on which the credit is claimed.

98 (c) A building owner may file only one application with
99 the Department of Business and Professional Regulation for each
100 resilient building, except that a building owner may file a

101 subsequent application if the building owner's first application
102 was denied or withdrawn because of errors or omissions in the
103 application and the building owner corrected such errors or
104 omissions in the subsequent application.

105 (3) If the resilient building that is the subject of an
106 application filed under subsection (2) has:

107 (a) A gold or silver BD+C LEED certification that fulfills
108 the LEED resilience pathway, the building owner must receive a
109 tax credit equal to \$0.50 per square foot of the building every
110 year for 5 years.

111 (b) A platinum BD+C LEED certification that fulfills the
112 LEED resilience pathway, the building owner must receive a tax
113 credit equal to \$1 per square foot of the building every year
114 for 5 years.

115 (c) A gold or silver O+M LEED certification that fulfills
116 the LEED resilience pathway, the building owner must receive a
117 tax credit equal to \$1 per square foot of the building every
118 year for 5 years.

119 (d) A platinum O+M LEED certification that fulfills the
120 LEED resilience pathway, the building owner must receive a tax
121 credit equal to \$2 per square foot of the building every year
122 for 5 years.

123 (4) (a) If the credit granted under this section is not
124 fully used in any one taxable year because of insufficient tax
125 liability on the part of the building owner, or because the

126 building owner is not subject to tax under this chapter, the
127 unused amount may be carried forward for a period not to exceed
128 5 taxable years or may be transferred in accordance with
129 paragraph (b). The carryover or transferred credit may be used
130 in the year approved or any of the 5 subsequent taxable years
131 when the tax imposed by this chapter for that taxable year
132 exceeds the credit for which the building owner or transferee
133 under paragraph (b) is eligible in that taxable year under this
134 subsection and after applying the other credits and unused
135 carryovers in the order provided by s. 220.02(8).

136 (b)1. The credit under this section may be transferred, in
137 whole or in part:

138 a. By written agreement to a taxpayer subject to the tax
139 under this chapter; and

140 b. At any time after receipt of the letter of eligibility
141 specified in subparagraph (2)(b)2., or during the 5 taxable
142 years following the taxable year the credit was originally
143 earned by the building owner.

144 2. The written agreement required for transfer under this
145 paragraph must:

146 a. Be filed jointly by the building owner and the
147 transferee with the department within 30 days after the
148 transfer, in accordance with rules adopted by the department;
149 and

150 b. Contain all of the following information: the name,

151 address, and taxpayer identification number for the building
152 owner and the transferee; the amount of the credit being
153 transferred; the taxable year in which the credit was originally
154 earned by the building owner; and the remaining taxable years
155 for which the credit may be claimed.

156 (5) If the recipient of the credit granted under this
157 section in any year fails to provide the energy use information
158 required under subparagraph (2)(a)3., the Department of Business
159 and Professional Regulation must rescind the authorization for
160 the credit. Within 10 days after the date on which the building
161 owner was required to report the information, the Department of
162 Business and Professional Regulation shall send a notice
163 informing the recipient of the credit of the Department of
164 Business and Professional Regulation's intent to rescind the
165 credit. If the recipient does not provide the information within
166 20 days after the date the notice was sent, the Department of
167 Business and Professional Regulation must notify the department
168 of the rescindment of the recipient's tax credit, and the
169 department may not allow the credit to be taken.

170 (6) The department and the Department of Business and
171 Professional Regulation shall adopt rules to implement this
172 section.

173 **Section 2. Section 553.972, Florida Statutes, is created**
174 **to read:**

175 553.972 Florida Resilient Building Advisory Council.—

176 (1) The Florida Resilient Building Advisory Council, an
177 advisory council as defined in s. 20.03(7), is created adjunct
178 to the Department of Business and Professional Regulation. The
179 purpose of the advisory council is to provide the department and
180 the Legislature with recommendations on policies to foster and
181 enhance resilient buildings and hurricane resiliency in this
182 state.

183 (2) The Department of Business and Professional Regulation
184 shall post on its website any proposed policies from the
185 advisory council.

186 (3) The advisory council shall be composed of the
187 following members, who shall serve at the pleasure of their
188 appointing authorities:

189 (a) A representative of the Florida State University, who
190 shall serve as co-chair and be appointed by the Governor.

191 (b) A representative of the Florida Gulf Coast University
192 U.A. Whitaker School of Engineering, who shall serve as co-chair
193 and be appointed by the President of the Senate.

194 (c) A representative of the University of Florida College
195 of Design, Construction, and Planning's Sustainability and the
196 Built Environment program, who shall serve as co-chair and be
197 appointed by the Speaker of the House of Representatives.

198 (d) A representative of the University of Miami, who shall
199 be appointed by the President of the Senate.

200 (e) A representative of the University of South Florida,

201 who shall be appointed by the Speaker of the House of
202 Representatives.

203 (f) A representative of the Florida International
204 University International Hurricane Research Center, who shall be
205 appointed by the President of the Senate.

206 (g) A representative of the University of Central Florida,
207 who shall be appointed by the Speaker of the House of
208 Representatives.

209 (h) Five members appointed by the Governor.

210 (i) Five members appointed by the President of the Senate.

211 (j) Five members appointed by the Speaker of the House of
212 Representatives.

213
214 The members appointed must have specialized knowledge regarding
215 resilient building design and construction, resilient building
216 operations and maintenance, policy innovation and incentives,
217 and building and community challenges.

218 (4) When appointing members under paragraphs (3) (h), (i),
219 and (j), the Governor, the President of the Senate, and the
220 Speaker of the House of Representatives, respectively, shall
221 make reasonable efforts to appoint persons to the advisory
222 council who include the following:

223 (a) Five members who are representatives of local
224 government.

225 (b) Two members who are representatives of building codes

226 and standards organizations.

227 (c) Two members who are representatives of sustainable or
228 resilient building certification organizations.

229 (d) One member who is an architect licensed in this state.

230 (e) One member who is an engineer licensed in this state.

231 (f) One member who is a representative of the commercial
232 and residential property insurance industry.

233 (g) Two members who have expertise in renewable energy and
234 energy storage systems.

235 (h) One member who has expertise in building-grid
236 integration.

237 (5) Advisory council members must be appointed no later
238 than August 1, 2025. Members shall serve 4-year terms, except
239 that the initial terms must be staggered. The Governor shall
240 initially appoint two members for a term of 4 years, two members
241 for a term of 3 years, and two members for a term of 2 years.
242 The President of the Senate shall initially appoint three
243 members for a term of 4 years, three members for a term of 3
244 years, and two members for a term of 2 years. The Speaker of the
245 House of Representatives shall initially appoint three members
246 for a term of 4 years, two members for a term of 3 years, and
247 two members for a term of 2 years. Members of the advisory
248 council shall serve without compensation but are entitled to
249 reimbursement for per diem and travel expenses pursuant to s.
250 112.061.

251 (6) The advisory council shall meet at the call of the co-
252 chairs at a time and location in this state designated by the
253 co-chairs, provided that the first meeting must occur no later
254 than November 1, 2025, and that subsequent meetings must occur
255 no less than semiannually thereafter.

256 (7) The department shall provide staffing and
257 administrative assistance to the advisory council in performing
258 its duties.

259 (8) In accordance with s. 20.052(8), this section is
260 repealed October 2, 2028, unless reviewed and saved from repeal
261 through reenactment by the Legislature.

262 **Section 3. Paragraph (cc) is added to subsection (8) of**
263 **section 213.053, Florida Statutes, to read:**

264 213.053 Confidentiality and information sharing.—

265 (8) Notwithstanding any other provision of this section,
266 the department may provide:

267 (cc) Information relative to s. 220.197 to the Department
268 of Business and Professional Regulation in the conduct of its
269 official business.

270
271 Disclosure of information under this subsection shall be
272 pursuant to a written agreement between the executive director
273 and the agency. Such agencies, governmental or nongovernmental,
274 shall be bound by the same requirements of confidentiality as
275 the Department of Revenue. Breach of confidentiality is a

276 | misdemeanor of the first degree, punishable as provided by s.
 277 | 775.082 or s. 775.083.

278 | **Section 4. Subsection (8) of section 220.02, Florida**
 279 | **Statutes, is amended to read:**

280 | 220.02 Legislative intent.—

281 | (8) It is the intent of the Legislature that credits
 282 | against either the corporate income tax or the franchise tax be
 283 | applied in the following order: those enumerated in s. 631.828,
 284 | those enumerated in s. 220.191, those enumerated in s. 220.181,
 285 | those enumerated in s. 220.183, those enumerated in s. 220.182,
 286 | those enumerated in s. 220.1895, those enumerated in s. 220.195,
 287 | those enumerated in s. 220.184, those enumerated in s. 220.186,
 288 | those enumerated in s. 220.1845, those enumerated in s. 220.19,
 289 | those enumerated in s. 220.185, those enumerated in s. 220.1875,
 290 | those enumerated in s. 220.1876, those enumerated in s.
 291 | 220.1877, those enumerated in s. 220.1878, those enumerated in
 292 | s. 220.193, those enumerated in former s. 288.9916, those
 293 | enumerated in former s. 220.1899, those enumerated in former s.
 294 | 220.194, those enumerated in s. 220.196, those enumerated in s.
 295 | 220.198, those enumerated in s. 220.1915, those enumerated in s.
 296 | 220.199, those enumerated in s. 220.1991, ~~and~~ those enumerated
 297 | in s. 220.1992, and those enumerated in s. 220.197.

298 | **Section 5. Paragraph (a) of subsection (1) of section**
 299 | **220.13, Florida Statutes, is amended to read:**

300 | 220.13 "Adjusted federal income" defined.—

301 (1) The term "adjusted federal income" means an amount
302 equal to the taxpayer's taxable income as defined in subsection
303 (2), or such taxable income of more than one taxpayer as
304 provided in s. 220.131, for the taxable year, adjusted as
305 follows:

306 (a) *Additions.*—There shall be added to such taxable
307 income:

308 1.a. The amount of any tax upon or measured by income,
309 excluding taxes based on gross receipts or revenues, paid or
310 accrued as a liability to the District of Columbia or any state
311 of the United States which is deductible from gross income in
312 the computation of taxable income for the taxable year.

313 b. Notwithstanding sub-subparagraph a., if a credit taken
314 under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878 is
315 added to taxable income in a previous taxable year under
316 subparagraph 11. and is taken as a deduction for federal tax
317 purposes in the current taxable year, the amount of the
318 deduction allowed shall not be added to taxable income in the
319 current year. The exception in this sub-subparagraph is intended
320 to ensure that the credit under s. 220.1875, s. 220.1876, s.
321 220.1877, or s. 220.1878 is added in the applicable taxable year
322 and does not result in a duplicate addition in a subsequent
323 year.

324 2. The amount of interest which is excluded from taxable
325 income under s. 103(a) of the Internal Revenue Code or any other

326 federal law, less the associated expenses disallowed in the
327 computation of taxable income under s. 265 of the Internal
328 Revenue Code or any other law, excluding 60 percent of any
329 amounts included in alternative minimum taxable income, as
330 defined in s. 55(b)(2) of the Internal Revenue Code, if the
331 taxpayer pays tax under s. 220.11(3).

332 3. In the case of a regulated investment company or real
333 estate investment trust, an amount equal to the excess of the
334 net long-term capital gain for the taxable year over the amount
335 of the capital gain dividends attributable to the taxable year.

336 4. That portion of the wages or salaries paid or incurred
337 for the taxable year which is equal to the amount of the credit
338 allowable for the taxable year under s. 220.181. This
339 subparagraph shall expire on the date specified in s. 290.016
340 for the expiration of the Florida Enterprise Zone Act.

341 5. That portion of the ad valorem school taxes paid or
342 incurred for the taxable year which is equal to the amount of
343 the credit allowable for the taxable year under s. 220.182. This
344 subparagraph shall expire on the date specified in s. 290.016
345 for the expiration of the Florida Enterprise Zone Act.

346 6. The amount taken as a credit under s. 220.195 which is
347 deductible from gross income in the computation of taxable
348 income for the taxable year.

349 7. That portion of assessments to fund a guaranty
350 association incurred for the taxable year which is equal to the

351 amount of the credit allowable for the taxable year.

352 8. In the case of a nonprofit corporation which holds a
353 pari-mutuel permit and which is exempt from federal income tax
354 as a farmers' cooperative, an amount equal to the excess of the
355 gross income attributable to the pari-mutuel operations over the
356 attributable expenses for the taxable year.

357 9. The amount taken as a credit for the taxable year under
358 s. 220.1895.

359 10. Up to nine percent of the eligible basis of any
360 designated project which is equal to the credit allowable for
361 the taxable year under s. 220.185.

362 11. Any amount taken as a credit for the taxable year
363 under s. 220.1875, s. 220.1876, s. 220.1877, or s. 220.1878. The
364 addition in this subparagraph is intended to ensure that the
365 same amount is not allowed for the tax purposes of this state as
366 both a deduction from income and a credit against the tax. This
367 addition is not intended to result in adding the same expense
368 back to income more than once.

369 12. The amount taken as a credit for the taxable year
370 under s. 220.193.

371 13. The amount taken as a credit for the taxable year
372 under s. 220.196. The addition in this subparagraph is intended
373 to ensure that the same amount is not allowed for the tax
374 purposes of this state as both a deduction from income and a
375 credit against the tax. The addition is not intended to result

376 | in adding the same expense back to income more than once.

377 | 14. The amount taken as a credit for the taxable year
378 | pursuant to s. 220.198.

379 | 15. The amount taken as a credit for the taxable year
380 | pursuant to s. 220.1915.

381 | 16. The amount taken as a credit for the taxable year
382 | pursuant to s. 220.199.

383 | 17. The amount taken as a credit for the taxable year
384 | pursuant to s. 220.1991.

385 | 18. The amount taken as a credit for the taxable year
386 | pursuant to s. 220.197.

387 | **Section 6.** This act shall take effect July 1, 2025.