

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Mayfield offered the following:

2
3 **Amendment (with title amendment)**

4 Remove lines 691-848 and insert:

5 3. The Florida Energy and Climate Commission ~~Department of~~
6 ~~Environmental Protection~~ shall provide to the department a list
7 of items eligible for the exemption provided in this paragraph.

8 4.a. The exemption provided in this paragraph shall be
9 available to a purchaser only through a refund of previously
10 paid taxes. An eligible item is subject to refund one time. A
11 person who has received a refund on an eligible item shall
12 notify the next purchaser of the item that such item is no
13 longer eligible for a refund of paid taxes. This notification
14 shall be provided to each subsequent purchaser on the sales
15 invoice or other proof of purchase.

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16 b. To be eligible to receive the exemption provided in
17 this paragraph, a purchaser shall file an application with the
18 Florida Energy and Climate Commission ~~Department of~~
19 ~~Environmental Protection~~. The application shall be developed by
20 the Florida Energy and Climate Commission ~~Department of~~
21 ~~Environmental Protection~~, in consultation with the department,
22 and shall require:

23 (I) The name and address of the person claiming the
24 refund.

25 (II) A specific description of the purchase for which a
26 refund is sought, including, when applicable, a serial number or
27 other permanent identification number.

28 (III) The sales invoice or other proof of purchase showing
29 the amount of sales tax paid, the date of purchase, and the name
30 and address of the sales tax dealer from whom the property was
31 purchased.

32 (IV) A sworn statement that the information provided is
33 accurate and that the requirements of this paragraph have been
34 met.

35 c. Within 30 days after receipt of an application, the
36 Florida Energy and Climate Commission ~~Department of~~
37 ~~Environmental Protection~~ shall review the application and shall
38 notify the applicant of any deficiencies. Upon receipt of a
39 completed application, the Florida Energy and Climate Commission
40 ~~Department of Environmental Protection~~ shall evaluate the
41 application for exemption and issue a written certification that
42 the applicant is eligible for a refund or issue a written denial
43 of such certification within 60 days after receipt of the

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44 application. The Florida Energy and Climate Commission
45 ~~Department of Environmental Protection~~ shall provide the
46 department with a copy of each certification issued upon
47 approval of an application.

48 d. Each certified applicant shall be responsible for
49 forwarding a certified copy of the application and copies of all
50 required documentation to the department within 6 months after
51 certification by the Florida Energy and Climate Commission
52 ~~Department of Environmental Protection~~.

53 e. ~~The provisions of s. 212.095 do not apply to any refund~~
54 ~~application made pursuant to this paragraph.~~ A refund approved
55 pursuant to this paragraph shall be made within 30 days after
56 formal approval by the department.

57 f. The Florida Energy and Climate Commission may adopt the
58 form for the application for a certificate, requirements for the
59 content and format of information submitted to the Florida
60 Energy and Climate Commission in support of the application,
61 other procedural requirements, and criteria by which the
62 application will be determined by rule. The department may adopt
63 all other rules pursuant to ss. 120.536(1) and 120.54 to
64 administer this paragraph, including rules establishing
65 additional forms and procedures for claiming this exemption.

66 g. The Florida Energy and Climate Commission ~~Department of~~
67 ~~Environmental Protection~~ shall be responsible for ensuring that
68 the total amounts of the exemptions authorized do not exceed the
69 limits as specified in subparagraph 2.

70 5. The Florida Energy and Climate Commission ~~Department of~~
71 ~~Environmental Protection~~ shall determine and publish on a

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72 regular basis the amount of sales tax funds remaining in each
73 fiscal year.

74 6. This paragraph expires July 1, 2010.

75 Section 9. Present subsections (1), (3), (6), and (7) of
76 section 220.192, Florida Statutes, are amended, and a new
77 subsection (6) is added to that section, to read:

78 220.192 Renewable energy technologies investment tax
79 credit.--

80 (1) DEFINITIONS.--For purposes of this section, the term:

81 (a) "Biodiesel" means biodiesel as defined in s.
82 212.08(7)(ccc).

83 (b) "Corporation" includes a general partnership, limited
84 partnership, limited liability company, unincorporated business,
85 or other business entity, including entities taxed as
86 partnerships for federal income tax purposes.

87 (c) ~~(b)~~ "Eligible costs" means:

88 1. Seventy-five percent of all capital costs, operation
89 and maintenance costs, and research and development costs
90 incurred between July 1, 2006, and June 30, 2010, up to a limit
91 of \$3 million per state fiscal year for all taxpayers, in
92 connection with an investment in hydrogen-powered vehicles and
93 hydrogen vehicle fueling stations in the state, including, but
94 not limited to, the costs of constructing, installing, and
95 equipping such technologies in the state.

96 2. Seventy-five percent of all capital costs, operation
97 and maintenance costs, and research and development costs
98 incurred between July 1, 2006, and June 30, 2010, up to a limit
99 of \$1.5 million per state fiscal year for all taxpayers, and
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100 limited to a maximum of \$12,000 per fuel cell, in connection
101 with an investment in commercial stationary hydrogen fuel cells
102 in the state, including, but not limited to, the costs of
103 constructing, installing, and equipping such technologies in the
104 state.

105 3. Seventy-five percent of all capital costs, operation
106 and maintenance costs, and research and development costs
107 incurred between July 1, 2006, and June 30, 2010, up to a limit
108 of \$6.5 million per state fiscal year for all taxpayers, in
109 connection with an investment in the production, storage, and
110 distribution of biodiesel (B10-B100) and ethanol (E10-E100) in
111 the state, including the costs of constructing, installing, and
112 equipping such technologies in the state. Gasoline fueling
113 station pump retrofits for ethanol (E10-E100) distribution
114 qualify as an eligible cost under this subparagraph.

115 (d)~~(e)~~ "Ethanol" means ethanol as defined in s.
116 212.08(7)(ccc).

117 (e)~~(d)~~ "Hydrogen fuel cell" means hydrogen fuel cell as
118 defined in s. 212.08(7)(ccc).

119 (f) "Taxpayer" includes a corporation as defined in
120 paragraph (b) or s. 220.03.

121 (3) CORPORATE APPLICATION PROCESS.--Any corporation
122 wishing to obtain tax credits available under this section must
123 submit to the Florida Energy and Climate Commission ~~Department~~
124 ~~of Environmental Protection~~ an application for tax credit that
125 includes a complete description of all eligible costs for which
126 the corporation is seeking a credit and a description of the
127 total amount of credits sought. The Florida Energy and Climate

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128 ~~Commission Department of Environmental Protection~~ shall make a
129 determination on the eligibility of the applicant for the
130 credits sought and certify the determination to the applicant
131 and the Department of Revenue. The corporation must attach the
132 Florida Energy and Climate Commission's ~~Department of~~
133 ~~Environmental Protection's~~ certification to the tax return on
134 which the credit is claimed. The Florida Energy and Climate
135 Commission ~~Department of Environmental Protection~~ shall be
136 responsible for ensuring that the corporate income tax credits
137 granted in each fiscal year do not exceed the limits provided
138 for in this section. The Florida Energy and Climate Commission
139 ~~Department of Environmental Protection~~ is authorized to adopt
140 the necessary rules, guidelines, and application materials for
141 the application process.

142 (6) TRANSFERABILITY OF CREDIT.--

143 (a) For tax years beginning on or after January 1, 2009,
144 any corporation or subsequent transferee allowed a tax credit
145 under this section may transfer the credit, in whole or in part,
146 to any taxpayer by written agreement without transferring any
147 ownership interest in the property generating the credit or any
148 interest in the entity owning such property. The transferee is
149 entitled to apply the credits against the tax with the same
150 effect as if the transferee had incurred the eligible costs.

151 (b) To perfect the transfer, the transferor shall provide
152 the department with a written transfer statement notifying the
153 department of the transferor's intent to transfer the tax
154 credits to the transferee; the date the transfer is effective;
155 the transferee's name, address, and federal taxpayer

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156 identification number; the tax period; and the amount of tax
157 credits to be transferred. The department shall, upon receipt of
158 a transfer statement conforming to the requirements of this
159 section, provide the transferee with a certificate reflecting
160 the tax credit amounts transferred. A copy of the certificate
161 must be attached to each tax return for which the transferee
162 seeks to apply such tax credits.

163 (c) A tax credit authorized under this section that is
164 held by a corporation and not transferred under this subsection
165 shall be passed through to the taxpayers designated as partners,
166 members, or owners, respectively, in the manner agreed to by
167 such persons regardless of whether such partners, members, or
168 owners are allocated or allowed any portion of the federal
169 energy tax credit for the eligible costs. A corporation that
170 passes the credit through to a partner, member, or owner must
171 comply with the notification requirements described in paragraph
172 (b). The partner, member, or owner must attach a copy of the
173 certificate to each tax return on which the partner, member, or
174 owner claims any portion of the credit.

175 (7)-(6) RULES.--The Department of Revenue shall have the
176 authority to adopt rules pursuant to ss. 120.536(1) and 120.54
177 to administer this section, including rules relating to:

178 (a) The forms required to claim a tax credit under this
179 section, the requirements and basis for establishing an
180 entitlement to a credit, and the examination and audit
181 procedures required to administer this section.

182 (b) The implementation and administration of the
183 provisions allowing a transfer of a tax credit, including rules

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184 prescribing forms, reporting requirements, and specific
185 procedures, guidelines, and requirements necessary to transfer a
186 tax credit.

187 (8) (7) PUBLICATION.--The Florida Energy and Climate
188 Commission ~~Department of Environmental Protection~~ shall
189 determine and publish on a regular basis the

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

194 Remove lines 34-43 and insert:

195 limited to one refund; requiring a person who receives a refund
196 to notify a subsequent purchaser of such refund; transferring
197 certain duties and responsibilities from the Department of
198 Environmental Protection to the Florida Energy and Climate
199 Commission; requiring the Florida Energy and Climate Commission
200 to adopt, by rule, an application form for claiming a tax
201 exemption; amending s. 220.192, F.S.; defining terms related to
202 a tax credit; allowing the tax credit to be transferred for a
203 specified period; providing procedures and requirements;
204 requiring the Department of Revenue to adopt rules for
205 implementation and administration of the program; transferring
206 certain duties and responsibilities from the Department of
207 Environmental Protection to the Florida Energy and Climate
208 Commission; amending s. 220.193, F.S.; defining the terms