

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Precourt offered the following:

2  
3 **Amendment to Amendment (740310) (with title amendment)**

4 Remove line 3 and insert:

5 Delete everything after the enacting clause and insert:

6  
7 Section 1. Paragraph (f) of subsection (2) of section  
8 14.2015, Florida Statutes, is amended to read:

9 14.2015 Office of Tourism, Trade, and Economic  
10 Development; creation; powers and duties.—

11 (2) The purpose of the Office of Tourism, Trade, and  
12 Economic Development is to assist the Governor in working with  
13 the Legislature, state agencies, business leaders, and economic  
14 development professionals to formulate and implement coherent  
15 and consistent policies and strategies designed to provide  
16 economic opportunities for all Floridians. To accomplish such

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17 purposes, the Office of Tourism, Trade, and Economic Development  
18 shall:

19 (f)~~1.~~ Administer the Florida Enterprise Zone Act under ss.  
20 290.001-290.016, the community contribution tax credit program  
21 under ss. 220.183 and 624.5105, the tax refund program for  
22 qualified target industry businesses under s. 288.106, the tax-  
23 refund program for qualified defense contractors and space  
24 flight business contractors under s. 288.1045, contracts for  
25 transportation projects under s. 288.063, the sports franchise  
26 facility programs under ss. 288.1162 and 288.11621, the  
27 professional golf hall of fame facility program under s.  
28 288.1168, the expedited permitting process under s. 403.973, the  
29 Rural Community Development Revolving Loan Fund under s.  
30 288.065, the Regional Rural Development Grants Program under s.  
31 288.018, the Certified Capital Company Act under s. 288.99, the  
32 Florida State Rural Development Council, the Rural Economic  
33 Development Initiative, the corporate income tax credits for  
34 spaceflight projects under s. 220.194, and other programs that  
35 are specifically assigned to the office by law, by the  
36 appropriations process, or by the Governor.

37 1. Notwithstanding any other provisions of law, the office  
38 may expend interest earned from the investment of program funds  
39 deposited in the Grants and Donations Trust Fund to contract for  
40 the administration of the programs, or portions of the programs,  
41 enumerated in this paragraph or assigned to the office by law,  
42 by the appropriations process, or by the Governor. Such  
43 expenditures are ~~shall be~~ subject to review under chapter 216.

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44           2. The office may enter into contracts in connection with  
45 the fulfillment of its duties concerning the Florida First  
46 Business Bond Pool under chapter 159, tax incentives under  
47 chapters 212 and 220, tax incentives under the Certified Capital  
48 Company Act in chapter 288, foreign offices under chapter 288,  
49 the Enterprise Zone program under chapter 290, the Seaport  
50 Employment Training program under chapter 311, the Florida  
51 Professional Sports Team License Plates under chapter 320,  
52 Spaceport Florida under chapter 331, Expedited Permitting under  
53 chapter 403, and in carrying out other functions that are  
54 specifically assigned to the office by law, by the  
55 appropriations process, or by the Governor.

56           Section 2. Effective January 1, 2012, paragraph (a) of  
57 subsection (1) of section 72.011, Florida Statutes, is amended  
58 to read:

59           72.011 Jurisdiction of circuit courts in specific tax  
60 matters; administrative hearings and appeals; time for  
61 commencing action; parties; deposits.-

62           (1) (a) A taxpayer may contest the legality of any  
63 assessment or denial of refund of tax, fee, surcharge, permit,  
64 interest, or penalty provided for under s. 125.0104, s.  
65 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,  
66 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,  
67 chapter 212, chapter 213, chapter 220, ~~chapter 221~~, s.  
68 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s.  
69 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,  
70 chapter 563, chapter 564, chapter 565, chapter 624, or s.  
71 681.117 by filing an action in circuit court; or, alternatively,  
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72 the taxpayer may file a petition under the applicable provisions  
73 of chapter 120. However, once an action has been initiated under  
74 s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s.  
75 120.80(14) (b), no action relating to the same subject matter may  
76 be filed by the taxpayer in circuit court, and judicial review  
77 shall be exclusively limited to appellate review pursuant to s.  
78 120.68; and once an action has been initiated in circuit court,  
79 no action may be brought under chapter 120.

80 Section 3. Effective January 1, 2012, section 72.041,  
81 Florida Statutes, is amended to read:

82 72.041 Tax liabilities arising under the laws of other  
83 states.—Actions to enforce lawfully imposed sales, use, and  
84 corporate income taxes and motor and other fuel taxes of another  
85 state may be brought in a court of this state under the  
86 following conditions:

87 (1) The state seeking to institute an action for the  
88 collection, assessment, or enforcement of a lawfully imposed tax  
89 must have extended a like courtesy to this state;

90 (2) Venue for any action under this section shall be the  
91 circuit court of the county in which the defendant resides;

92 (3) This section does not apply to the enforcement of tax  
93 warrants of another state unless the warrant has been obtained  
94 as a result of a judgment entered by a court of competent  
95 jurisdiction in the taxing state or unless the courts of the  
96 state seeking to enforce its warrant allow the enforcement of  
97 the warrants issued by the Department of Revenue pursuant to  
98 chapters 206, 212, 213, and 220, ~~and~~ 221; and

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99 (4) All tax liabilities owing to this state or any of its  
100 subdivisions shall be paid first and shall be prior in right to  
101 any tax liability arising under the laws of other states.

102 Section 4. Section 216.138, Florida Statutes, is amended  
103 to read:

104 216.138 Authority to request additional analysis of  
105 legislative proposals ~~legislation~~.-

106 (1) The President of the Senate or the Speaker of the  
107 House of Representatives may request special impact ~~sessions of~~  
108 ~~consensus~~ estimating conferences to evaluate legislative  
109 proposals ~~proposed legislation~~ based on tools and models not  
110 generally employed by the consensus estimating conferences,  
111 including cost-benefit, return-on-investment, or dynamic scoring  
112 techniques, when suitable and appropriate for the legislative  
113 proposals ~~legislation~~ being evaluated.

114 (2) Unless exempt from s. 119.07(1), information used to  
115 develop the analyses shall be available to the public. In  
116 addition, all meetings of a special impact estimating conference  
117 shall be open to the public. The President of the Senate and the  
118 Speaker of the House of Representatives, jointly, shall be the  
119 sole judge for the interpretation, implementation, and  
120 enforcement of this subsection.

121 (3) A special impact estimating conference shall consist  
122 of four principals: one person from the Executive Office of the  
123 Governor; the coordinator of the Office of Economic and  
124 Demographic Research, or his or her designee; one person from  
125 the professional staff of the Senate; and one person from the  
126 professional staff of the House of Representatives. Each

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127 principal shall have appropriate fiscal expertise in the subject  
128 matter of the legislative proposal. A separate special impact  
129 estimating conference may be appointed for each proposal.

130 (4) After the designation of the four principals, a  
131 special impact estimating conference shall convene to adopt  
132 official information relating to the proposal.

133 (a) A principal may invite any person to participate in a  
134 special impact estimating conference. Such person shall be  
135 designated as a participant. A participant shall, at the request  
136 of any principal before or during any meeting of a conference,  
137 collect and supply data, perform analyses, or provide other  
138 information needed by a conference.

139 (b) The principal from the Office of Economic and  
140 Demographic Research may convene any of the conferences  
141 established in s. 216.136 to reach a consensus on supplemental  
142 information required for the analysis of the proposed  
143 legislation.

144 (c) All official information of a special impact  
145 estimating conference shall be adopted by consensus of all of  
146 the principals of the conference. For the purposes of this  
147 section, the terms "official information" and "consensus" have  
148 the same meanings as provided in s. 216.133.

149 Section 5. Subsection (8) of section 220.02, Florida  
150 Statutes, is amended to read:

151 220.02 Legislative intent.—

152 (8) It is the intent of the Legislature that credits  
153 against either the corporate income tax or the franchise tax be  
154 applied in the following order: those enumerated in s. 631.828,  
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155 those enumerated in s. 220.191, those enumerated in s. 220.181,  
156 those enumerated in s. 220.183, those enumerated in s. 220.182,  
157 those enumerated in s. 220.1895, those enumerated in s. 221.02,  
158 those enumerated in s. 220.184, those enumerated in s. 220.186,  
159 those enumerated in s. 220.1845, those enumerated in s. 220.19,  
160 those enumerated in s. 220.185, those enumerated in s. 220.1875,  
161 those enumerated in s. 220.192, those enumerated in s. 220.193,  
162 those enumerated in s. 288.9916, those enumerated in s.  
163 220.1899, ~~and~~ those enumerated in s. 220.1896, those enumerated  
164 in s. 220.194, and those enumerated in s. 220.196.

165 Section 6. Effective January 1, 2012, subsection (8) of  
166 section 220.02, Florida Statutes, as amended by this act, is  
167 amended to read:

168 220.02 Legislative intent.—

169 (8) It is the intent of the Legislature that credits  
170 against either the corporate income tax or the franchise tax be  
171 applied in the following order: those enumerated in s. 631.828,  
172 those enumerated in s. 220.191, those enumerated in s. 220.181,  
173 those enumerated in s. 220.183, those enumerated in s. 220.182,  
174 those enumerated in s. 220.1895, those enumerated in s. 220.195  
175 ~~221.02~~, those enumerated in s. 220.184, those enumerated in s.  
176 220.186, those enumerated in s. 220.1845, those enumerated in s.  
177 220.19, those enumerated in s. 220.185, those enumerated in s.  
178 220.1875, those enumerated in s. 220.192, those enumerated in s.  
179 220.193, those enumerated in s. 288.9916, those enumerated in s.  
180 220.1899, those enumerated in s. 220.1896, those enumerated in  
181 s. 220.194, and those enumerated in 220.196.

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182 Section 7. Paragraphs (a) and (b) of subsection (1) of  
183 section 220.13, Florida Statutes, are amended to read:

184 220.13 "Adjusted federal income" defined.—

185 (1) The term "adjusted federal income" means an amount  
186 equal to the taxpayer's taxable income as defined in subsection  
187 (2), or such taxable income of more than one taxpayer as  
188 provided in s. 220.131, for the taxable year, adjusted as  
189 follows:

190 (a) Additions.—There shall be added to such taxable  
191 income:

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

197 2. The amount of interest which is excluded from taxable  
198 income under s. 103(a) of the Internal Revenue Code or any other  
199 federal law, less the associated expenses disallowed in the  
200 computation of taxable income under s. 265 of the Internal  
201 Revenue Code or any other law, excluding 60 percent of any  
202 amounts included in alternative minimum taxable income, as  
203 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
204 taxpayer pays tax under s. 220.11(3).

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

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209 4. That portion of the wages or salaries paid or incurred  
210 for the taxable year which is equal to the amount of the credit  
211 allowable for the taxable year under s. 220.181. This  
212 subparagraph shall expire on the date specified in s. 290.016  
213 for the expiration of the Florida Enterprise Zone Act.

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

219 6. The amount of emergency excise tax paid or accrued as a  
220 liability to this state under chapter 221 which tax is  
221 deductible from gross income in the computation of taxable  
222 income for the taxable year.

223 7. That portion of assessments to fund a guaranty  
224 association incurred for the taxable year which is equal to the  
225 amount of the credit allowable for the taxable year.

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

231 9. The amount taken as a credit for the taxable year under  
232 s. 220.1895.

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

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236 11. The amount taken as a credit for the taxable year  
237 under s. 220.1875. The addition in this subparagraph is intended  
238 to ensure that the same amount is not allowed for the tax  
239 purposes of this state as both a deduction from income and a  
240 credit against the tax. This addition is not intended to result  
241 in adding the same expense back to income more than once.

242 12. The amount taken as a credit for the taxable year  
243 under s. 220.192.

244 13. The amount taken as a credit for the taxable year  
245 under s. 220.193.

246 14. Any portion of a qualified investment, as defined in  
247 s. 288.9913, which is claimed as a deduction by the taxpayer and  
248 taken as a credit against income tax pursuant to s. 288.9916.

249 15. The costs to acquire a tax credit pursuant to s.  
250 288.1254(5) that are deducted from or otherwise reduce federal  
251 taxable income for the taxable year.

252 16. The amount taken as a credit for the taxable year  
253 under s. 220.194.

254 17. The amount taken as a credit for the taxable year  
255 under s. 220.196. The addition in this subparagraph is intended  
256 to ensure that the same amount is not allowed for the tax  
257 purposes of this state as both a deduction from income and a  
258 credit against the tax. The addition is not intended to result  
259 in adding the same expense back to income more than once.

260 (b) Subtractions.—

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

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

267 b. The net capital loss allowable for federal income tax  
268 purposes under s. 1212 of the Internal Revenue Code for the  
269 taxable year,

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

273 d. The excess contributions deductions allowable for  
274 federal income tax purposes under s. 404 of the Internal Revenue  
275 Code for the taxable year.

276  
277 However, a net operating loss and a capital loss shall never be  
278 carried back as a deduction to a prior taxable year, but all  
279 deductions attributable to such losses shall be deemed net  
280 operating loss carryovers and capital loss carryovers,  
281 respectively, and treated in the same manner, to the same  
282 extent, and for the same time periods as are prescribed for such  
283 carryovers in ss. 172 and 1212, respectively, of the Internal  
284 Revenue Code.

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

287 a. Dividends treated as received from sources without the  
288 United States, as determined under s. 862 of the Internal  
289 Revenue Code.

290 b. All amounts included in taxable income under s. 78 or  
291 s. 951 of the Internal Revenue Code.

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292  
293 However, as to any amount subtracted under this subparagraph,  
294 there shall be added to such taxable income all expenses  
295 deducted on the taxpayer's return for the taxable year which are  
296 attributable, directly or indirectly, to such subtracted amount.  
297 Further, no amount shall be subtracted with respect to dividends  
298 paid or deemed paid by a Domestic International Sales  
299 Corporation.

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

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

308 5. There shall be subtracted any amount of taxes of  
309 foreign countries allowable as credits for taxable years  
310 beginning on or after September 1, 1985, under s. 901 of the  
311 Internal Revenue Code to any corporation which derived less than  
312 20 percent of its gross income or loss for its taxable year  
313 ended in 1984 from sources within the United States, as  
314 described in s. 861(a)(2)(A) of the Internal Revenue Code, not  
315 including credits allowed under ss. 902 and 960 of the Internal  
316 Revenue Code, withholding taxes on dividends within the meaning  
317 of sub-subparagraph 2.a., and withholding taxes on royalties,  
318 interest, technical service fees, and capital gains.

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319           6. Notwithstanding any other provision of this code,  
320 except with respect to amounts subtracted pursuant to  
321 subparagraphs 1. and 3., any increment of any apportionment  
322 factor which is directly related to an increment of gross  
323 receipts or income which is deducted, subtracted, or otherwise  
324 excluded in determining adjusted federal income shall be  
325 excluded from both the numerator and denominator of such  
326 apportionment factor. Further, all valuations made for  
327 apportionment factor purposes shall be made on a basis  
328 consistent with the taxpayer's method of accounting for federal  
329 income tax purposes.

330           Section 8. Effective January 1, 2012, paragraph (a) of  
331 subsection (1) of section 220.13, Florida Statutes, as amended  
332 by this act, is amended to read:

333           220.13 "Adjusted federal income" defined.—

334           (1) The term "adjusted federal income" means an amount  
335 equal to the taxpayer's taxable income as defined in subsection  
336 (2), or such taxable income of more than one taxpayer as  
337 provided in s. 220.131, for the taxable year, adjusted as  
338 follows:

339           (a) Additions.—There shall be added to such taxable  
340 income:

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

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346           2. The amount of interest which is excluded from taxable  
347 income under s. 103(a) of the Internal Revenue Code or any other  
348 federal law, less the associated expenses disallowed in the  
349 computation of taxable income under s. 265 of the Internal  
350 Revenue Code or any other law, excluding 60 percent of any  
351 amounts included in alternative minimum taxable income, as  
352 defined in s. 55(b)(2) of the Internal Revenue Code, if the  
353 taxpayer pays tax under s. 220.11(3).

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

358           4. That portion of the wages or salaries paid or incurred  
359 for the taxable year which is equal to the amount of the credit  
360 allowable for the taxable year under s. 220.181. This  
361 subparagraph shall expire on the date specified in s. 290.016  
362 for the expiration of the Florida Enterprise Zone Act.

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

368           6. The amount taken as a credit under s. 220.195 ~~of~~  
369 ~~emergency excise tax paid or accrued as a liability to this~~  
370 ~~state under chapter 221~~ which ~~tax~~ is deductible from gross  
371 income in the computation of taxable income for the taxable  
372 year.

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373 7. That portion of assessments to fund a guaranty  
374 association incurred for the taxable year which is equal to the  
375 amount of the credit allowable for the taxable year.

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

381 9. The amount taken as a credit for the taxable year under  
382 s. 220.1895.

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

386 11. The amount taken as a credit for the taxable year  
387 under s. 220.1875. The addition in this subparagraph is intended  
388 to ensure that the same amount is not allowed for the tax  
389 purposes of this state as both a deduction from income and a  
390 credit against the tax. This addition is not intended to result  
391 in adding the same expense back to income more than once.

392 12. The amount taken as a credit for the taxable year  
393 under s. 220.192.

394 13. The amount taken as a credit for the taxable year  
395 under s. 220.193.

396 14. Any portion of a qualified investment, as defined in  
397 s. 288.9913, which is claimed as a deduction by the taxpayer and  
398 taken as a credit against income tax pursuant to s. 288.9916.

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399 15. The costs to acquire a tax credit pursuant to s.  
400 288.1254(5) that are deducted from or otherwise reduce federal  
401 taxable income for the taxable year.

402 16. The amount taken as a credit for the taxable year  
403 pursuant to s. 220.194.

404 17. The amount taken as a credit for the taxable year  
405 under s. 220.196. The addition in this subparagraph is intended  
406 to ensure that the same amount is not allowed for the tax  
407 purposes of this state as both a deduction from income and a  
408 credit against the tax. The addition is not intended to result  
409 in adding the same expense back to income more than once.

410 Section 9. Subsection (5) of section 220.131, Florida  
411 Statutes, is amended to read:

412 220.131 Adjusted federal income; affiliated groups.—

413 (5) Each taxpayer shall apportion adjusted federal income  
414 under s. 220.15 as a member of an affiliated group which files a  
415 consolidated return under this section on the basis of  
416 apportionment factors described in s. 220.15. For the purposes  
417 of this subsection, each special industry member included in an  
418 affiliated group filing a consolidated return ~~hereunder~~, who  
419 ~~which member~~ would otherwise be permitted to use a special  
420 method of apportionment under s. 220.151 or s. 220.153, shall  
421 construct the numerator of its sales, property, and payroll  
422 factors, respectively, by multiplying the denominator of each  
423 such factor by the premiums, ~~or~~ revenue miles, or single sales  
424 factor ratio otherwise applicable under ~~pursuant to~~ s. 220.151  
425 or s. 220.153 in the manner prescribed by ~~the~~ department ~~by~~  
426 rule.

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427 Section 10. Subsection (1) of section 220.15, Florida  
428 Statutes, is amended to read:

429 220.15 Apportionment of adjusted federal income.—

430 (1) Except as provided in ss. 220.151, ~~and~~ 220.152, and  
431 220.153, adjusted federal income as defined in s. 220.13 shall  
432 be apportioned to this state by taxpayers doing business within  
433 and without this state by multiplying it by an apportionment  
434 fraction composed of a sales factor representing 50 percent of  
435 the fraction, a property factor representing 25 percent of the  
436 fraction, and a payroll factor representing 25 percent of the  
437 fraction. If any factor described in subsection (2), subsection  
438 (4), or subsection (5) has a denominator that is zero or is  
439 determined by the department to be insignificant, the relative  
440 weights of the other factors in the denominator of the  
441 apportionment fraction shall be as follows:

442 (a) If the denominators for any two factors are zero or  
443 are insignificant, the weighted percentage for the remaining  
444 factor shall be 100 percent.

445 (b) If the denominator for the sales factor is zero or is  
446 insignificant, the weighted percentage for the property and  
447 payroll factors shall change from 25 percent to 50 percent,  
448 respectively.

449 (c) If the denominator for either the property or payroll  
450 factor is zero or is insignificant, the weighted percentage for  
451 the other shall be 33 1/3 percent, and the weighted percentage  
452 for the sales factor shall be 66 2/3 percent.

453 Section 11. Section 220.153, Florida Statutes, is created  
454 to read:

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455 220.153 Apportionment by sales factor.-

456 (1) DEFINITIONS.-As used in this section, the term:

457 (a) "Office" means the Office of Tourism, Trade, and  
458 Economic Development.

459 (b) "Qualified capital expenditures" means expenditures in  
460 this state for purposes substantially related to a business's  
461 production or sale of goods or services. The expenditure must  
462 fund the acquisition of additional real property (land,  
463 buildings, including appurtenances, fixtures and fixed  
464 equipment, structures, etc.), including additions, replacements,  
465 major repairs, and renovations to real property which materially  
466 extend its useful life or materially improve or change its  
467 functional use and the furniture and equipment necessary to  
468 furnish and operate a new or improved facility. The term  
469 "qualified capital expenditures" does not include an expenditure  
470 for a passive investment or for an investment intended for the  
471 accumulation of reserves or the realization of profit for  
472 distribution to any person holding an ownership interest in the  
473 business. The term "qualified capital expenditures" does not  
474 include expenditures to acquire an existing business or  
475 expenditures in excess of \$125 million to acquire land or  
476 buildings.

477 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.-A taxpayer, not  
478 including a financial organization as defined in s. 220.15(6) or  
479 a bank, savings association, international banking facility, or  
480 banking organization as defined in s. 220.62, doing business  
481 within and without this state, who applies and demonstrates to  
482 the office that, within a 2-year period beginning on or after

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483 July 1, 2011, it has made qualified capital expenditures equal  
484 to or exceeding \$250 million may apportion its adjusted federal  
485 income solely by the sales factor set forth in s. 220.15(5),  
486 commencing in the taxable year that the office approves the  
487 application, but not before a taxable year that begins on or  
488 after January 1, 2013. Once approved, a taxpayer may elect to  
489 apportion its adjusted federal income for any taxable year using  
490 the method provided under this section or the method provided  
491 under s. 220.15.

492 (3) QUALIFICATION PROCESS.-

493 (a) To qualify as a taxpayer who is eligible to apportion  
494 its adjusted federal income under this section:

495 1. The taxpayer must notify the office of its intent to  
496 submit an application to apportion its adjusted federal income  
497 in order to commence the 2-year period for measuring qualified  
498 capital expenditures.

499 2. The taxpayer must submit an application to apportion  
500 its adjusted federal income under this section to the office  
501 within 2 years after notifying the office of the taxpayer's  
502 intent to qualify. The application must be made under oath and  
503 provide such information as the office reasonably requires by  
504 rule for determining the applicant's eligibility to apportion  
505 adjusted federal income under this section. The taxpayer is  
506 responsible for affirmatively demonstrating to the satisfaction  
507 of the office that it meets the eligibility requirements.

508 (b) The taxpayer notice and application forms shall be  
509 established by the office by rule. The office shall acknowledge

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510 receipt of the notice and approve or deny the application in  
511 writing within 45 days after receipt.

512 (4) REVIEW AUTHORITY; RECAPTURE OF TAX.—

513 (a) In addition to its existing audit authority, the  
514 department may perform any financial and technical review and  
515 investigation, including examining the accounts, books, and  
516 records of the taxpayer as necessary, to verify that the  
517 taxpayer's tax return correctly computes and apportions adjusted  
518 federal income and to ensure compliance with this chapter.

519 (b) The office may, by order, revoke its decision to grant  
520 eligibility for apportionment pursuant to this section, and may  
521 also order the recalculation of apportionment factors to those  
522 applicable under s. 220.15 if, as the result of an audit,  
523 investigation, or examination, it determines that information  
524 provided by the taxpayer in the application, or in a statement,  
525 representation, record, report, plan, or other document provided  
526 to the office to become eligible for apportionment, was  
527 materially false at the time it was made and that an individual  
528 acting on behalf of the taxpayer knew, or should have known,  
529 that the information submitted was false. The taxpayer shall pay  
530 such additional taxes and interest as may be due pursuant to  
531 this chapter computed as the difference between the tax that  
532 would have been due under the apportionment formula provided in  
533 s. 220.15 for such years and the tax actually paid. In addition,  
534 the department shall assess a penalty equal to 100 percent of  
535 the additional tax due.

536 (c) The office shall immediately notify the department of  
537 an order affecting a taxpayer's eligibility to apportion tax

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538 pursuant to this section. A taxpayer who is liable for past tax  
539 must file an amended return with the department, or such other  
540 report as the department prescribes by rule, and pay any  
541 required tax, interest, and penalty within 60 days after the  
542 taxpayer receives notification from the office that the  
543 previously approved credits have been revoked. If the revocation  
544 is contested, the taxpayer shall file an amended return or other  
545 report within 30 days after an order becomes final. A taxpayer  
546 who fails to pay the past tax, interest, and penalty by the due  
547 date is subject to the penalties provided in s. 220.803.

548 (5) RULES.—The office and the department may adopt rules  
549 to administer this section.

550 Section 12. Paragraph (f) of subsection (2) of section  
551 220.1845, Florida Statutes, is amended to read:

552 220.1845 Contaminated site rehabilitation tax credit.—

553 (2) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.—

554 (f) The total amount of the tax credits which may be  
555 granted under this section is \$5 ~~\$2~~ million annually.

556 Section 13. Subsections (4), (5), and (11) of section  
557 376.30781, Florida Statutes, are amended to read:

558 376.30781 Tax credits for rehabilitation of drycleaning-  
559 solvent-contaminated sites and brownfield sites in designated  
560 brownfield areas; application process; rulemaking authority;  
561 revocation authority.—

562 (4) The Department of Environmental Protection is  
563 responsible for allocating the tax credits provided for in s.  
564 220.1845, which may not exceed a total of \$5 ~~\$2~~ million in tax  
565 credits annually.

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566 (5) To claim the credit for site rehabilitation or solid  
567 waste removal, each tax credit applicant must apply to the  
568 Department of Environmental Protection for an allocation of the  
569 \$5 ~~\$2~~ million annual credit by filing a tax credit application  
570 with the Division of Waste Management on a form developed by the  
571 Department of Environmental Protection in cooperation with the  
572 Department of Revenue. The form shall include an affidavit from  
573 each tax credit applicant certifying that all information  
574 contained in the application, including all records of costs  
575 incurred and claimed in the tax credit application, are true and  
576 correct. If the application is submitted pursuant to  
577 subparagraph (3)(a)2., the form must include an affidavit signed  
578 by the real property owner stating that it is not, and has never  
579 been, the owner or operator of the drycleaning facility where  
580 the contamination exists. Approval of tax credits must be  
581 accomplished on a first-come, first-served basis based upon the  
582 date and time complete applications are received by the Division  
583 of Waste Management, subject to the limitations of subsection  
584 (14). To be eligible for a tax credit, the tax credit applicant  
585 must:

586 (a) For site rehabilitation tax credits, have entered into  
587 a voluntary cleanup agreement with the Department of  
588 Environmental Protection for a drycleaning-solvent-contaminated  
589 site or a Brownfield Site Rehabilitation Agreement, as  
590 applicable, and have paid all deductibles pursuant to s.  
591 376.3078(3)(e) for eligible drycleaning-solvent-cleanup program  
592 sites, as applicable. A site rehabilitation tax credit applicant  
593 must submit only a single completed application per site for  
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594 each calendar year's site rehabilitation costs. A site  
595 rehabilitation application must be received by the Division of  
596 Waste Management of the Department of Environmental Protection  
597 by January 31 of the year after the calendar year for which site  
598 rehabilitation costs are being claimed in a tax credit  
599 application. All site rehabilitation costs claimed must have  
600 been for work conducted between January 1 and December 31 of the  
601 year for which the application is being submitted. All payment  
602 requests must have been received and all costs must have been  
603 paid prior to submittal of the tax credit application, but no  
604 later than January 31 of the year after the calendar year for  
605 which site rehabilitation costs are being claimed.

606 (b) For solid waste removal tax credits, have entered into  
607 a brownfield site rehabilitation agreement with the Department  
608 of Environmental Protection. A solid waste removal tax credit  
609 applicant must submit only a single complete application per  
610 brownfield site, as defined in the brownfield site  
611 rehabilitation agreement, for solid waste removal costs. A solid  
612 waste removal tax credit application must be received by the  
613 Division of Waste Management of the Department of Environmental  
614 Protection subsequent to the completion of the requirements  
615 listed in paragraph (3) (e).

616 (11) If a tax credit applicant does not receive a tax  
617 credit allocation due to an exhaustion of the \$5 2 million  
618 annual tax credit authorization, such application will then be  
619 included in the same first-come, first-served order in the next  
620 year's annual tax credit allocation, if any, based on the prior  
621 year application.

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622 Section 14. Subsection (5) is added to section 220.16,  
623 Florida Statutes, to read:

624 220.16 Allocation of nonbusiness income.—Nonbusiness  
625 income shall be allocated as follows:

626 (5) The amount of payments received in exchange for  
627 transferring a net operating loss authorized by s. 220.194 is  
628 allocable to the state.

629 Section 15. Section 220.194, Florida Statutes, is created  
630 to read:

631 220.194 Corporate income tax credits for spaceflight  
632 projects.—

633 (1) SHORT TITLE.—This section may be cited as the "Florida  
634 Space Business Incentives Act."

635 (2) PURPOSE.—The purpose of this section is to create  
636 incentives to attract launch, payload, research and development,  
637 and other space business to this state.

638 (3) DEFINITIONS.—As used in this section, the term:

639 (a) "Administrative support" means that 51 percent or more  
640 of an activity supports a certified spaceflight business.

641 (b) "Certified" means that a spaceflight business has been  
642 certified by the office as meeting all of the requirements  
643 necessary to obtain at least one of the approved tax credits  
644 available under this section, including approval to transfer a  
645 credit.

646 (c) "New employee" means a state resident who begins or  
647 maintains full-time employment in this state with a spaceflight  
648 business on or after October 1, 2011. The term does not include  
649 a person who is a partner, majority stockholder, or owner of the

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650 business or a person who is employed in a temporary construction  
651 job or primarily involved with the construction of real  
652 property.

653 (d) "New job" means the full-time employment of an  
654 employee in a manner that is consistent with terms used by the  
655 Agency for Workforce Innovation and the United States Department  
656 of Labor for purposes of unemployment compensation tax  
657 administration and employment estimation. In order to meet the  
658 requirement for certification specified in paragraph (5) (b), a  
659 new job must:

660 1. Pay new employees at least 115 percent of the statewide  
661 or countywide average annual private-sector wage for the 3  
662 taxable years immediately preceding filing an application for  
663 certification;

664 2. Require a new employee to perform duties on a regular  
665 full-time basis in this state for an average of at least 36  
666 hours per week each month for the 3 taxable years immediately  
667 preceding filing an application for certification; and

668 3. Not be held by a person who has previously been  
669 included as a new employee on an application for any credit  
670 authorized under this section.

671 (e) "Office" means the Office of Tourism, Trade, and  
672 Economic Development.

673 (f) "Payload" means an object built or assembled in this  
674 state to be placed into earth's upper atmospheres or space.

675 (g) "Reentry" means to return or attempt to return an  
676 object from earth's upper atmospheres or space.

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677 (h) "Reentry service" means an activity conducted in this  
678 state related to preparing a reentry vehicle and any payload for  
679 reentry and the reentry.

680 (i) "Space vehicle" means any spacecraft, satellite, space  
681 station, upper-stage, launch vehicle, reentry vehicle, and  
682 related ground-support systems and equipment.

683 (j) "Spaceflight business" means a business that:

684 1. Is registered with the Secretary of State to do  
685 business in this state; and

686 2. Is currently engaged in a spaceflight project. A  
687 spaceflight business may participate in more than one  
688 spaceflight project at a time and may conduct work on a  
689 commercial, governmental, or United States defense-related  
690 spaceflight project.

691 (k) "Spaceflight project" means any of the following  
692 activities performed in this state:

693 1. Designing, manufacturing, testing, or assembling a  
694 space vehicle or components thereof;

695 2. Providing a launch service, payload processing service,  
696 or reentry service; or

697 3. Providing the payload for a launch vehicle or reentry  
698 space vehicle;

699 4. Administrative support; or

700 5. Providing the launch vehicle or the reentry vehicle for  
701 space tourists.

702 (l) "Taxpayer" has the same meaning as provided in s.  
703 220.03.

704 (4) TAX CREDITS.—

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705 (a) If approved and certified pursuant to subsection (5),  
706 the following tax credits may be taken on a return for a taxable  
707 year beginning on or after October 1, 2015:

708 1. A certified spaceflight business may take a  
709 nontransferable corporate income tax credit for up to 50 percent  
710 of the business's tax liability under this chapter for the  
711 taxable year in which the credit is taken. The maximum  
712 nontransferable tax credit amount that may be approved per  
713 taxpayer for a taxable year is \$1 million. No more than \$3  
714 million in total tax credits pursuant to this subparagraph may  
715 be certified pursuant to subsection (5). No credit may be  
716 approved after October 1, 2017.

717 2. A certified spaceflight business may transfer, in whole  
718 or in part, its Florida net operating loss that would otherwise  
719 be available to be taken on a return filed under this chapter,  
720 provided that the activity giving rise to such net operating  
721 loss must have occurred after July 1, 2011. The transfer allowed  
722 under this subparagraph will be in the form of a transferable  
723 tax credit equal to the amount of the net operating loss  
724 eligible to be transferred. The maximum transferable tax credit  
725 amount that may be approved per taxpayer for a taxable year is  
726 \$2.5 million. No more than \$7 million in total tax credits  
727 pursuant to this subparagraph may be certified pursuant to  
728 subsection (5). No credit may be approved after October 1, 2017.

729 a. In order to transfer the credit, the business must:

730 (I) Have been approved to transfer the tax credit for the  
731 taxable year in which it is transferred;

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732 (II) Have incurred a qualifying net operating loss on  
733 activity in this state after July 1, 2011, directly associated  
734 with one or more spaceflight projects in any of its 3 previous  
735 taxable years;

736 (III) Not be 50 percent or more owned or controlled,  
737 directly or indirectly, by another corporation that has  
738 demonstrated positive net income in any of the 3 previous  
739 taxable years of ongoing operations; and

740 (IV) Not be part of a consolidated group of affiliated  
741 corporations, as filed for federal income tax purposes, which in  
742 the aggregate demonstrated positive net income in any of the 3  
743 previous taxable years.

744 b. The credit that may be transferred by a certified  
745 spaceflight business:

746 (I) Is limited to the amount of eligible net operating  
747 losses incurred in the immediate 3 taxable years before the  
748 transfer; and

749 (II) Must be directly associated with a spaceflight  
750 project in this state as verified through an audit or  
751 examination by a certified public accountant licensed to do  
752 business in this state and as verified by the office.

753 (b) Each certified spaceflight business may only be  
754 approved for a credit under subparagraph (a)1. once and may only  
755 be approved to transfer a tax credit under subparagraph (a)2.  
756 once, and a certified spaceflight business may not be approved  
757 for both in a single state fiscal year.

758 (c) Credits approved under subparagraph (a)1. may be taken  
759 only against the corporate income tax liability generated by or  
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760 arising out of a spaceflight project in this state, as verified  
761 through an audit or examination by a certified public accountant  
762 licensed to do business in this state and as verified by the  
763 office.

764 (d) A certified spaceflight business may not file a  
765 consolidated return in order to claim the tax incentives  
766 described in this subsection.

767 (e) The certified spaceflight business or transferee must  
768 demonstrate to the satisfaction of the office and the department  
769 that it is eligible to take the credits approved under this  
770 section.

771 (5) APPLICATION AND CERTIFICATION.—

772 (a) In order to claim a tax credit under this section, a  
773 spaceflight business must first submit an application to the  
774 office for approval to earn tax credits or create transferable  
775 tax credits. The application must be filed by the date  
776 established by the office. In addition to any information that  
777 the office may require, the applicant must provide a complete  
778 description of the activity in this state which demonstrates to  
779 the office the applicant's likelihood to be certified to take or  
780 transfer a credit. The applicant must also provide a description  
781 of the total amount and type of credits for which approval is  
782 sought. The office may consult with Space Florida regarding the  
783 qualifications of an applicant. The applicant shall provide an  
784 affidavit certifying that all information contained in the  
785 application is true and correct.

786 1. Approval of the credits shall be provided on a first-  
787 come, first-served basis, based on the date the completed

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788 applications are received by the office. A taxpayer may not  
789 submit more than one completed application per state fiscal  
790 year. The office may not accept an incomplete placeholder  
791 application, and the submission of such an application will not  
792 secure a place in the first-come, first-served application line.

793 2. The office has 60 days after the receipt of a completed  
794 application within which to issue a notice of intent to deny or  
795 approve an application for credits. The office must ensure that  
796 the corporate income tax credits approved for all applicants  
797 does not exceed the limits provided in this section.

798 (b) In order to take a tax credit under subparagraph (a)1.  
799 or, if applicable, to transfer an approved credit under  
800 subparagraph (a)2., a spaceflight business must submit an  
801 application for certification to the office along with a  
802 nonrefundable \$250 fee.

803 1. The application must include:

804 a. The name and physical in-state address of the taxpayer.

805 b. Documentation demonstrating to the satisfaction of the  
806 office that:

807 (I) The taxpayer is a spaceflight business.

808 (II) The business has engaged in a qualifying spaceflight  
809 project before taking or transferring a credit under this  
810 section.

811 c. In addition to any requirement specific to a credit,  
812 documentation that the business has:

813 (I) Created 35 new jobs in this state directly associated  
814 with spaceflight projects during its immediately preceding 3  
815 taxable years. The business shall be deemed to have created new

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816 jobs if the number of full-time jobs located in this state at  
817 the time of application for certification is greater than the  
818 total number of full-time jobs located in this state at the time  
819 of application for approval to earn credits; and

820 (II) Invested a total of at least \$15 million in this  
821 state on a spaceflight project during its immediately preceding  
822 3 taxable years.

823 d. The total amount and types of credits sought.

824 e. An acknowledgment that a transfer of a tax credit is to  
825 be accomplished pursuant to subsection (5).

826 f. A copy of an audit or audits of the preceding 3 taxable  
827 years, prepared by a certified public accountant licensed to  
828 practice in this state, which identifies that portion of the  
829 business's activities in this state related to spaceflight  
830 projects in this state.

831 g. An acknowledgement that the business must file an  
832 annual report on the spaceflight project's progress with the  
833 office.

834 h. Any other information necessary to demonstrate that the  
835 applicant meets the job creation, investment, and other  
836 requirements of this section.

837 2. Within 60 days after receipt of the application for  
838 certification, the office shall evaluate the application and  
839 recommend the business for certification or denial. The  
840 executive director of the office must approve or deny the  
841 application within 30 days after receiving the recommendation.  
842 If approved, the office must provide a letter of certification  
843 to the applicant consistent with any restrictions imposed. If

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844 the office denies any part of the requested credit, the office  
845 must inform the applicant of the grounds for the denial. A copy  
846 of the certification shall be submitted to the department within  
847 10 days after the executive director's approval.

848 (6) TRANSFERABILITY OF CREDIT.—

849 (a) A certified spaceflight business allowed to transfer  
850 an approved credit, in whole or in part, to a taxpayer by  
851 written agreement may do so without transferring any ownership  
852 interest in the property generating the credit or any interest  
853 in the entity owning such property.

854 (b) In order to perfect the transfer, the transferor shall  
855 provide the department with a written transfer statement that  
856 has been approved by the office notifying the department of the  
857 transferor's intent to transfer the tax credits to the  
858 transferee; the date that the transfer is effective; the  
859 transferee's name, address, and federal taxpayer identification  
860 number; the tax period; and the amount of tax credits to be  
861 transferred. Upon receipt of the approved transfer statement,  
862 the department shall provide the transferee and the office with  
863 a certificate reflecting the tax credit amounts transferred. A  
864 copy of the certificate must be attached to each tax return for  
865 which the transferee seeks to apply the credits.

866 (7) AUDIT AUTHORITY; RECAPTURE OF CREDITS.—

867 (a) In addition to its existing audit and investigative  
868 authority, the department may perform any additional financial  
869 and technical audits and investigations, including examining the  
870 accounts, books, and financial records of the tax credit  
871 applicant, which are necessary for verifying the accuracy of the

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872 return and to ensure compliance with this section. If requested  
873 by the department, the office and Space Florida must provide  
874 technical assistance for any technical audits or examinations  
875 performed under this subsection.

876 (b) Grounds for forfeiture of previously claimed tax  
877 credits approved under this section exist if the department  
878 determines, as a result of an audit or examination, or from  
879 information received from the office, that a certified  
880 spaceflight business, or in the case of transferred tax credits,  
881 a taxpayer received tax credits for which the certified  
882 spaceflight business or taxpayer was not entitled. The  
883 spaceflight business or transferee must file an amended return  
884 reflecting the disallowed credits and paying any tax due as a  
885 result of the amendment.

886 (c) If an amendment to, recomputation of, or  
887 redetermination of a certified spaceflight business's Florida  
888 corporate income tax return changes an item entered into the  
889 computation of a claimed credit, the taxpayer must notify the  
890 department by filing an amended return. The amount of any credit  
891 award not supported by the amended return shall be deemed a  
892 deficiency that must be remitted with the amended return and is  
893 subject to s. 220.23. The spaceflight business is also liable  
894 for a penalty equal to the credit claimed or transferred,  
895 reduced in proportion to the amount of the net operating loss  
896 certified for transfer which is disallowed over the amount of  
897 the net operating loss certified for the credit. The certified  
898 business and its successors must maintain all records necessary  
899 to support the reported net operating loss.

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900       (d) The office may revoke or modify a certification  
901 granting eligibility for tax credits if it finds that the  
902 certified spaceflight business made a false statement or  
903 representation in any application, record, report, plan, or  
904 other document filed in an attempt to receive tax credits under  
905 this section. The office shall immediately notify the department  
906 of any revoked or modified orders affecting previously granted  
907 tax credits. The certified spaceflight business must also notify  
908 the department of any change in its claimed tax credit.

909       (e) The certified spaceflight business must file with the  
910 department an amended return or other report required by the  
911 department by rule and pay any required tax and interest within  
912 60 days after the certified business receives notification from  
913 the office that previously approved tax credits have been  
914 revoked or modified. If the revocation or modification order is  
915 contested, the spaceflight business must file the amended return  
916 or other report within 60 days after a final order is issued.

917       (f) The department may assess an additional tax, penalty,  
918 or interest pursuant to s. 95.091.

919       (8) RULES.-

920       (a) The office, in consultation with Space Florida, shall  
921 adopt rules to administer this section, including rules relating  
922 to application forms for credit approval and certification, and  
923 the application and certification procedures, guidelines, and  
924 requirements necessary to administer this section.

925       (b) The department may adopt rules to administer this  
926 section, including rules relating to:

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927 1. The forms required to claim a tax credit under this  
928 section, the requirements and basis for establishing an  
929 entitlement to a credit, and the examination and audit  
930 procedures required to administer this section.

931 2. The implementation and administration of provisions  
932 allowing the transfer of a net operating loss as a tax credit,  
933 including rules that prescribe forms, reporting requirements,  
934 and specific procedures, guidelines, and requirements necessary  
935 to perform the transfer.

936 3. The minimum portion of the credit which is available  
937 for transfer.

938 (9) ANNUAL REPORT.—Beginning in 2014, the office, in  
939 cooperation with Space Florida and the department, shall submit  
940 an annual report summarizing activities relating to the Florida  
941 Space Business Incentives Act established under this section to  
942 the Governor, the President of the Senate, and the Speaker of  
943 the House of Representatives by each November 30.

944 (10) NONAPPLICABILITY.—This section does not apply to  
945 returns filed for any tax period before October 1, 2015.

946 Section 16. Effective January 1, 2012, section 220.195,  
947 Florida Statutes, is created to read:

948 220.195 Emergency excise tax credit.—

949 (1) Beginning with taxable years ending in 2012, a  
950 taxpayer who has earned, but not yet taken, a credit for  
951 emergency excise tax paid under former s. 221.02 may take such  
952 credit against the tax imposed by this chapter.

953 (2) If a credit granted pursuant to this section is not  
954 fully used in taxable years ending in 2012 because of

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955 insufficient tax liability on the part of the taxpayer, the  
956 unused amount may be carried forward for a period not to exceed  
957 5 years. The carryover credit may be used in a subsequent year  
958 when the tax imposed by this chapter for such year exceeds the  
959 credit for such year, after applying the other credits and  
960 unused credit carryovers in the order provided in s. 220.02(8).

961 Section 17. Effective July 1, 2011, and applicable to  
962 taxable years beginning on or after January 1, 2012, section  
963 220.196, Florida Statutes, is created to read:

964 220.196 Research and development tax credit.—

965 (1) DEFINITIONS.—As used in this section, the term:

966 (a) "Base amount" means the average of the business  
967 enterprise's qualified research expenses in this state allowed  
968 under 26 U.S.C. s. 41 for the 4 taxable years preceding the  
969 taxable year for which the credit is determined. The qualified  
970 research expenses taken into account in computing the base  
971 amount shall be determined on a basis consistent with the  
972 determination of qualified research expenses for the taxable  
973 year.

974 (b) "Business enterprise" means any corporation as defined  
975 in s. 220.03 which meets the definition of a target industry  
976 business as defined in s. 288.106.

977 (c) "Qualified research expenses" mean research expenses  
978 qualifying for the credit under 26 U.S.C. s. 41 for in-house  
979 research expenses incurred in this state or contract research  
980 expenses incurred in this state. The term does not include  
981 research conducted outside this state or research expenses that  
982 do not qualify for a credit under 26 U.S.C. s. 41.

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983       (2) TAX CREDIT.—Subject to the limitations contained in  
984 paragraph (e), a business enterprise is eligible for a credit  
985 against the tax imposed by this chapter if the business  
986 enterprise has qualified research expenses in this state in the  
987 taxable year exceeding the base amount and, for the same taxable  
988 year, claims and is allowed a research credit for such qualified  
989 research expenses under 26 U.S.C. s. 41.

990       (a) The tax credit shall be 10 percent of the excess  
991 qualified research expenses over the base amount. However, the  
992 maximum tax credit for a business enterprise that has not been  
993 in existence for at least 4 taxable years immediately preceding  
994 the taxable year is reduced by 25 percent for each taxable year  
995 for which the business enterprise, or a predecessor corporation  
996 that was a business enterprise, did not exist.

997       (b) The credit taken in any taxable year may not exceed 50  
998 percent of the business enterprise's remaining net income tax  
999 liability under this chapter after all other credits have been  
1000 applied under s. 220.02(8).

1001       (c) Any unused credit authorized under this section may be  
1002 carried forward and claimed by the taxpayer for up to 5 years.

1003       (d) The combined total amount of tax credits which may be  
1004 granted to all business enterprises under this section during  
1005 any calendar year is \$9 million. Applications may be filed with  
1006 the department on or after March 20 for qualified research  
1007 expenses incurred within the preceding calendar year, and  
1008 credits shall be granted in the order in which completed  
1009 applications are received.

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1010 (3) RECALCULATION OF CREDIT AMOUNT.—If the amount of  
1011 qualified research expenses is reduced as a result of a federal  
1012 audit or examination, the credit granted pursuant to this  
1013 section must be recalculated. The taxpayer must file amended  
1014 returns for all affected years pursuant to s. 220.23(2), and the  
1015 taxpayer must pay to the department the difference between the  
1016 initial credit amount taken and the recalculated credit amount  
1017 with interest.

1018 (4) RULES.—The department may adopt rules to administer  
1019 this section, including, but not limited to, rules prescribing  
1020 forms and application procedures and dates, and may establish  
1021 guidelines for making an affirmative showing of qualification  
1022 for a credit and any evidence needed to substantiate a claim for  
1023 credit under this section.

1024 Section 18. Effective January 1, 2012, subsection (4) of  
1025 section 220.801, Florida Statutes, is amended to read:

1026 220.801 Penalties; failure to timely file returns.—

1027 (4) The provisions of this section shall specifically  
1028 apply to the notice of federal change required under s. 220.23,  
1029 ~~and to any tax returns required under chapter 221, relating to~~  
1030 ~~the emergency excise tax.~~

1031 Section 19. Effective January 1, 2012, section 213.05,  
1032 Florida Statutes, is amended to read:

1033 213.05 Department of Revenue; control and administration  
1034 of revenue laws.—The Department of Revenue shall have only those  
1035 responsibilities for ad valorem taxation specified to the  
1036 department in chapter 192, taxation, general provisions; chapter  
1037 193, assessments; chapter 194, administrative and judicial

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1038 review of property taxes; chapter 195, property assessment  
1039 administration and finance; chapter 196, exemption; chapter 197,  
1040 tax collections, sales, and liens; chapter 199, intangible  
1041 personal property taxes; and chapter 200, determination of  
1042 millage. The Department of Revenue shall have the responsibility  
1043 of regulating, controlling, and administering all revenue laws  
1044 and performing all duties as provided in s. 125.0104, the Local  
1045 Option Tourist Development Act; s. 125.0108, tourist impact tax;  
1046 chapter 198, estate taxes; chapter 201, excise tax on documents;  
1047 chapter 202, communications services tax; chapter 203, gross  
1048 receipts taxes; chapter 206, motor and other fuel taxes; chapter  
1049 211, tax on production of oil and gas and severance of solid  
1050 minerals; chapter 212, tax on sales, use, and other  
1051 transactions; chapter 220, income tax code; ~~chapter 221,~~  
1052 ~~emergency excise tax;~~ ss. 336.021 and 336.025, taxes on motor  
1053 fuel and special fuel; s. 376.11, pollutant spill prevention and  
1054 control; s. 403.718, waste tire fees; s. 403.7185, lead-acid  
1055 battery fees; s. 538.09, registration of secondhand dealers; s.  
1056 538.25, registration of secondary metals recyclers; s. 624.4621,  
1057 group self-insurer's fund premium tax; s. 624.5091, retaliatory  
1058 tax; s. 624.475, commercial self-insurance fund premium tax; ss.  
1059 624.509-624.511, insurance code: administration and general  
1060 provisions; s. 624.515, State Fire Marshal regulatory  
1061 assessment; s. 627.357, medical malpractice self-insurance  
1062 premium tax; s. 629.5011, reciprocal insurers premium tax; and  
1063 s. 681.117, motor vehicle warranty enforcement.

1064 Section 20. Paragraph (dd) is added to subsection (8) of  
1065 section 213.053, Florida Statutes, as amended by chapter 2010-  
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1066 280, Laws of Florida, and effective January 1, 2012, subsection  
1067 (1) and paragraph (k) of subsection (8) of that section are  
1068 amended, to read:

1069 213.053 Confidentiality and information sharing.—

1070 (1) This section applies to:

1071 (a) Section 125.0104, county government;

1072 (b) Section 125.0108, tourist impact tax;

1073 (c) Chapter 175, municipal firefighters' pension trust  
1074 funds;

1075 (d) Chapter 185, municipal police officers' retirement  
1076 trust funds;

1077 (e) Chapter 198, estate taxes;

1078 (f) Chapter 199, intangible personal property taxes;

1079 (g) Chapter 201, excise tax on documents;

1080 (h) Chapter 202, the Communications Services Tax

1081 Simplification Law;

1082 (i) Chapter 203, gross receipts taxes;

1083 (j) Chapter 211, tax on severance and production of  
1084 minerals;

1085 (k) Chapter 212, tax on sales, use, and other  
1086 transactions;

1087 (l) Chapter 220, income tax code;

1088 ~~(m) Chapter 221, emergency excise tax;~~

1089 (m) ~~(n)~~ Section 252.372, emergency management,  
1090 preparedness, and assistance surcharge;

1091 (n) ~~(o)~~ Section 379.362(3), Apalachicola Bay oyster  
1092 surcharge;

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- 1093        ~~(o)~~~~(p)~~ Chapter 376, pollutant spill prevention and  
1094 control;  
1095        ~~(p)~~~~(q)~~ Section 403.718, waste tire fees;  
1096        ~~(q)~~~~(r)~~ Section 403.7185, lead-acid battery fees;  
1097        ~~(r)~~~~(s)~~ Section 538.09, registration of secondhand dealers;  
1098        ~~(s)~~~~(t)~~ Section 538.25, registration of secondary metals  
1099 recyclers;  
1100        ~~(t)~~~~(u)~~ Sections 624.501 and 624.509-624.515, insurance  
1101 code;  
1102        ~~(u)~~~~(v)~~ Section 681.117, motor vehicle warranty  
1103 enforcement; and  
1104        ~~(v)~~~~(w)~~ Section 896.102, reports of financial transactions  
1105 in trade or business.

1106        (8) Notwithstanding any other provision of this section,  
1107 the department may provide:

1108        (k)1. Payment information relative to chapters 199, 201,  
1109 202, 212, 220, ~~221~~, and 624 and former chapter 221 to the Office  
1110 of Tourism, Trade, and Economic Development, or its employees or  
1111 agents that are identified in writing by the office to the  
1112 department, in the administration of the tax refund program for  
1113 qualified defense contractors and space flight business  
1114 contractors authorized by s. 288.1045 and the tax refund program  
1115 for qualified target industry businesses authorized by s.  
1116 288.106.

1117        2. Information relative to tax credits taken by a business  
1118 under s. 220.191 and exemptions or tax refunds received by a  
1119 business under s. 212.08(5)(j) to the Office of Tourism, Trade,  
1120 and Economic Development, or its employees or agents that are  
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1121 identified in writing by the office to the department, in the  
1122 administration and evaluation of the capital investment tax  
1123 credit program authorized in s. 220.191 and the semiconductor,  
1124 defense, and space tax exemption program authorized in s.  
1125 212.08(5)(j).

1126 3. Information relative to tax credits taken by a taxpayer  
1127 pursuant to the tax credit programs created in ss. 193.017;  
1128 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;  
1129 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;  
1130 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;  
1131 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;  
1132 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to  
1133 the Office of Tourism, Trade, and Economic Development, or its  
1134 employees or agents that are identified in writing by the office  
1135 to the department, for use in the administration or evaluation  
1136 of such programs.

1137 4. Information relative to single sales factor  
1138 apportionment used by a taxpayer to the Office of Tourism,  
1139 Trade, and Economic Development or its employees or agents who  
1140 are identified in writing by the office to the department for  
1141 use by the office to administer s. 220.153.

1142 (dd) Information relating to tax credits taken under s.  
1143 220.194 to the Office of Tourism, Trade, and Economic  
1144 Development or to Space Florida.

1145  
1146 Disclosure of information under this subsection shall be  
1147 pursuant to a written agreement between the executive director  
1148 and the agency. Such agencies, governmental or nongovernmental,  
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1149 shall be bound by the same requirements of confidentiality as  
1150 the Department of Revenue. Breach of confidentiality is a  
1151 misdemeanor of the first degree, punishable as provided by s.  
1152 775.082 or s. 775.083.

1153 Section 21. Effective January 1, 2012, subsection (12) of  
1154 section 213.255, Florida Statutes, is amended to read:

1155 213.255 Interest.—Interest shall be paid on overpayments  
1156 of taxes, payment of taxes not due, or taxes paid in error,  
1157 subject to the following conditions:

1158 (12) The rate of interest shall be the adjusted rate  
1159 established pursuant to s. 213.235, except that the annual rate  
1160 of interest shall never be greater than 11 percent. This annual  
1161 rate of interest shall be applied to all refunds of taxes  
1162 administered by the department except for corporate income taxes  
1163 ~~and emergency excise taxes~~ governed by ss. 220.721 and 220.723.

1164 Section 22. Effective January 1, 2012, chapter 221,  
1165 Florida Statutes, consisting of sections 221.01, 221.02, 221.04,  
1166 and 221.05, is repealed.

1167 Section 23. Effective January 1, 2012, paragraph (a) of  
1168 subsection (6) of section 288.075, Florida Statutes, is amended  
1169 to read:

1170 288.075 Confidentiality of records.—

1171 (6) ECONOMIC INCENTIVE PROGRAMS.—

1172 (a) The following information held by an economic  
1173 development agency pursuant to the administration of an economic  
1174 incentive program for qualified businesses is confidential and  
1175 exempt from s. 119.07(1) and s. 24(a), Art. I of the State  
1176 Constitution for a period not to exceed the duration of the  
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1177 incentive agreement, including an agreement authorizing a tax  
1178 refund or tax credit, or upon termination of the incentive  
1179 agreement:

1180 1. The percentage of the business's sales occurring  
1181 outside this state and, for businesses applying under s.  
1182 288.1045, the percentage of the business's gross receipts  
1183 derived from Department of Defense contracts during the 5 years  
1184 immediately preceding the date the business's application is  
1185 submitted.

1186 2. The anticipated wages for the project jobs that the  
1187 business plans to create, as reported on the application for  
1188 certification.

1189 3. The average wage actually paid by the business for  
1190 those jobs created by the project or an employee's personal  
1191 identifying information which is held as evidence of the  
1192 achievement or nonachievement of the wage requirements of the  
1193 tax refund, tax credit, or incentive agreement programs or of  
1194 the job creation requirements of such programs.

1195 4. The amount of:

1196 a. Taxes on sales, use, and other transactions paid  
1197 pursuant to chapter 212;

1198 b. Corporate income taxes paid pursuant to chapter 220;

1199 c. Intangible personal property taxes paid pursuant to  
1200 chapter 199;

1201 ~~d. Emergency excise taxes paid pursuant to chapter 221;~~

1202 ~~d.e.~~ Insurance premium taxes paid pursuant to chapter 624;

1203 ~~e.f.~~ Excise taxes paid on documents pursuant to chapter  
1204 201;

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1205 ~~f.g.~~ Ad valorem taxes paid, as defined in s. 220.03(1); or  
1206 ~~g.h.~~ State communications services taxes paid pursuant to  
1207 chapter 202.

1208 Section 24. Paragraph (c) of subsection (2) of section  
1209 288.1045, Florida Statutes, and effective January 1, 2012,  
1210 paragraph (f) of that subsection, are amended to read:

1211 288.1045 Qualified defense contractor and space flight  
1212 business tax refund program.—

1213 (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.—

1214 (c) A qualified applicant may not receive more than ~~\$7~~ \$5  
1215 million in tax refunds pursuant to this section in all fiscal  
1216 years.

1217 (f) After entering into a tax refund agreement pursuant to  
1218 subsection (4), a qualified applicant may:

1219 1. Receive refunds from the account for corporate income  
1220 taxes due and paid pursuant to chapter 220 by that business  
1221 beginning with the first taxable year of the business which  
1222 begins after entering into the agreement.

1223 2. Receive refunds from the account for the following  
1224 taxes due and paid by that business after entering into the  
1225 agreement:

1226 a. Taxes on sales, use, and other transactions paid  
1227 pursuant to chapter 212.

1228 b. Intangible personal property taxes paid pursuant to  
1229 chapter 199.

1230 ~~e. Emergency excise taxes paid pursuant to chapter 221.~~

1231 ~~c.d.~~ Excise taxes paid on documents pursuant to chapter  
1232 201.

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1233 ~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1)(a)  
1234 on June 1, 1996.

1235 ~~e.f.~~ State communications services taxes administered  
1236 under chapter 202. This provision does not apply to the gross  
1237 receipts tax imposed under chapter 203 and administered under  
1238 chapter 202 or the local communications services tax authorized  
1239 under s. 202.19.

1240  
1241 However, a qualified applicant may not receive a tax refund  
1242 pursuant to this section for any amount of credit, refund, or  
1243 exemption granted such contractor for any of such taxes. If a  
1244 refund for such taxes is provided by the office, which taxes are  
1245 subsequently adjusted by the application of any credit, refund,  
1246 or exemption granted to the qualified applicant other than that  
1247 provided in this section, the qualified applicant shall  
1248 reimburse the Economic Development Trust Fund for the amount of  
1249 such credit, refund, or exemption. A qualified applicant must  
1250 notify and tender payment to the office within 20 days after  
1251 receiving a credit, refund, or exemption, other than that  
1252 provided in this section. The addition of communications  
1253 services taxes administered under chapter 202 is remedial in  
1254 nature and retroactive to October 1, 2001. The office may make  
1255 supplemental tax refund payments to allow for tax refunds for  
1256 communications services taxes paid by an eligible qualified  
1257 defense contractor after October 1, 2001.

1258 Section 25. Paragraph (c) of subsection (3) of section  
1259 288.106, Florida Statutes, and effective January 1, 2012,  
1260 paragraph (d) of that subsection, are amended to read:

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1261 288.106 Tax refund program for qualified target industry  
1262 businesses.—

1263 (3) TAX REFUND; ELIGIBLE AMOUNTS.—

1264 (c) A qualified target industry business may not receive  
1265 refund payments of more than 25 percent of the total tax refunds  
1266 specified in the tax refund agreement under subparagraph  
1267 (5)(a)1. in any fiscal year. Further, a qualified target  
1268 industry business may not receive more than \$1.5 million in  
1269 refunds under this section in any single fiscal year, or more  
1270 than \$2.5 million in any single fiscal year if the project is  
1271 located in an enterprise zone. A qualified target industry  
1272 business may not receive more than \$7 ~~\$5~~ million in refund  
1273 payments under this section in all fiscal years, or more than  
1274 \$7.5 million if the project is located in an enterprise zone.

1275 (d) After entering into a tax refund agreement under  
1276 subsection (5), a qualified target industry business may:

1277 1. Receive refunds from the account for the following  
1278 taxes due and paid by that business beginning with the first  
1279 taxable year of the business that begins after entering into the  
1280 agreement:

1281 a. Corporate income taxes under chapter 220.

1282 b. Insurance premium tax under s. 624.509.

1283 2. Receive refunds from the account for the following  
1284 taxes due and paid by that business after entering into the  
1285 agreement:

1286 a. Taxes on sales, use, and other transactions under  
1287 chapter 212.

1288 b. Intangible personal property taxes under chapter 199.

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1289 ~~e. Emergency excise taxes under chapter 221.~~  
1290 ~~c.d.~~ Excise taxes on documents under chapter 201.  
1291 ~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1).  
1292 ~~e.f.~~ State communications services taxes administered  
1293 under chapter 202. This provision does not apply to the gross  
1294 receipts tax imposed under chapter 203 and administered under  
1295 chapter 202 or the local communications services tax authorized  
1296 under s. 202.19.

1297 Section 26. Paragraphs (b), (h), and (i) of subsection  
1298 (1), paragraphs (c) and (e) of subsection (3), paragraph (b) of  
1299 subsection (4), paragraph (c) of subsection (5), paragraph (a)  
1300 of subsection (7), and subsection (10) of section 288.1254,  
1301 Florida Statutes, are amended, and paragraphs (k), (l), (m),  
1302 (n), and (o) are added to subsection (1) of that section, to  
1303 read:

1304 288.1254 Entertainment industry financial incentive  
1305 program.—

1306 (1) DEFINITIONS.—As used in this section, the term:

1307 (b) "Digital media project" means a production of  
1308 interactive entertainment that is produced for distribution in  
1309 commercial or educational markets. The term includes a video  
1310 game or production intended for Internet or wireless  
1311 distribution. The term does not include a production that  
1312 contains ~~deemed by the Office of Film and Entertainment to~~  
1313 ~~contain~~ obscene content as defined in s. 847.001(10).

1314 (f) "Production" means a theatrical or direct-to-video  
1315 motion picture; a made-for-television motion picture; visual  
1316 effects or digital animation sequences produced in conjunction  
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1317 with a motion picture; a commercial; a music video; an  
1318 industrial or educational film; an infomercial; a documentary  
1319 film; a television pilot program; a presentation for a  
1320 television pilot program; a television series, including, but  
1321 not limited to, a drama, a reality show, a comedy, a soap opera,  
1322 a telenovela, a game show, an awards show, or a miniseries  
1323 production; or a digital media project by the entertainment  
1324 industry. One season of a television series is considered one  
1325 production. The term does not include a weather or market  
1326 program; a sporting event; a sports show; a gala; a production  
1327 that solicits funds; a home shopping program; a political  
1328 program; a political documentary; political advertising; a  
1329 gambling-related project or production; a concert production; or  
1330 a local, regional, or Internet-distributed-only news show,  
1331 current-events show, pornographic production, or current-affairs  
1332 show. A production may be produced on or by film, tape, or  
1333 otherwise by means of a motion picture camera; electronic camera  
1334 or device; tape device; computer; any combination of the  
1335 foregoing; or any other means, method, or device.

1336 (h) "Qualified expenditures" means production expenditures  
1337 incurred in this state by a qualified production for:

1338 1. Goods purchased or leased from, or services, including,  
1339 but not limited to, insurance costs and bonding, payroll  
1340 services, and legal fees, which are provided by, a vendor or  
1341 supplier in this state that is registered with the Department of  
1342 State or the Department of Revenue, has a physical location in  
1343 this state, and employs one or more legal residents of this  
1344 state. This does not include re-billed goods or services

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1345 provided by an in-state company from out-of-state vendors or  
1346 suppliers. When services are provided by the vendor or supplier  
1347 include personal services or labor, only personal services or  
1348 labor provided by residents of this state, evidenced by the  
1349 required documentation of residency in this state, qualify.

1350 2. Payments to legal residents of this state in the form  
1351 of salary, wages, or other compensation up to a maximum of  
1352 \$400,000 per resident unless otherwise specified in subsection  
1353 (4). A completed declaration of residency in this state must  
1354 accompany the documentation submitted to the office for  
1355 reimbursement.

1356  
1357 For a qualified production involving an event, such as an awards  
1358 show, the term does not include expenditures solely associated  
1359 with the event itself and not directly required by the  
1360 production. The term does not include expenditures incurred  
1361 before certification, with the exception of those incurred for a  
1362 commercial, a music video, or the pickup of additional episodes  
1363 of a high-impact television series within a single season. Under  
1364 no circumstances may the qualified production include in the  
1365 calculation for qualified expenditures the original purchase  
1366 price for equipment or other tangible property that is later  
1367 sold or transferred by the qualified production for  
1368 consideration. In such cases, the qualified expenditure is the  
1369 net of the original purchase price minus the consideration  
1370 received upon sale or transfer.

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1371 (i) "Qualified production" means a production in this  
1372 state meeting the requirements of this section. The term does  
1373 not include a production:

1374 1. In which, for the first 2 years of the incentive  
1375 program, less than 50 percent, and thereafter, less than 60  
1376 percent, of the positions that make up its production cast and  
1377 below-the-line production crew, or, in the case of digital media  
1378 projects, less than 75 percent of such positions, are filled by  
1379 legal residents of this state, whose residency is demonstrated  
1380 by a valid Florida driver's license or other state-issued  
1381 identification confirming residency, or students enrolled full-  
1382 time in a film-and-entertainment-related course of study at an  
1383 institution of higher education in this state; or

1384 2. That contains ~~is deemed by the Office of Film and~~  
1385 ~~Entertainment to contain~~ obscene content as defined in s.  
1386 847.001(10).

1387 (k) "Qualified digital media production facility" means a  
1388 building or series of buildings and their improvements in which  
1389 data processing, visualization, and sound synchronization  
1390 technologies are regularly applied for the production of  
1391 qualified digital media projects or the digital animation  
1392 components of qualified productions.

1393 (l) "Qualified production facility" means a building or  
1394 complex of buildings and their improvements and associated  
1395 backlot facilities in which regular filming activity for film or  
1396 television has occurred for a period of no less than one year  
1397 and which contain at least one sound stage of at least 7,800  
1398 square feet.

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1399       (m) "Regional population ratio" means the ratio of the  
1400 population of a region to the population of this state. The  
1401 regional population ratio applicable to a given fiscal year is  
1402 the regional population ratio calculated by the Office of Film  
1403 and Entertainment using the latest official estimates of  
1404 population certified under s. 186.901, available on the first  
1405 day of that fiscal year.

1406       (n) "Regional tax credit ratio" means a ratio the  
1407 numerator of which is the sum of tax credits awarded to  
1408 productions in a region to date plus the tax credits certified,  
1409 but not yet awarded, to productions currently in that region and  
1410 the denominator of which is the sum of all tax credits awarded  
1411 in the state to date plus all tax credits certified, but not yet  
1412 awarded, to productions currently in the state. The regional tax  
1413 credit ratio applicable to a given year is the regional tax  
1414 credit ratio calculated by the Office of Film and Entertainment  
1415 using credit award and certification information available on  
1416 the first day of that fiscal year.

1417       (o) "Underutilized region" for a given state fiscal year  
1418 means a region with a regional tax credit ratio applicable to  
1419 that fiscal year that is lower than its regional population  
1420 ratio applicable to that fiscal year. The following regions are  
1421 established for purposes of making this determination:

1422       1. North Region, consisting of Alachua, Baker, Bay,  
1423 Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia,  
1424 Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson,  
1425 Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau,

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1426 Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor,  
1427 Union, Wakulla, Walton, and Washington counties.

1428 2. Central East Region, consisting of Brevard, Flagler,  
1429 Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.  
1430 Lucie, and Volusia counties.

1431 3. Central West Region, consisting of Citrus, Hernando,  
1432 Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,  
1433 and Sumter counties.

1434 4. Southwest Region, consisting of Charlotte, Collier,  
1435 DeSoto, Glades, Hardee, Hendry, Highlands, and Lee counties.

1436 5. Southeast Region, consisting of Broward, Martin, Miami-  
1437 Dade, Monroe, and Palm Beach counties.

1438 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

1439 (c) Application process.—The Office of Film and  
1440 Entertainment shall establish a process by which an application  
1441 is accepted and reviewed and by which tax credit eligibility and  
1442 award amount are determined. The Office of Film and  
1443 Entertainment may request assistance from a duly appointed local  
1444 film commission in determining compliance with this section. A  
1445 certified high-impact television series may submit an initial  
1446 application for no more than two successive seasons,  
1447 notwithstanding the fact that the successive seasons have not  
1448 been ordered. The successive season's qualified expenditure  
1449 amounts shall be based on the current season's estimated  
1450 qualified expenditures. Upon the completion of production of  
1451 each season, a high-impact television series may submit an  
1452 application for no more than one additional season.

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1453 (e) Grounds for denial.—The Office of Film and  
1454 Entertainment shall deny an application if it determines that  
1455 the application is not complete or the production or application  
1456 does not meet the requirements of this section. Within 90 days  
1457 after submitting a program application, except with respect to  
1458 applications in the independent and emerging media queue, a  
1459 production must provide proof of project financing to the Office  
1460 of Film and Entertainment, otherwise the project is deemed  
1461 denied and withdrawn. A project that has been withdrawn may  
1462 submit a new application upon providing the Office of Film and  
1463 Entertainment proof of financing.

1464 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;  
1465 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;  
1466 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND  
1467 ACQUISITIONS.—

1468 (b) Tax credit eligibility.—

1469 1. General production queue.—Ninety-four percent of tax  
1470 credits authorized pursuant to subsection (6) in any state  
1471 fiscal year must be dedicated to the general production queue.  
1472 The general production queue consists of all qualified  
1473 productions other than those eligible for the commercial and  
1474 music video queue or the independent and emerging media  
1475 production queue. A qualified production that demonstrates a  
1476 minimum of \$625,000 in qualified expenditures is eligible for  
1477 tax credits equal to 20 percent of its actual qualified  
1478 expenditures, up to a maximum of \$8 million. A qualified  
1479 production that incurs qualified expenditures during multiple

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1480 state fiscal years may combine those expenditures to satisfy the  
1481 \$625,000 minimum threshold.

1482 a. An off-season certified production that is a feature  
1483 film, independent film, or television series or pilot is  
1484 eligible for an additional 5-percent tax credit on actual  
1485 qualified expenditures. An off-season certified production that  
1486 does not complete 75 percent of principal photography due to a  
1487 disruption caused by a hurricane or tropical storm may not be  
1488 disqualified from eligibility for the additional 5-percent  
1489 credit as a result of the disruption.

1490 b. If more than 25 percent of the sum of total tax credits  
1491 awarded to productions after July 1, 2010, and total tax credits  
1492 certified, but not yet awarded, to productions currently in this  
1493 state has been awarded for television series, then no television  
1494 series or pilot shall be eligible for tax credits under this  
1495 subparagraph.

1496 c. The calculations required by this sub-subparagraph  
1497 shall use only credits available to be certified and awarded on  
1498 or after July 1, 2011.

1499 (I) If the provisions of sub-subparagraph b. are not  
1500 applicable and less than 25 percent of the sum of the total tax  
1501 credits awarded to productions and the total tax credits  
1502 certified, but not yet awarded, to productions currently in this  
1503 state has been to high-impact television series, any A qualified  
1504 high-impact television series shall be allowed first position in  
1505 this queue for tax credit awards not yet certified.

1506 (II) If less than 20 percent of the sum of the total tax  
1507 credits awarded to productions and the total tax credits

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1508 certified, but not yet awarded, to productions currently in this  
1509 state has been to digital media projects, any digital media  
1510 project with qualified expenditures of greater than \$4,500,000  
1511 shall be allowed first position in this queue for tax credit  
1512 awards not yet certified.

1513 (III) For the purposes of determining position between a  
1514 high-impact television series allowed first position and a  
1515 digital media project allowed first position under this sub-  
1516 subparagraph, tax credits shall be awarded on a first-come,  
1517 first-served basis.

1518 d. A qualified production that incurs at least 85 percent  
1519 of its qualified expenditures within a region designated as an  
1520 underutilized region at the time that the production is  
1521 certified is eligible for an additional 5 percent tax credit.

1522 e. Any qualified production that employs students enrolled  
1523 full-time in a film and entertainment-related or digital media-  
1524 related course of study at an institution of higher education in  
1525 this state is eligible for an additional 15 percent tax credit  
1526 on qualified expenditures that are wages, salaries, or other  
1527 compensation paid to such students. The additional 15 percent  
1528 tax credit shall also be applicable to persons hired within 12  
1529 months of graduating from a film and entertainment-related or  
1530 digital media-related course of study at an institution of  
1531 higher education in this state. The additional 15 percent tax  
1532 credit shall apply to qualified expenditures that are wages,  
1533 salaries, or other compensation paid to such recent graduates  
1534 for one year from the date of hiring.

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1535 f. A qualified production for which 50 percent or more of  
1536 its principal photography occurs at a qualified production  
1537 facility, or a qualified digital media project or the digital  
1538 animation component of a qualified production for which 50  
1539 percent or more of the project's or component's qualified  
1540 expenditures are related to a qualified digital media production  
1541 facility shall be eligible for an additional 5 percent tax  
1542 credit on actual qualified expenditures for production activity  
1543 at that facility.

1544 g. No qualified production shall be eligible for tax  
1545 credits provided under this paragraph totaling more than 30  
1546 percent of its actual qualified expenses.

1547 2. Commercial and music video queue.—Three percent of tax  
1548 credits authorized pursuant to subsection (6) in any state  
1549 fiscal year must be dedicated to the commercial and music video  
1550 queue. A qualified production company that produces national or  
1551 regional commercials or music videos may be eligible for a tax  
1552 credit award if it demonstrates a minimum of \$100,000 in  
1553 qualified expenditures per national or regional commercial or  
1554 music video and exceeds a combined threshold of \$500,000 after  
1555 combining actual qualified expenditures from qualified  
1556 commercials and music videos during a single state fiscal year.  
1557 After a qualified production company that produces commercials,  
1558 music videos, or both reaches the threshold of \$500,000, it is  
1559 eligible to apply for certification for a tax credit award. The  
1560 maximum credit award shall be equal to 20 percent of its actual  
1561 qualified expenditures up to a maximum of \$500,000. If there is  
1562 a surplus at the end of a fiscal year after the Office of Film  
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1563 and Entertainment certifies and determines the tax credits for  
1564 all qualified commercial and video projects, such surplus tax  
1565 credits shall be carried forward to the following fiscal year  
1566 and be available to any eligible qualified productions under the  
1567 general production queue.

1568 3. Independent and emerging media production queue.—Three  
1569 percent of tax credits authorized pursuant to subsection (6) in  
1570 any state fiscal year must be dedicated to the independent and  
1571 emerging media production queue. This queue is intended to  
1572 encourage Florida independent film and emerging media  
1573 production. Any qualified production, excluding commercials,  
1574 infomercials, or music videos, that demonstrates at least  
1575 \$100,000, but not more than \$625,000, in total qualified  
1576 expenditures is eligible for tax credits equal to 20 percent of  
1577 its actual qualified expenditures. If a surplus exists at the  
1578 end of a fiscal year after the Office of Film and Entertainment  
1579 certifies and determines the tax credits for all qualified  
1580 independent and emerging media production projects, such surplus  
1581 tax credits shall be carried forward to the following fiscal  
1582 year and be available to any eligible qualified productions  
1583 under the general production queue.

1584 4. Family-friendly productions.—A certified theatrical or  
1585 direct-to-video motion picture production or video game  
1586 determined by the Commissioner of Film and Entertainment, with  
1587 the advice of the Florida Film and Entertainment Advisory  
1588 Council, to be family-friendly, based on the review of the  
1589 script and the review of the final release version, is eligible  
1590 for an additional tax credit equal to 5 percent of its actual  
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1591 qualified expenditures. Family-friendly productions are those  
1592 that have cross-generational appeal; would be considered  
1593 suitable for viewing by children age 5 or older; are appropriate  
1594 in theme, content, and language for a broad family audience;  
1595 embody a responsible resolution of issues; and do not exhibit or  
1596 imply any act of smoking, sex, nudity, or vulgar or profane  
1597 language.

1598 (5) TRANSFER OF TAX CREDITS.—

1599 (c) Transferee rights and limitations.—The transferee is  
1600 subject to the same rights and limitations as the certified  
1601 production company awarded the tax credit, except that the  
1602 initial transferee shall be permitted a one-time transfer of  
1603 unused credits to no more than two subsequent transferees, and  
1604 such transfers must occur in the same taxable year as the  
1605 credits were received by the initial transferee, after which the  
1606 subsequent transferees may not sell or otherwise transfer the  
1607 tax credit.

1608 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

1609 (a) The aggregate amount of the tax credits that may be  
1610 certified pursuant to paragraph (3) (d) may not exceed:

- 1611 1. For fiscal year 2010-2011, \$53.5 million.
- 1612 2. For fiscal year 2011-2012, \$74.5 million.
- 1613 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,  
1614 \$42 ~~\$38~~ million per fiscal year.

1615 (10) ANNUAL REPORT.—Each October 1, the Office of Film and  
1616 Entertainment shall provide an annual report for the previous  
1617 fiscal year to the Governor, the President of the Senate, and  
1618 the Speaker of the House of Representatives which outlines the  
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1619 return on investment and economic benefits to the state. The  
1620 report shall also include an estimate of the full-time  
1621 equivalent positions created by each production that received  
1622 tax credits under s. 288.1254 and information relating to the  
1623 distribution of productions receiving credits by geographic  
1624 region and type of production.

1625 Section 27. Subsection (5) of section 288.1258, Florida  
1626 Statutes, is amended to read:

1627 288.1258 Entertainment industry qualified production  
1628 companies; application procedure; categories; duties of the  
1629 Department of Revenue; records and reports.—

1630 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO  
1631 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film  
1632 and Entertainment shall keep annual records from the information  
1633 provided on taxpayer applications for tax exemption certificates  
1634 beginning January 1, 2001. ~~These records shall reflect a ratio~~  
1635 ~~of the annual amount of sales and use tax exemptions under this~~  
1636 ~~section and incentives awarded pursuant to s. 288.1254 to the~~  
1637 ~~estimated amount of funds expended by certified productions,~~  
1638 ~~including productions that received incentives pursuant to s.~~  
1639 ~~288.1254.~~ These records also shall reflect a ~~separate~~ ratio of  
1640 the annual amount of sales and use tax exemptions under this  
1641 section, plus the incentives awarded pursuant to s. 288.1254 to  
1642 the estimated amount of funds expended by certified productions.  
1643 In addition, the office shall maintain data showing annual  
1644 growth in Florida-based entertainment industry companies and  
1645 entertainment industry employment and wages. The employment  
1646 information shall include an estimate of the full-time

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1647 equivalent positions created by each production that received  
1648 tax credits pursuant to s. 288.1254. The Office of Film and  
1649 Entertainment shall report this information to the Legislature  
1650 no later than December 1 of each year.

1651 Section 28. Effective January 1, 2012, paragraph (d) is  
1652 added to subsection (6) of section 290.0055, Florida Statutes,  
1653 to read:

1654 290.0055 Local nominating procedure.—

1655 (6)

1656 (d)1. The governing body of a jurisdiction which has  
1657 nominated an application for an enterprise zone that is no  
1658 larger than 12 square miles and includes a portion of the state  
1659 designated as a rural area of critical economic concern under s.  
1660 288.0656(7) may apply to the Office of Tourism, Trade, and  
1661 Economic Development to expand the boundary of the enterprise  
1662 zone by not more than 3 square miles. An application to expand  
1663 the boundary of an enterprise zone under this paragraph must be  
1664 submitted by December 31, 2012.

1665 2. Notwithstanding the area limitations specified in  
1666 subsection (4), the Office of Tourism, Trade, and Economic  
1667 Development may approve the request for a boundary amendment if  
1668 the area continues to satisfy the remaining requirements of this  
1669 section.

1670 3. The Office of Tourism, Trade, and Economic Development  
1671 shall establish the initial effective date of an enterprise zone  
1672 designated under this paragraph.

1673 Section 29. Effective January 1, 2012, section 290.00726,  
1674 Florida Statutes, is created to read:

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1675       290.00726 Enterprise zone designation for Martin County.-  
1676 Martin County may apply to the Office of Tourism, Trade, and  
1677 Economic Development for designation of one enterprise zone for  
1678 an area within Martin County, which zone shall encompass an area  
1679 of up to 10 square miles consisting of land within the primary  
1680 urban services boundary and focusing on Indiantown, but  
1681 excluding property owned by Florida Power and Light to the west,  
1682 two areas to the north designated as estate residential, and the  
1683 county-owned Timer Powers Recreational Area. Within the  
1684 designated enterprise zone, Martin County shall exempt  
1685 residential condominiums from benefiting from state enterprise  
1686 zone incentives, unless prohibited by law. The application must  
1687 have been submitted by December 31, 2011, and must comply with  
1688 the requirements of s. 290.0055. Notwithstanding s. 290.0065  
1689 limiting the total number of enterprise zones designated and the  
1690 number of enterprise zones within a population category, the  
1691 Office of Tourism, Trade, and Economic Development may designate  
1692 one enterprise zone under this section. The Office of Tourism,  
1693 Trade, and Economic Development shall establish the initial  
1694 effective date of the enterprise zone designated under this  
1695 section.

1696       Section 30. Section 290.00727, Florida Statutes, is  
1697 created to read:

1698       290.00727 Enterprise zone designation for the City of Palm  
1699 Bay.-The City of Palm Bay may apply to the Office of Tourism,  
1700 Trade, and Economic Development for designation of one  
1701 enterprise zone for an area within the northeast portion of the  
1702 city, which zone shall encompass an area of up to 5 square

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1703 miles. The application must have been submitted by December 31,  
1704 2011, and must comply with the requirements of s. 290.0055.  
1705 Notwithstanding s. 290.0065 limiting the total number of  
1706 enterprise zones designated and the number of enterprise zones  
1707 within a population category, the Office of Tourism, Trade, and  
1708 Economic Development may designate one enterprise zone under  
1709 this section. The Office of Tourism, Trade, and Economic  
1710 Development shall establish the initial effective date of the  
1711 enterprise zone designated under this section.

1712 Section 31. Section 290.00728, Florida Statutes, is  
1713 created to read:

1714 290.00728 Enterprise zone designation for Lake County.-  
1715 Lake County may apply to the Office of Tourism, Trade, and  
1716 Economic Development for designation of one enterprise zone,  
1717 which zone shall encompass an area of up to 10 square miles  
1718 within Lake County. The application must have been submitted by  
1719 December 31, 2011, and must comply with the requirements of s.  
1720 290.0055. Notwithstanding s. 290.0065 limiting the total number  
1721 of enterprise zones designated and the number of enterprise  
1722 zones within a population category, the Office of Tourism,  
1723 Trade, and Economic Development may designate one enterprise  
1724 zone under this section. The Office of Tourism, Trade, and  
1725 Economic Development shall establish the initial effective date  
1726 of the enterprise zone designated under this section.

1727 Section 32. Effective January 1, 2012, subsection (1) of  
1728 section 334.30, Florida Statutes, is amended to read:

1729 334.30 Public-private transportation facilities.-The  
1730 Legislature finds and declares that there is a public need for  
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1731 the rapid construction of safe and efficient transportation  
1732 facilities for the purpose of traveling within the state, and  
1733 that it is in the public's interest to provide for the  
1734 construction of additional safe, convenient, and economical  
1735 transportation facilities.

1736 (1) The department may receive or solicit proposals and,  
1737 with legislative approval as evidenced by approval of the  
1738 project in the department's work program, enter into agreements  
1739 with private entities, or consortia thereof, for the building,  
1740 operation, ownership, or financing of transportation facilities.  
1741 The department may advance projects programmed in the adopted 5-  
1742 year work program or projects increasing transportation capacity  
1743 and greater than \$500 million in the 10-year Strategic  
1744 Intermodal Plan using funds provided by public-private  
1745 partnerships or private entities to be reimbursed from  
1746 department funds for the project as programmed in the adopted  
1747 work program. The department shall by rule establish an  
1748 application fee for the submission of unsolicited proposals  
1749 under this section. The fee must be sufficient to pay the costs  
1750 of evaluating the proposals. The department may engage the  
1751 services of private consultants to assist in the evaluation.  
1752 Before approval, the department must determine that the proposed  
1753 project:

1754 (a) Is in the public's best interest;

1755 (b) Would not require state funds to be used unless the  
1756 project is on the State Highway System;

1757 (c) Would have adequate safeguards in place to ensure that  
1758 no additional costs or service disruptions would be realized by  
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1759 the traveling public and residents of the state in the event of  
1760 default or cancellation of the agreement by the department;

1761 (d) Would have adequate safeguards in place to ensure that  
1762 the department or the private entity has the opportunity to add  
1763 capacity to the proposed project and other transportation  
1764 facilities serving similar origins and destinations; and

1765 (e) Would be owned by the department upon completion or  
1766 termination of the agreement.

1767  
1768 The department shall ensure that all reasonable costs to the  
1769 state, related to transportation facilities that are not part of  
1770 the State Highway System, are borne by the private entity. The  
1771 department shall also ensure that all reasonable costs to the  
1772 state and substantially affected local governments and  
1773 utilities, related to the private transportation facility, are  
1774 borne by the private entity for transportation facilities that  
1775 are owned by private entities. For projects on the State Highway  
1776 System, the department may use state resources to participate in  
1777 funding and financing the project as provided for under the  
1778 department's enabling legislation. Because the Legislature  
1779 recognizes that private entities or consortia thereof would  
1780 perform a governmental or public purpose or function when they  
1781 enter into agreements with the department to design, build,  
1782 operate, own, or finance transportation facilities, the  
1783 transportation facilities, including leasehold interests  
1784 thereof, are exempt from ad valorem taxes as provided in chapter  
1785 196 to the extent property is owned by the state or other  
1786 government entity, and from intangible taxes as provided in  
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1787 chapter 199 and special assessments of the state, any city,  
1788 town, county, special district, political subdivision of the  
1789 state, or any other governmental entity. The private entities or  
1790 consortia thereof are exempt from tax imposed by chapter 201 on  
1791 all documents or obligations to pay money which arise out of the  
1792 agreements to design, build, operate, own, lease, or finance  
1793 transportation facilities. Any private entities or consortia  
1794 thereof must pay any applicable corporate taxes as provided in  
1795 chapter ~~chapters~~ 220 ~~and 221~~, and unemployment compensation  
1796 taxes as provided in chapter 443, and sales and use tax as  
1797 provided in chapter 212 shall be applicable. The private  
1798 entities or consortia thereof must also register and collect the  
1799 tax imposed by chapter 212 on all their direct sales and leases  
1800 that are subject to tax under chapter 212. The agreement between  
1801 the private entity or consortia thereof and the department  
1802 establishing a transportation facility under this chapter  
1803 constitutes documentation sufficient to claim any exemption  
1804 under this section.

1805 Section 33. Effective January 1, 2012, subsection (4),  
1806 paragraph (a) of subsection (6), and subsection (7) of section  
1807 624.509, Florida Statutes, are amended to read:

1808 624.509 Premium tax; rate and computation.—

1809 (4) The income tax imposed under chapter 220 ~~and the~~  
1810 ~~emergency excise tax imposed under chapter 221~~ which is are paid  
1811 by any insurer shall be credited against, and to the extent  
1812 thereof shall discharge, the liability for tax imposed by this  
1813 section for the annual period in which such tax payments are  
1814 made. As to any insurer issuing policies insuring against loss  
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1815 or damage from the risks of fire, tornado, and certain casualty  
1816 lines, the tax imposed by this section, as intended and  
1817 contemplated by this subsection, shall be construed to mean the  
1818 net amount of such tax remaining after there has been credited  
1819 thereon such gross premium receipts tax as may be payable by  
1820 such insurer in pursuance of the imposition of such tax by any  
1821 incorporated cities or towns in the state for firefighters'  
1822 relief and pension funds and police officers' retirement funds  
1823 maintained in such cities or towns, as provided in and by  
1824 relevant provisions of the Florida Statutes. For purposes of  
1825 this subsection, payments of estimated income tax under chapter  
1826 220 ~~and of estimated emergency excise tax under chapter 221~~  
1827 shall be deemed paid either at the time the insurer actually  
1828 files its annual returns under chapter 220 or at the time such  
1829 returns are required to be filed, whichever first occurs, and  
1830 not at such earlier time as such payments of estimated tax are  
1831 actually made.

1832 (6) (a) The total of the credit granted for the taxes paid  
1833 by the insurer under chapter ~~chapters~~ 220 ~~and 221~~ and the credit  
1834 granted by subsection (5) may ~~shall~~ not exceed 65 percent of the  
1835 tax due under subsection (1) after deducting therefrom the taxes  
1836 paid by the insurer under ss. 175.101 and 185.08 and any  
1837 assessments pursuant to s. 440.51.

1838 (7) Credits and deductions against the tax imposed by this  
1839 section shall be taken in the following order: deductions for  
1840 assessments made pursuant to s. 440.51; credits for taxes paid  
1841 under ss. 175.101 and 185.08; credits for income taxes paid  
1842 under chapter 220, ~~the emergency excise tax paid under chapter~~  
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1843 221 and the credit allowed under subsection (5), as these  
1844 credits are limited by subsection (6); all other available  
1845 credits and deductions.

1846 Section 34. Effective January 1, 2012, subsection (1) of  
1847 section 624.51055, Florida Statutes, is amended to read:

1848 624.51055 Credit for contributions to eligible nonprofit  
1849 scholarship-funding organizations.—

1850 (1) There is allowed a credit of 100 percent of an  
1851 eligible contribution made to an eligible nonprofit scholarship-  
1852 funding organization under s. 1002.395 against any tax due for a  
1853 taxable year under s. 624.509(1). However, such a credit may not  
1854 exceed 75 percent of the tax due under s. 624.509(1) after  
1855 deducting from such tax deductions for assessments made pursuant  
1856 to s. 440.51; credits for taxes paid under ss. 175.101 and  
1857 185.08; credits for income taxes paid under chapter 220; ~~credits~~  
1858 ~~for the emergency excise tax paid under chapter 221;~~ and the  
1859 credit allowed under s. 624.509(5), as such credit is limited by  
1860 s. 624.509(6). An insurer claiming a credit against premium tax  
1861 liability under this section shall not be required to pay any  
1862 additional retaliatory tax levied pursuant to s. 624.5091 as a  
1863 result of claiming such credit. Section 624.5091 does not limit  
1864 such credit in any manner.

1865 Section 35. (1) The executive director of the Department  
1866 of Revenue is authorized, and all conditions are deemed met, to  
1867 adopt emergency rules under ss. 120.536(1) and 120.54(4),  
1868 Florida Statutes, for the purpose of implementing this act.

1869 (2) Notwithstanding any other provision of law, such  
1870 emergency rules shall remain in effect for 6 months after the  
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1871 date adopted and may be renewed during the pendency of  
1872 procedures to adopt permanent rules addressing the subject of  
1873 the emergency rules.

1874 Section 36. (1) The tax levied under chapter 212, Florida  
1875 Statutes, may not be collected during the period from 12:01 a.m.  
1876 on August 12, 2011, through 11:59 p.m. on August 14, 2011, on  
1877 the sale of:

1878 (a) Clothing, wallets, or bags, including handbags,  
1879 backpacks, fanny packs, and diaper bags, but excluding  
1880 briefcases, suitcases, and other garment bags, having a sales  
1881 price of \$75 or less per item. As used in this paragraph, the  
1882 term "clothing" means:

1883 1. Any article of wearing apparel intended to be worn on  
1884 or about the human body, excluding watches, watchbands, jewelry,  
1885 umbrellas, or handkerchiefs; and

1886 2. All footwear, excluding skis, swim fins, roller blades,  
1887 and skates.

1888 (b) School supplies having a sales price of \$15 or less  
1889 per item. As used in this paragraph, the term "school supplies"  
1890 means pens, pencils, erasers, crayons, notebooks, notebook  
1891 filler paper, legal pads, binders, lunch boxes, construction  
1892 paper, markers, folders, poster board, composition books, poster  
1893 paper, scissors, cellophane tape, glue or paste, rulers,  
1894 computer disks, protractors, compasses, and calculators.

1895 (2) The tax exemptions in this section do not apply to  
1896 sales within a theme park or entertainment complex as defined in  
1897 s. 509.013(9), Florida Statutes, a public lodging establishment

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1898 as defined in s. 509.013(4), Florida Statutes, or an airport as  
1899 defined in s. 330.27(2), Florida Statutes.

1900 (3) The Department of Revenue may, and all conditions are  
1901 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
1902 and 120.54, Florida Statutes, to administer this section.

1903 (4) This section shall take effect upon this act becoming  
1904 a law.

1905 Section 37. Effective upon this act becoming a law, and  
1906 for the 2010-2011 fiscal year, the sum of \$218,905 in  
1907 nonrecurring funds is appropriated from the General Revenue Fund  
1908 to the Department of Revenue for purposes of administering  
1909 section 36. Funds remaining unexpended or unencumbered from this  
1910 appropriation as of June 30, 2011, shall revert and be  
1911 reappropriated for the same purpose in the 2011-2012 fiscal  
1912 year.

1913 Section 38. Effective upon this act becoming a law,  
1914 section 288.987, Florida Statutes, is created to read:

1915 288.987 Florida Defense Support Task Force.—

1916 (1) The Florida Defense Support Task Force is created.

1917 (2) The mission of the task force is to make  
1918 recommendations to prepare the state to effectively compete in  
1919 any federal base realignment and closure action, to support the  
1920 state's position in research and development related to or  
1921 arising out of military missions and contracting, and to improve  
1922 the state's military-friendly environment for service members,  
1923 military dependents, military retirees, and businesses that  
1924 bring military and base-related jobs to the state.

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1925 (3) The task force shall be comprised of the Governor or  
1926 his or her designee, and 12 members appointed as follows:

1927 (a) Four members appointed by the Governor.

1928 (b) Four members appointed by the President of the Senate.

1929 (c) Four members appointed by the Speaker of the House of  
1930 Representatives.

1931 (d) Appointed members must represent defense-related  
1932 industries or communities that host military bases and  
1933 installations. All appointments must be made by August 1, 2011.  
1934 Members shall serve for a term of 4 years, with the first term  
1935 ending July 1, 2015. However, if members of the Legislature are  
1936 appointed to the task force, those members shall serve until the  
1937 expiration of their legislative term and may be reappointed  
1938 once. A vacancy shall be filled for the remainder of the  
1939 unexpired term in the same manner as the initial appointment.  
1940 All members of the council are eligible for reappointment. A  
1941 member who serves in the Legislature may participate in all task  
1942 force activities, but may only vote on matters that are  
1943 advisory.

1944 (4) The President of the Senate and the Speaker of the  
1945 House of Representatives shall each designate one of their  
1946 appointees to serve as chair of the task force. The chair shall  
1947 rotate each July 1. The appointee designated by the President of  
1948 the Senate shall serve as initial chair. If the Governor,  
1949 instead of his or her designee, participates in the activities  
1950 of the task force, then the Governor shall serve as chair.

1951 (5) The Director of the Office of Tourism, Trade, and  
1952 Economic Development within the Executive Office of the

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1953 Governor, or his or her designee, shall serve as the ex officio,  
1954 nonvoting executive director of the task force.

1955 (6) The chair shall schedule and conduct the first meeting  
1956 of the task force by October 1, 2011. The task force shall  
1957 submit a progress report and work plan for the remainder of the  
1958 2011-2012 fiscal year to the Governor, the President of the  
1959 Senate, and the Speaker of the House of Representatives by  
1960 February 1, 2012, and shall submit an annual report each  
1961 February 1 thereafter.

1962 (7) The Office of Tourism, Trade, and Economic Development  
1963 shall contract with the task force for expenditure of  
1964 appropriated funds, which may be used by the task force for  
1965 economic and product research and development, joint planning  
1966 with host communities to accommodate military missions and  
1967 prevent base encroachment, advocacy on the state's behalf with  
1968 federal civilian and military officials, assistance to school  
1969 districts in providing a smooth transition for large numbers of  
1970 additional military-related students, job training and placement  
1971 for military spouses in communities with high proportions of  
1972 active duty military personnel, and promotion of the state to  
1973 military and related contractors and employers. The task force  
1974 may annually spend up to \$200,000 of funds appropriated to the  
1975 Executive Office of the Governor, Office of Tourism, Trade, and  
1976 Economic Development, for the task force for staffing and  
1977 administrative expenses of the task force, including travel and  
1978 per diem costs incurred by task force members who are not  
1979 otherwise eligible for state reimbursement.

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1980 Section 39. There is appropriated for state fiscal year  
1981 2011-2012 to the Executive Office of the Governor, Office of  
1982 Tourism, Trade, and Economic Development:

1983 (1) The sum of \$15 million in nonrecurring funds from the  
1984 General Revenue Fund for the Innovation Incentive Fund program.

1985 (2) The sum of \$42 million in nonrecurring funds from the  
1986 General Revenue Fund for the Quick Action Closing Fund program.

1987 From these funds, preference shall be given to those projects  
1988 that include at least a 20 percent local match of cash or in-  
1989 kind contributions, which contributions provide a cash savings  
1990 to the private business entity receiving the incentive awards.

1991 (3) The sum of \$10 million in nonrecurring funds from the  
1992 General Revenue Fund for the Institute for the Commercialization  
1993 of Public Research.

1994 (4) The sum of \$5 million in nonrecurring funds from the  
1995 General Revenue Fund for the Florida Defense Support Task Force.

1996 Section 40. Except as otherwise expressly provided in this  
1997 act and except for this section, which shall take effect upon  
1998 this act becoming a law, this act shall take effect July 1,  
1999 2011.

2000 -----  
2001  
2002  
2003 **T I T L E A M E N D M E N T**

2004 Remove line 7 and insert:

2005 Delete the entire title and insert:

2006  
2007 A bill to be entitled

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## Amendment No.

2008 An act relating to economic development; amending s.  
2009 14.2015, F.S.; authorizing the Office of Tourism, Trade,  
2010 and Economic Development to administer corporate income  
2011 tax credits for spaceflight projects; amending ss. 72.011  
2012 and 72.041, F.S.; deleting a reference to conform to  
2013 changes made by this act; amending s. 216.138, F.S.;  
2014 providing for special impact estimating conferences to  
2015 evaluate legislative proposals; requiring conference  
2016 meetings to be open to the public; specifying the four  
2017 principals of the conference; authorizing the convening of  
2018 any special estimating conference by a specified principal  
2019 in order to adopt certain supplemental information;  
2020 requiring all official information of a special impact  
2021 estimating conference to be adopted by consensus;  
2022 authorizing a principal to invite any person to  
2023 participate in the conference; providing definitions;  
2024 amending ss. 220.02 and 220.13, F.S.; revising references  
2025 to conform to changes made by this act; revising the order  
2026 in which credits against the corporate income tax or  
2027 franchise tax may be taken to include credits for certain  
2028 spaceflight projects and certain research and development;  
2029 redefining the term "adjusted federal income" to include  
2030 the amount of certain tax credits taken relating to  
2031 spaceflight projects and research and development;  
2032 providing application; prohibiting a deduction from  
2033 taxable income for any net operating loss if a credit  
2034 against corporate income taxes relating to a spaceflight  
2035 project has been taken or transferred; amending s.

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2036 220.131, F.S.; conforming provisions to changes made by  
2037 this act; amending s. 220.15, F.S.; conforming provisions  
2038 to changes made by this act; creating s. 220.153, F.S.;  
2039 defining the terms "office" and "qualified capital  
2040 expenditures"; providing for the apportionment of certain  
2041 taxpayer's adjusted federal income solely by the sales  
2042 factor provided in s. 220.15, F.S.; providing for  
2043 eligibility based on the taxpayer's capital expenditures;  
2044 providing a qualification and application process;  
2045 authorizing the Department of Revenue to examine and  
2046 verify that a taxpayer has correctly apportioned its  
2047 taxes; authorizing the Office of Tourism, Trade, and  
2048 Economic Development to approve and revoke approval of an  
2049 application; providing for the recapture of unpaid taxes,  
2050 interest, and penalties; authorizing the Office of  
2051 Tourism, Trade, and Economic Development and the  
2052 Department of Revenue to adopt rules; amending s.  
2053 220.1845, F.S.; increasing the annual tax credit cap  
2054 relating to contaminated site rehabilitation; amending s.  
2055 376.30781, F.S.; conforming references; amending s.  
2056 220.16, F.S.; requiring that the amount of payments  
2057 received in exchange for transferring a net operating loss  
2058 for spaceflight projects be allocated to the state;  
2059 creating s. 220.194, F.S.; providing a short title;  
2060 providing legislative purpose; defining terms; authorizing  
2061 a certified spaceflight business to take or transfer  
2062 corporate income tax credits related to spaceflight  
2063 projects carried out in this state; specifying tax credit

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2064 amounts and business eligibility criteria; providing  
2065 limitations; requiring a business to demonstrate to the  
2066 satisfaction of the office and the department its  
2067 eligibility to claim a tax credit; requiring a business to  
2068 submit an application to the office for approval to earn  
2069 credits; specifying the required contents of the  
2070 application; requiring the office to approve or deny an  
2071 application within 60 days after receipt; specifying the  
2072 approval process; requiring a spaceflight business to  
2073 submit an application for certification to the office;  
2074 specifying the required contents of an application for  
2075 certification; specifying the approval process; requiring  
2076 the office to submit a copy of an approved certification  
2077 to the department; providing procedures for transferring a  
2078 tax credit to a taxpayer; authorizing the department to  
2079 perform audits and investigations necessary to verify the  
2080 accuracy of returns relating to the tax credit; specifying  
2081 circumstances under which the office may revoke or modify  
2082 a certification that grants eligibility for tax credits;  
2083 requiring a certified spaceflight business to file an  
2084 amended return and pay any required tax within 60 days  
2085 after receiving notice that previously approved tax  
2086 credits have been revoked or modified; authorizing the  
2087 department to assess additional taxes, interest, or  
2088 penalties; authorizing the office and the department to  
2089 adopt rules; requiring the office to submit an annual  
2090 report to the Governor and Legislature regarding the  
2091 Florida Space Business Incentives Act; creating s.

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2092 220.195, F.S.; creating a corporate income tax credit to  
2093 continue credits available under the emergency excise tax;  
2094 creating s. 220.196, F.S.; providing application;  
2095 providing definitions; providing a tax credit for certain  
2096 research and development expenses; providing eligibility  
2097 requirements for research and development tax credits;  
2098 providing limitations regarding eligibility; providing an  
2099 amount for such credit; providing a maximum amount of  
2100 credit that may be taken during a taxable year by a  
2101 business enterprise; providing that any unused credit may  
2102 be carried forward for a specified period; limiting the  
2103 total amount of tax credits which may be approved by the  
2104 department in a calendar year; providing that applications  
2105 for credits may be filed on or after a specified date;  
2106 requiring that the credits be granted in the order in  
2107 which applications are received; requiring the  
2108 recalculation of a credit under certain circumstances;  
2109 authorizing the department to adopt rules; amending ss.  
2110 220.801, 213.05, 213.053, and 213.255, F.S.; deleting  
2111 references to conform to changes made by this act;  
2112 authorizing the department to share information with the  
2113 office relating to single sales factor apportionment used  
2114 by a taxpayer; authorizing the department to share  
2115 information relating to corporate income tax credits for  
2116 spaceflight projects with the office; repealing chapter  
2117 221, F.S.; repealing the emergency excise tax and related  
2118 provisions; amending ss. 288.075, 288.1045, and 288.106,  
2119 F.S.; deleting references to conform to changes made by

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2120 this act; revising a provision to conform to changes made  
2121 by this act; amending s. 288.1254, F.S.; revising and  
2122 providing definitions; revising criteria for awarding tax  
2123 credits and increasing the amount of credits to be awarded  
2124 under the entertainment industry financial incentive  
2125 program; revising the application procedure and approval  
2126 process; permitting an initial transferee of tax credits  
2127 to make a one-time transfer of unused tax credits;  
2128 amending s. 288.1258, F.S.; changing the recordkeeping  
2129 requirements of the Office of Film and Entertainment;  
2130 amending s. 290.0055, F.S.; authorizing certain governing  
2131 bodies to apply to the Office of Tourism, Trade, and  
2132 Economic Development to amend the boundary of an  
2133 enterprise zone that includes a rural area of critical  
2134 economic concern; providing a limitation; providing an  
2135 application deadline; authorizing the office to approve  
2136 the amendment application subject to certain requirements;  
2137 requiring the office to establish the effective date of  
2138 certain enterprise zones; creating s. 290.00726, F.S.;  
2139 authorizing Martin County to apply to the Office of  
2140 Tourism, Trade, and Economic Development for designation  
2141 of an enterprise zone; providing application requirements;  
2142 authorizing the office to designate an enterprise zone in  
2143 Martin County; providing responsibilities of the office;  
2144 creating s. 290.00727, F.S.; authorizing the City of Palm  
2145 Bay to apply to the Office of Tourism, Trade, and Economic  
2146 Development for designation of an enterprise zone;  
2147 providing application requirements; authorizing the office

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2148 to designate an enterprise zone in the City of Palm Bay;  
2149 providing responsibilities of the office; creating s.  
2150 290.00728, F.S.; authorizing Lake County to apply to the  
2151 Office of Tourism, Trade, and Economic Development for  
2152 designation of an enterprise zone; providing application  
2153 requirements; authorizing the office to designate an  
2154 enterprise zone in Lake County; providing responsibilities  
2155 of the office; amending ss. 334.30, 624.509, and  
2156 624.51055, F.S.; deleting references to conform to changes  
2157 made by this act; authorizing the executive director of  
2158 the Department of Revenue to adopt emergency rules;  
2159 specifying a period during this year when the sale of  
2160 clothing, wallets, bags, and school supplies are exempt  
2161 from the sales tax; providing definitions; providing  
2162 exceptions; authorizing the Department of Revenue to adopt  
2163 emergency rules; providing an appropriation; creating s.  
2164 288.987, F.S.; creating the Florida Defense Support Task  
2165 Force; providing for the task force's mission, membership  
2166 composition, appointment of membership, and  
2167 administration; authorizing the expenditure of  
2168 appropriated funds by the task force for specified  
2169 purposes; providing appropriations to the Executive Office  
2170 of the Governor, Office of Tourism, Trade and Economic  
2171 Development; providing effective dates.

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