

1                   A bill to be entitled  
2           An act relating to the incremental reduction and future  
3           repeal of the corporate income tax; amending s. 220.11,  
4           F.S.; providing for incremental reductions of the  
5           corporate income tax effective on specified dates;  
6           providing for future repeal of part I of chapter 220,  
7           F.S., relating to the chapter title, legislative intent,  
8           and definitions, and part II of chapter 220, F.S.,  
9           relating to the imposition and apportionment of the  
10          corporate income tax; providing legislative findings,  
11          intent, and application; providing for future repeal of  
12          part III of chapter 220, F.S., relating to corporate  
13          income tax returns, declarations, and records, part IV of  
14          chapter 220, F.S., relating to corporate income tax  
15          payments, part V of chapter 220, F.S., relating to  
16          corporate income tax accounting, part VI of chapter 220,  
17          F.S., relating to miscellaneous corporate income tax  
18          provisions, part VIII of chapter 220, F.S., relating to  
19          the administrative procedures and judicial review  
20          applicable to the corporate income tax, part IX of chapter  
21          220, F.S., relating to the penalties and interest  
22          applicable to, and the enforcement of, the corporate  
23          income tax, and part X of chapter 220, F.S., relating to  
24          the criminal offenses and penalties applicable to the  
25          corporate income tax; amending s. 220.64, F.S.; providing  
26          for the future application to the franchise tax of  
27          specified parts and sections of chapter 220, F.S., as  
28          those parts and sections existed before their repeal;

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29 providing direction to the Division of Statutory Revision  
 30 to assist legislative committee staff in the preparation  
 31 of conforming legislation for submission at specified  
 32 future regular sessions; providing effective dates.

33  
 34 Be It Enacted by the Legislature of the State of Florida:

35  
 36 Section 1. Section 220.11, Florida Statutes, is amended to  
 37 read:

38 220.11 Tax imposed.—

39 (1) A tax measured by net income is hereby imposed on  
 40 every taxpayer for each taxable year commencing on or after  
 41 January 1, 1972, and for each taxable year which begins before  
 42 and ends after January 1, 1972, for the privilege of conducting  
 43 business, earning or receiving income in this state, or being a  
 44 resident or citizen of this state. Such tax shall be in addition  
 45 to all other occupation, excise, privilege, and property taxes  
 46 imposed by this state or by any political subdivision thereof,  
 47 including any municipality or other district, jurisdiction, or  
 48 authority of this state.

49 (2) The tax imposed by this section shall be an amount  
 50 equal to 5 1/2 percent of the taxpayer's net income for the  
 51 taxable year.

52 (a) Effective January 1, 2012, the tax imposed under this  
 53 subsection shall be an amount equal to 4 1/2 percent of the  
 54 taxpayer's net income for the taxable year.

55 (b) Effective January 1, 2013, the tax imposed under this  
 56 subsection shall be an amount equal to 3 1/2 percent of the

57 taxpayer's net income for the taxable year.

58 (c) Effective January 1, 2014, the tax imposed under this  
59 subsection shall be an amount equal to 2 1/2 percent of the  
60 taxpayer's net income for the taxable year.

61 (d) Effective January 1, 2015, the tax imposed under this  
62 subsection shall be an amount equal to 1 1/2 percent of the  
63 taxpayer's net income for the taxable year.

64 (e) Effective January 1, 2016, the tax imposed under this  
65 subsection shall be an amount equal to 1/2 percent of the  
66 taxpayer's net income for the taxable year.

67 (3) The tax imposed by this section, for taxpayers  
68 determining taxable income under s. 220.13(2)(k), shall be an  
69 amount equal to 3.3 percent of the taxpayer's net income for the  
70 taxable year.

71 (a) Effective January 1, 2012, the tax imposed under this  
72 subsection shall be an amount equal to 2.7 percent of the  
73 taxpayer's net income for the taxable year.

74 (b) Effective January 1, 2013, the tax imposed under this  
75 subsection shall be an amount equal to 2.1 percent of the  
76 taxpayer's net income for the taxable year.

77 (c) Effective January 1, 2014, the tax imposed under this  
78 subsection shall be an amount equal to 1.5 percent of the  
79 taxpayer's net income for the taxable year.

80 (d) Effective January 1, 2015, the tax imposed under this  
81 subsection shall be an amount equal to 0.9 percent of the  
82 taxpayer's net income for the taxable year.

83 (e) Effective January 1, 2016, the tax imposed under this  
84 subsection shall be an amount equal to 0.3 percent of the

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85 taxpayer's net income for the taxable year.

86 (4) In the case of a taxpayer to which s. 55 of the  
87 Internal Revenue Code is applied for the taxable year, the  
88 amount of tax determined under this section shall be the greater  
89 of the tax determined under subsection (2) without the  
90 application of s. 55 of the Internal Revenue Code or the tax  
91 determined under subsection (3).

92 Section 2. Effective January 1, 2017, sections 220.02 and  
93 220.03, Florida Statutes, designated as part I of chapter 220,  
94 Florida Statutes, entitled "TITLE; LEGISLATIVE INTENT;  
95 DEFINITIONS"; and sections 220.11, 220.12, 220.13, 220.131,  
96 220.14, 220.15, 220.1501, 220.151, 220.152, 220.16, 220.181,  
97 220.182, 220.183, 220.184, 220.1845, 220.185, 220.186, 220.1875,  
98 220.1895, 220.1896, 220.1899, 220.19, 220.191, 220.192, and  
99 220.193, Florida Statutes, designated as part II of chapter 220,  
100 Florida Statutes, entitled "TAX IMPOSED; APPORTIONMENT," are  
101 repealed.

102 Section 3. Legislative findings; intent; application.—The  
103 Legislature recognizes that issues related to the collection and  
104 liability for the payment of corporate income taxes imposed  
105 before the effective date of the repeals enumerated in section 2  
106 of this act will remain unresolved after the effective date of  
107 those repeals. To ensure that the resolution of those issues  
108 occurs in as orderly a manner as possible, the Legislature finds  
109 it necessary to delay for 2 years the repeal of certain other  
110 sections of chapter 220, Florida Statutes, related to the  
111 corporate income tax. To that end and to the extent that the  
112 remaining sections of chapter 220 are not manifestly

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113 inapplicable or incompatible with the resolution of issues  
114 arising before the effective date of the repeals enumerated in  
115 section 2 of this act, the Legislature intends for the remaining  
116 sections to apply.

117       Section 4. Effective January 1, 2019, sections 220.21,  
118 220.211, 220.22, 220.221, 220.222, 220.23, 220.24, 220.241, and  
119 220.242, Florida Statutes, designated as part III of chapter  
120 220, Florida Statutes, entitled "RETURNS; DECLARATIONS;  
121 RECORDS"; sections 220.31, 220.32, 220.33, and 220.34, Florida  
122 Statutes, designated as part IV of chapter 220, Florida  
123 Statutes, entitled "PAYMENTS"; sections 220.41, 220.42, 220.43,  
124 and 220.44, Florida Statutes, designated as part V of chapter  
125 220, Florida Statutes, entitled "ACCOUNTING"; sections 220.51,  
126 220.52, and 220.54, Florida Statutes, designated as part VI of  
127 chapter 220, Florida Statutes, entitled "MISCELLANEOUS  
128 PROVISIONS"; sections 220.701, 220.703, 220.705, 220.707,  
129 220.709, 220.711, 220.713, 220.715, 220.717, 220.719, 220.721,  
130 220.723, 220.725, 220.727, 220.731, 220.733, 220.735, 220.737,  
131 and 220.739, Florida Statutes, designated as part VIII of  
132 chapter 220, Florida Statutes, entitled "ADMINISTRATIVE  
133 PROCEDURES AND JUDICIAL REVIEW"; sections 220.801, 220.803,  
134 220.805, 220.807, 220.809, 220.813, 220.815, 220.819, 220.821,  
135 220.823, 220.825, 220.827, and 220.829, Florida Statutes,  
136 designated as part IX of chapter 220, Florida Statutes, entitled  
137 "PENALTIES, INTEREST, AND ENFORCEMENT"; and sections 220.901,  
138 220.903, and 220.905, Florida Statutes, designated as part X of  
139 chapter 220, Florida Statutes, entitled "TAX CRIMES," are  
140 repealed.

141 Section 5. Effective January 1, 2017, section 220.64,  
 142 Florida Statutes, is amended to read:

143 220.64 Other provisions applicable to franchise tax.—To  
 144 the extent that they are not manifestly incompatible with the  
 145 provisions of this part, the following parts and sections apply  
 146 to the franchise tax imposed by this part:

147 (1) Part I, as it existed on December 31, 2016.

148 (2) Parts ~~I, II, III, IV, V, VI, VII, VIII, IX, and X~~ of this code  
 149 and ss.

150 (3) Sections 220.12, 220.13, 220.15, and 220.16, as they  
 151 existed on December 31, 2016 ~~apply to the franchise tax imposed~~  
 152 ~~by this part.~~

153 (4) Under the rules prescribed in s. 220.131, as it  
 154 existed on December 31, 2016, a consolidated return may be filed  
 155 by any affiliated group of corporations composed of one or more  
 156 banks or savings associations, its or their Florida parent  
 157 corporation, and any nonbank or nonsavings subsidiaries of such  
 158 parent corporation.

159 Section 6. Effective January 1, 2019, section 220.64,  
 160 Florida Statutes, as amended by this act, is amended to read:

161 220.64 Other provisions applicable to franchise tax.—To  
 162 the extent that they are not manifestly incompatible with the  
 163 provisions of this part, the following parts and sections apply  
 164 to the franchise tax imposed by this part:

165 (1) Part I, as it existed on December 31, 2016.

166 (2) Parts III, IV, V, VI, VIII, IX, and X of this code, as  
 167 they existed on December 31, 2018.

168 (3) Sections 220.12, 220.13, 220.15, and 220.16, as they

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169 existed on December 31, 2016.

170 (4) Under the rules prescribed in s. 220.131, as it  
171 existed on December 31, 2016, a consolidated return may be filed  
172 by any affiliated group of corporations composed of one or more  
173 banks or savings associations, its or their Florida parent  
174 corporation, and any nonbank or nonsavings subsidiaries of such  
175 parent corporation.

176 Section 7. In the interim between the 2016 Regular Session  
177 and the 2017 Regular Session, the Division of Statutory Revision  
178 shall provide the appropriate substantive committees of the  
179 House of Representatives and the Senate with assistance, upon  
180 request, to enable such committees to prepare draft legislation  
181 to conform the Florida Statutes and any legislation enacted  
182 during 2016 to the repeal of the provisions enumerated in  
183 section 2 of this act for submission at the 2017 Regular Session  
184 of the Legislature.

185 Section 8. In the interim between the 2018 Regular Session  
186 and the 2019 Regular Session, the Division of Statutory Revision  
187 shall provide the appropriate substantive committees of the  
188 House of Representatives and the Senate with assistance, upon  
189 request, to enable such committees to prepare draft legislation  
190 to conform the Florida Statutes and any legislation enacted  
191 during 2018 to the repeal of the provisions enumerated in  
192 section 4 of this act for submission at the 2019 Regular Session  
193 of the Legislature.

194 Section 9. Except as otherwise expressly provided in this  
195 act, this act shall take effect July 1, 2011.