	COMMITTEE/SUBCOMMITTEE ACTION
	ADOPTED(Y/N)
	ADOPTED AS AMENDED (Y/N)
	ADOPTED W/O OBJECTION (Y/N)
	FAILED TO ADOPT (Y/N)
	WITHDRAWN (Y/N)
	OTHER
1	Committee/Subcommittee hearing bill: Tourism, Infrastructure &
2	Energy Subcommittee
3	Representative Salzman offered the following:
4	
5	Amendment (with title amendment)
6	Remove everything after the enacting clause and insert:
7	Section 1. Section 220.197, Florida Statutes, is created
8	to read:
9	220.197 Main Street Historic Tourism and Revitalization
10	Act; tax credits; reports.—
11	(1) SHORT TITLE.—This act may be cited as the "Main Street
12	Historic Tourism and Revitalization Act."
13	(2) DEFINITIONS.—As used in this section, the term:
14	(a) "Accredited Main Street Program" means an active
15	Florida Main Street Program or the Orlando Main Streets program,

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L 8	1. Have broad-based community support for the commercial
L 9	district revitalization process with strong support from the
20	public and private sectors.
21	2. Have a developed vision and mission statement relevant
22	to community conditions and to Main Street America's
23	organizational stage.
24	3. Have a comprehensive Main Street America work plan.
25	4. Possess a historic preservation ethic.
26	5. Have an active board of directors and committees.
27	6. Have an adequate operating budget.
28	7. Have a paid professional program manager.
29	8. Conduct a program of ongoing training for staff and
30	volunteers.
31	9. Report key statistics.
32	10. Be a current member of Main Street America.
33	(b) "Certified historic structure" means a building and
3 4	its structural components as defined in 36 C.F.R. s. 67.2 which
35	is of a character subject to the allowance for depreciation
36	provided in s. 167 of the Internal Revenue Code of 1986, as
37	amended, and which is:
38	1. Individually listed in the National Register of
39	Historic Places; or
10	2. Located within a registered historic district and
11	certified by the United States Secretary of the Interior as
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accreditation standards. An Accredited Main Street Program must:

being o	f	his	stori	ic sign	nifi	icar	nce	to	the	registered	historic
distric	ct	as	set	forth	in	36	С. І	F.R.	s.	67.2.	

- (c) "Certified rehabilitation" means the rehabilitation of a certified historic structure that the United States Secretary of the Interior has certified to the United States Secretary of the Treasury as being consistent with the historic character of the certified historic structure and, if applicable, consistent with the registered historic district in which the certified historic structure is located as set forth in 36 C.F.R. s. 67.2.
- (d) "Division" means the Division of Historical Resources of the Department of State.
- (e) "Florida Main Street Program" means a statewide historic preservation-based downtown revitalization assistance program created, maintained, and administered by the division under s. 267.031(5).
- (f) "Local program area" means the specific geographic area in which an Accredited Main Street Program is conducted as approved and maintained by the division or in which the Orlando Main Streets program is conducted.
- (g) "Long-term leasehold" means a leasehold in a nonresidential real property for a term of 39 years or more or a leasehold in a residential real property for a term of 27.5 years or more.
- (h) "Main Street America" means a national network of grassroots organizations revitalizing historic downtown areas

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under the	lead	dership	of	the	Natio	onal	Main	Stree	et (	Center,	Inc.,	а
subsidiar	v of	the Na	ation	al「	Trust	for	Histo	oric F	res	servatio	on .	

- (i) "National Register of Historic Places" means the list of historic properties significant in American history, architecture, archeology, engineering, and culture maintained by the United States Secretary of the Interior as authorized in 54 U.S.C. s. 3021.
- (j) "Orlando Main Streets" means a historic preservationbased district revitalization program administered by the City of Orlando.
- (k) "Qualified expenses" means rehabilitation expenditures qualifying for the credit under 26 U.S.C. s. 47 incurred in this state.
- (1) "Registered historic district" means a district listed in the National Register of Historic Places or a district:
- 1. Designated under general law or local ordinance and certified by the United States Secretary of the Interior as meeting criteria that will substantially achieve the purposes of preserving and rehabilitating buildings of historic significance to the district; and
- 2. Certified by the United States Secretary of the

  Interior as meeting substantially all of the requirements for

  listing a district in the National Register of Historic Places.
- (3) ELIGIBILITY FOR TAX CREDIT.—For taxable years beginning on or after January 1, 2023, there is allowed a credit

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against	any ta	ax du	e foi	î a	taxable	year	under	this	chapt	er a	after
the app	licatio	n of	any	otl	her allo	wable	credit	s by	the t	axpa	ayer.

- (a) To claim and receive a tax credit under this section, a taxpayer must apply to the division for a tax credit for qualified expenses in the amount and under the conditions and limitations provided in this section against the tax due for a taxable year under this chapter and must provide the division with all of the following:
  - 1. Documentation showing that:
  - a. The rehabilitation is a certified rehabilitation;
- b. The structure is a certified historic structure, is income-producing, is located within this state, and is rehabilitated and placed in service on or after January 1, 2023;
- c. The taxpayer had an ownership or a long-term leasehold interest in the certified historic structure in the year during which the certified historic structure was placed into service after the certified rehabilitation was completed;
- d. The total amount of qualified expenses incurred in rehabilitating the certified historic structure exceeded \$5,000;
  - e. The qualified expenses were incurred in this state; and
- f. The taxpayer received a tax credit for the qualified expenses under 26 U.S.C. s. 47.
- 2. An official certificate of eligibility from the division, signed by the State Historic Preservation Officer or the Deputy State Historic Preservation Officer, attesting that

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the project has been approved by the National Park Service and confirming that the project is located within a local program area.

- 3. National Park Service Form 10-168c (Rev. 2019), titled "Historic Preservation Certification Application-Part 3-Request for Certification of Completed Work," or a similar form, signed by an officer of the National Park Service, attesting that the completed rehabilitation meets the United States Secretary of the Interior's Standards for Rehabilitation and is consistent with the historic character of the property and, if applicable, the district in which the completed rehabilitation is located. The form may be obtained through the National Park Service.
- 4. An identification of the dates during which the certified historic structure was rehabilitated, the date the certified historic structure was placed in service after the certified rehabilitation was completed, and evidence that the certified historic structure was placed in service after the certified rehabilitation was completed.
- 5. A list of total qualified expenses incurred by the taxpayer in rehabilitating the certified historic structure. For certified rehabilitations with qualified expenses that exceed \$750,000, the taxpayer must submit an audited cost report issued by a certified public accountant which itemizes the qualified expenses incurred in rehabilitating the certified historic structure. A taxpayer may submit an audited cost report issued

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142	by a certified public accountant which was created for purposes
143	of applying for a federal historic rehabilitation tax credit and
144	which includes all of the qualified expenses incurred in
145	rehabilitating the certified historic structure.

- 6. An attestation of the total qualified expenses incurred by the taxpayer in rehabilitating the certified historic structure.
- 7. The information required to be reported by the department in subsection (8) to enable the department to compile its annual report.
- (b) Within 60 days after receipt of the information required under paragraph (a), the division shall evaluate the application and recommend the applicant for certification or denial. The division must approve or deny the application within 30 days after receiving the recommendation. If approved, the division must provide a letter of certification to the applicant consistent with any restrictions imposed. If the division denies any part of the requested credit, the division must inform the applicant of the grounds for the denial. The division must submit a copy of the certification and the information provided by the taxpayer to the department within 10 days after the division's approval.
- (4) AMOUNT OF TAX CREDIT.—The total tax credit claimed annually may not exceed the amount of tax due after any other applicable tax credits and may not exceed the following:

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(a) Twenty percent of the total qualified expenses
incurred in this state in rehabilitating a certified historic
structure that has been approved by the National Park Service to
receive the federal historic rehabilitation tax credit; or
(b) Thirty percent of the total qualified expenses
incurred in this state in rehabilitating a certified historic
structure that has been approved by the National Park Service to
receive the federal historic rehabilitation tax credit and that
is located within a local program area.
The tax credit may be used to offset the corporate income tax
imposed in s. 220.11 and the insurance premium tax imposed in s.
624.509. An insurer claiming a credit against insurance premium
tax liability under this section may not be required to pay any
additional retaliatory tax levied pursuant to s. 624.5091 as a
result of claiming such credit. Section 624.5091 does not limit
such credit in any manner.
(5) CARRYFORWARD OF TAX CREDIT.—
(a) If a taxpayer is eligible for a tax credit that
exceeds taxes owed, the taxpayer may carry the unused tax credit
forward for a period of up to 5 taxable years.
(b) A carryforward is considered the remaining portion of
a tax credit that cannot be claimed in the current tax year.

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(6) SALE OR TRANSFER OF TAX CREDIT.

(a) A taxpayer that incurs qualified expenses may sell or

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192	transfer	all a	or	part	of	the	tax	credit	that	may	otherwise	be
193	claimed	to a	.noth	ner ta	axpa	ayer	•					

- (b) A taxpayer to which all or part of the tax credit is sold or transferred may sell or transfer all or part of the tax credit that may otherwise be claimed to another taxpayer.
- (c) A taxpayer that sells or transfers a tax credit to another taxpayer must provide a copy of the certificate of eligibility together with the audited cost report to the purchaser or transferee.
- (d) Qualified expenses may be counted only once in determining the amount of an available tax credit, and more than one taxpayer may not claim a tax credit for the same qualified expenses.
- (e) There is no limit on the total number of transactions for the sale or transfer of all or part of a tax credit.
- (f)1. A taxpayer that sells or transfers a tax credit under this subsection and the purchaser or transferee shall jointly submit written notice of the sale or transfer to the department on a form adopted by the department no later than the 30th day after the date of the sale or transfer. The notice must include all of the following:
  - a. The date of the sale or transfer.
  - b. The amount of the tax credit sold or transferred.
- 215 <u>c. The name and federal tax identification number of the</u> 216 taxpayer that sold or transferred the tax credit and the

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217	purchaser	or	transferee.

- d. The amount of the tax credit owned by the taxpayer before the sale or transfer and the amount the selling or transferring taxpayer retained, if any, after the sale or transfer.
- 2. The sale or transfer of a tax credit under this subsection does not extend the period for which a tax credit may be carried forward and does not increase the total amount of the tax credit that may be claimed.
- 3. If a taxpayer claims a tax credit for qualified expenses, another taxpayer may not use the same expenses as the basis for claiming a tax credit.
- 4. Notwithstanding the requirements of this subsection, a tax credit earned by, purchased by, or transferred to a partnership, limited liability company, S corporation, or other pass-through taxpayer may be allocated to the partners, members, or shareholders of that taxpayer and claimed under this section in accordance with any agreement among the partners, members, or shareholders and without regard to the ownership interest of the partners, members, or shareholders in the rehabilitated certified historic structure.
- (g) If the tax credit is reduced due to a determination, examination, or audit by the department, the tax deficiency shall be recovered from the taxpayer that sold or transferred the tax credit or the purchaser or transferree that claimed the

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242	tax	credit	up	to	the	amount	of	the	tax	credit	taken.

- (h) Any subsequent deficiencies shall be assessed against the purchaser or transferee that claimed the tax credit or, in the case of multiple succeeding entities, in the order of tax credit succession.
- (7) AUDIT AUTHORITY; REVOCATION AND FORFEITURE OF TAX CREDITS; FRAUDULENT CLAIMS.—
- (a) The department, with assistance from the division, may perform any additional financial and technical audits and examinations, including examining the accounts, books, or records of the tax credit applicant, to verify the legitimacy of the qualified expenses included in a tax credit return and to ensure compliance with this section. If requested by the department, the division must provide technical assistance for any technical audits or examinations performed under this subsection.
- (b) It is grounds for forfeiture of previously claimed and received tax credits if the department determines, as a result of an audit or information received from the division or the United States Department of the Interior, that a taxpayer received a tax credit pursuant to this section to which the taxpayer was not entitled. In the case of fraud, the taxpayer may not claim any future tax credits under this section.
- (c) The taxpayer must return forfeited tax credits to the department, and such funds shall be paid into the General

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# 267 Revenue Fund.

- (d) The taxpayer shall file with the department an amended tax return or such other report as the department prescribes and shall pay any required tax within 60 days after the taxpayer receives notification from the United States Internal Revenue Service that a previously approved tax credit has been revoked or modified, if uncontested, or within 60 days after a final order is issued following proceedings involving a contested revocation or modification order.
- (e) A notice of deficiency may be issued by the department at any time within 5 years after the date on which the taxpayer receives notification from the United States Internal Revenue Service that a previously approved tax credit has been revoked or modified.
- change in its tax credit claimed, a notice of deficiency may be issued at any time. In either case, the amount of any proposed assessment set forth in such notice of deficiency is limited to the amount of any deficiency resulting under this section from the precomputation of the taxpayer's tax for the taxable year.
- (g) A taxpayer that fails to report and timely pay any tax due as a result of the forfeiture of its tax credit violates this section and is subject to applicable penalties and interest.
- (8) ANNUAL REPORTS.—Based on the applications submitted 560451 h0247-strike.docx

292	and approved, the department must submit a report by December 1
293	of each year to the President of the Senate and the Speaker of
294	the House of Representatives that identifies, in the aggregate,
295	all of the following:
296	(a) The number of employees hired during construction
297	phases.
298	(b) The use of each newly rehabilitated building and the
299	expected number of employees hired.
300	(c) The number of affordable housing units created or
301	preserved.
302	(d) The property values before and after the certified
303	rehabilitations.
304	(9) DEPARTMENT DUTIES.—The department shall:
305	(a) Establish a cooperative agreement with the division.
306	(b) Establish any necessary forms required to claim a tax
307	credit under this section.
308	(c) Provide administrative guidelines and procedures
309	required to administer this section, including rules
310	establishing an entitlement to and sale or transfer of a tax
311	credit under this section.
312	(d) Provide examination and audit procedures required to
313	administer this section.
314	(10) RULES.—The department and the division may adopt
315	rules to administer this section.

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3 I 6	Section 2. Subsection (23) is added to section 213.053,
317	Florida Statutes, to read:
318	213.053 Confidentiality and information sharing.—
319	(23) The department may make available to the Division of
320	Historical Resources of the Department of State and the
321	Secretary of the Department of the Interior of the United States
322	or his or her delegate, exclusively for official purposes,
323	information for the purposes of administering the Main Street
324	Historic Tourism and Revitalization Act pursuant to s. 220.197.
325	Section 3. Subsection (8) of section 220.02, Florida
326	Statutes, is amended to read:
327	220.02 Legislative intent
328	(8) It is the intent of the Legislature that credits
329	against either the corporate income tax or the franchise tax be
330	applied in the following order: those enumerated in s. 631.828,
331	those enumerated in s. 220.191, those enumerated in s. 220.181,
332	those enumerated in s. 220.183, those enumerated in s. 220.182,
333	those enumerated in s. 220.1895, those enumerated in s. 220.195,
334	those enumerated in s. 220.184, those enumerated in s. 220.186,
335	those enumerated in s. 220.1845, those enumerated in s. 220.19,
336	those enumerated in s. 220.185, those enumerated in s. 220.1875,
337	those enumerated in s. 220.1876, those enumerated in s.
338	220.1877, those enumerated in s. 220.193, those enumerated in s.
339	288.9916, those enumerated in s. 220.1899, those enumerated in

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340	s.	22	0.194,	those	enumera	ated in	s.	220.196	o, and	those	enumerated
341	in	s.	220.19	98 <b>,</b> and	d those	enumer	ated	l in s.	220.19	97.	

Section 4. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 "Adjusted federal income" defined.-

- (1) The term "adjusted federal income" means an amount equal to the taxpayer's taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:
- (a) Additions.—There shall be added to such taxable income:
- 1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.
- b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, or s. 220.1877 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, or s. 220.1877 is

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added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

- 2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).
- 3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.
- 4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.
- 5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

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- 389 6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.
  - 7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.
  - 8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.
  - 9. The amount taken as a credit for the taxable year under  $s.\ 220.1895.$
  - 10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.
  - 11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, or s. 220.1877. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.
- 12. The amount taken as a credit for the taxable year under s. 220.193.

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414	13. Any portion of a qualified investment, as defined in
415	s. 288.9913, which is claimed as a deduction by the taxpayer and
416	taken as a credit against income tax pursuant to s. 288.9916.

- 14. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.
- 15. The amount taken as a credit for the taxable year pursuant to s. 220.194.
- 16. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.
- 17. The amount taken as a credit for the taxable year pursuant to s. 220.198.
- 18. The amount taken as a credit for the taxable year pursuant to s. 220.197.
- Section 5. Subsection (7) of section 624.509, Florida Statutes, is amended to read:
  - 624.509 Premium tax; rate and computation.-
- (7) Credits and deductions against the tax imposed by this section shall be taken in the following order: deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid

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439	under chapter 220 and the credit allowed under subsection (5),
440	as these credits are limited by subsection (6); the credit
441	allowed under s. 624.51057; the credit allowed under s. 220.197;
442	and all other available credits and deductions.
443	Section 6. (1) The Department of Revenue may, and all
444	conditions are deemed met to, adopt emergency rules under s.
445	120.54(4), Florida Statutes, for the purpose of implementing
446	provisions related to the Main Street Historic Tourism and
447	Revitalization Act.
448	(2) Notwithstanding any other law, emergency rules adopted
449	under this section are effective for 6 months after adoption and
450	may be renewed during the pendency of procedures to adopt
451	permanent rules addressing the subject of the emergency rules.
452	(3) This section shall take effect upon this act becoming
453	a law and expires July 1, 2023.
454	Section 7. This act applies to taxable years beginning and
455	for qualified expenses incurred on or after January 1, 2023.
456	Section 8. This act shall take effect January 1, 2023.
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459	TITLE AMENDMENT
460	Remove everything before the enacting clause and insert:
461	An act relating to the Florida Main Street Program and
462	historic preservation tax credits; creating s. 220.197,
463	F.S.; providing a short title; defining terms; specifying

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eligibility requirements for receiving specified tax credits for taxpayers that rehabilitate certified historic structures; specifying requirements for taxpayers claiming or transferring specified tax credits; specifying requirements for the Division of Historical Resources of the Department of State for evaluating and certifying applications for specified tax credits; specifying the amount of tax credits; providing construction; authorizing the carryforward, sale, and transfer of tax credits; providing the Department of Revenue and the division audit and examination powers for specified purposes related to certified rehabilitation expenses; requiring the return of forfeited tax credits under certain circumstances; providing penalties; requiring the Department of Revenue to provide specified annual reports to the Legislature; providing duties of the Department of Revenue; authorizing the Department of Revenue and the division to adopt rules; amending s. 213.053, F.S.; authorizing the Department of Revenue and the Secretary of the Department of the Interior of the United States to make certain information available for specified purposes; amending s. 220.02, F.S.; revising the order in which tax credits against the corporate income tax credit or the franchise tax are applied; amending s. 220.13, F.S.; revising the definition of the term "adjusted federal income"; amending s. 624.509, F.S.; revising the

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order in which credits and deductions against the insurance
premium tax are applied; authorizing the Department of
Revenue to adopt emergency rules to implement certain
provisions; providing for expiration of that authority;
providing applicability; providing an effective date.

WHEREAS, historic revitalization creates highly paid local construction jobs, and

WHEREAS, historic rehabilitation increases the value of buildings and results in a growing state and local tax base, and

WHEREAS, historic revitalization boosts heritage tourism and creates thriving downtowns that are attractive to main street businesses, and

WHEREAS, reusing historic buildings creates affordable spaces for small business incubation, and

WHEREAS, repurposing historic buildings saves resources and activates vacant spaces, and

WHEREAS, historic rehabilitation projects leverage significant private investment, and

WHEREAS, leveraging state tax incentives increases the effectiveness of federal Historic Preservation Tax Incentives and the Opportunity Zones Program to encourage the historic preservation of existing buildings, and

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# COMMITTEE/SUBCOMMITTEE AMENDMENT Bill No. HB 247 (2022)

# Amendment No. 1

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	WH	EREAS,	an .	incı	rease	in 1	rehabi	llitation	n activity	occurs	when
a s	state	incen	tive	is	comb	ined	with	federal	Historic	Preserva	ation
Tax	k Inc	entive	s, a	nd							

WHEREAS, many	historic buildings in this state need safety
upgrades and other	improvements that require both public and
private investment	to return these buildings as assets of their
local communities,	NOW, THEREFORE,

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