

1 A bill to be entitled
 2 An act relating to the corporate income tax; amending s.
 3 220.03; providing for the adoption of the 2011 version of
 4 the Internal Revenue Code; amending s. 220.13, F.S.;
 5 specifying the treatment by this state of certain
 6 depreciation and expensing of assets that are allowed for
 7 federal income tax purposes; authorizing the executive
 8 director of the Department of Revenue to adopt emergency
 9 rules; providing for retroactive application; providing an
 10 effective date.

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

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 14 Section 1. Paragraph (n) of subsection (1) and paragraph
 15 (c) of subsection (2) of section 220.03, Florida Statutes, is
 16 amended to read:

17 220.03 Definitions.—

18 (1) SPECIFIC TERMS.—When used in this code, and when not
 19 otherwise distinctly expressed or manifestly incompatible with
 20 the intent thereof, the following terms shall have the following
 21 meanings:

22 (n) "Internal Revenue Code" means the United States
 23 Internal Revenue Code of 1986, as amended and in effect on
 24 January 1, 2011 ~~2010~~, except as provided in subsection (3).

25 (2) DEFINITIONAL RULES.—When used in this code and neither
 26 otherwise distinctly expressed nor manifestly incompatible with
 27 the intent thereof:

28 (c) Any term used in this code shall have the same meaning
 29 as when used in a comparable context in the Internal Revenue

30 Code and other statutes of the United States relating to federal
 31 income taxes, as such code and statutes are in effect on January
 32 1, 2011 ~~2010~~. However, if subsection (3) is implemented, the
 33 meaning of any term shall be taken at the time the term is
 34 applied under this code.

35 Section 2. Paragraph (e) of subsection (1) of section
 36 220.13, Florida Statutes, is amended to read:

37 220.13 "Adjusted federal income" defined.—

38 (1) The term "adjusted federal income" means an amount
 39 equal to the taxpayer's taxable income as defined in subsection
 40 (2), or such taxable income of more than one taxpayer as
 41 provided in s. 220.131, for the taxable year, adjusted as
 42 follows:

43 (e) Adjustments related to the Federal Economic Stimulus
 44 Act of 2008, ~~and the American Recovery and Reinvestment Act of~~
 45 2009, the Small Business Jobs Act of 2010, and the Tax Relief,
 46 Unemployment Insurance Reauthorization, and Job Creation Act of
 47 2010.—Taxpayers shall be required to make the adjustments
 48 prescribed in this paragraph for Florida tax purposes in
 49 relation to certain tax benefits received pursuant to the
 50 Economic Stimulus Act of 2008, ~~and the American Recovery and~~
 51 Reinvestment Act of 2009, the Small Business Jobs Act of 2010,
 52 and the Tax Relief, Unemployment Insurance Reauthorization, and
 53 Job Creation Act of 2010.

54 1. There shall be added to such taxable income an amount
 55 equal to 100 percent of any amount deducted for federal income
 56 tax purposes as bonus depreciation for the taxable year pursuant
 57 to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as
 58 amended by s. 103 of Pub. L. No. 110-185 and s. 1201 of Pub. L.

59 No. 111-5, s. 2022 of Pub. L. No. 111-240, and s. 401 of Pub. L.
 60 No. 111-312, for property placed in service after December 31,
 61 2007, and before January 1, 2013 ~~2010~~. For the taxable year and
 62 for each of the 6 subsequent taxable years, there shall be
 63 subtracted from such taxable income an amount equal to one-
 64 seventh of the amount by which taxable income was increased
 65 pursuant to this subparagraph, notwithstanding any sale or other
 66 disposition of the property that is the subject of the
 67 adjustments and regardless of whether such property remains in
 68 service in the hands of the taxpayer.

69 2. There shall be added to such taxable income an amount
 70 equal to 100 percent of any amount in excess of \$128,000
 71 deducted for federal income tax purposes for the taxable year
 72 pursuant to s. 179 of the Internal Revenue Code of 1986, as
 73 amended by s. 102 of Pub. L. No. 110-185 and s. 1202 of Pub. L.
 74 No. 111-5, s. 2021 of Pub. L. No. 111-240, and s. 402 of Pub. L.
 75 No. 111-312, for taxable years beginning after December 31,
 76 2007, and before January 1, 2013 ~~2010~~. For the taxable year and
 77 for each of the 6 subsequent taxable years, there shall be
 78 subtracted from such taxable income one-seventh of the amount by
 79 which taxable income was increased pursuant to this
 80 subparagraph, notwithstanding any sale or other disposition of
 81 the property that is the subject of the adjustments and
 82 regardless of whether such property remains in service in the
 83 hands of the taxpayer.

84 3. There shall be added to such taxable income an amount
 85 equal to the amount of deferred income not included in such
 86 taxable income pursuant to s. 108(i)(1) of the Internal Revenue
 87 Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There

88 shall be subtracted from such taxable income an amount equal to
 89 the amount of deferred income included in such taxable income
 90 pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986,
 91 as amended by s. 1231 of Pub. L. No. 111-5.

92 4. Subtractions available under this paragraph may be
 93 transferred to the surviving or acquiring entity following a
 94 merger or acquisition and used in the same manner and with the
 95 same limitations as specified by this paragraph.

96 5. The additions and subtractions specified in this
 97 paragraph are intended to adjust taxable income for Florida tax
 98 purposes, and, notwithstanding any other provision of this code,
 99 such additions and subtractions shall be permitted to change a
 100 taxpayer's net operating loss for Florida tax purposes.

101 Section 3. (1) The executive director of the Department of
 102 Revenue is authorized, and all conditions are deemed met, to
 103 adopt emergency rules under ss. 120.536(1) and 120.54(4),
 104 Florida Statutes, for the purpose of implementing this act.

105 (2) Notwithstanding any other provision of law, such
 106 emergency rules shall remain in effect for 6 months after the
 107 date adopted and may be renewed during the pendency of
 108 procedures to adopt permanent rules addressing the subject of
 109 the emergency rules.

110 Section 4. This act shall take effect upon becoming a law,
 111 and shall operate retroactively to January 1, 2011.