

HB 7203

2011

1 A bill to be entitled

2 An act relating to economic development; amending ss.

3 72.011 and 72.041, F.S.; deleting a reference to conform

4 to changes made by this act; amending ss. 220.02 and

5 220.13, F.S.; revising references to conform to changes

6 made by this act; amending s. 220.131, F.S.; conforming

7 provisions to changes made by this act; creating s.

8 220.153, F.S.; defining the terms "full-time employee" and

9 "qualified capital expenditures"; providing for the

10 apportionment of certain taxpayer's adjusted federal

11 income solely by the sales factor provided in s. 220.15,

12 F.S.; providing for eligibility based on the taxpayer's

13 capital expenditures and number of full-time employees;

14 providing an application process; authorizing the

15 Department of Revenue to examine and verify that a

16 taxpayer has correctly apportioned its taxes; authorizing

17 the Office of Tourism, Trade, and Economic Development to

18 approve and revoke approval of an application; providing

19 for the recapture of unpaid taxes, interest, and

20 penalties; authorizing the Office of Tourism, Trade, and

21 Economic Development and the Department of Revenue to

22 adopt rules; creating s. 220.194, F.S.; creating a

23 corporate income tax credit to continue credits available

24 under the emergency excise tax; amending ss. 220.801,

25 213.05, 213.053, and 213.255, F.S.; deleting references to

26 conform to changes made by this act; authorizing the

27 department to share information with the office relating

28 to single sales factor apportionment used by a taxpayer;

29 repealing chapter 221, F.S.; repealing the emergency
30 excise tax and related provisions; amending ss. 288.075,
31 288.1045, and 288.106, F.S.; deleting references to
32 conform to changes made by this act; amending s. 288.1254,
33 F.S.; revising a definition and providing definitions;
34 revising criteria for awarding tax credits and increasing
35 the amount of credits to be awarded under the
36 entertainment industry financial incentive program;
37 revising the application procedure and approval process;
38 amending s. 288.1258, F.S.; changing the recordkeeping
39 requirements of the Office of Film and Entertainment;
40 amending s. 290.0055, F.S.; authorizing certain governing
41 bodies to apply to the Office of Tourism, Trade, and
42 Economic Development to amend the boundary of an
43 enterprise zone that includes a rural area of critical
44 economic concern; providing a limitation; providing an
45 application deadline; authorizing the office to approve
46 the amendment application subject to certain requirements;
47 requiring the office to establish the effective date of
48 certain enterprise zones; creating s. 290.00726, F.S.;
49 authorizing Martin County to apply to the Office of
50 Tourism, Trade, and Economic Development for designation
51 of an enterprise zone; providing application requirements;
52 authorizing the office to designate an enterprise zone in
53 Martin County; providing responsibilities of the office;
54 creating s. 290.00727, F.S.; authorizing the City of Palm
55 Bay to apply to the Office of Tourism, Trade, and Economic
56 Development for designation of an enterprise zone;

HB 7203

2011

57 providing application requirements; authorizing the office
58 to designate an enterprise zone in the City of Palm Bay;
59 providing responsibilities of the office; amending ss.
60 334.30, 624.509, and 624.51055, F.S.; deleting references
61 to conform to changes made by this act; authorizing the
62 executive director of the Department of Revenue to adopt
63 emergency rules; providing appropriations; providing
64 effective dates.

65
66 Be It Enacted by the Legislature of the State of Florida:

67
68 Section 1. Effective January 1, 2012, paragraph (a) of
69 subsection (1) of section 72.011, Florida Statutes, is amended
70 to read:

71 72.011 Jurisdiction of circuit courts in specific tax
72 matters; administrative hearings and appeals; time for
73 commencing action; parties; deposits.—

74 (1)(a) A taxpayer may contest the legality of any
75 assessment or denial of refund of tax, fee, surcharge, permit,
76 interest, or penalty provided for under s. 125.0104, s.
77 125.0108, chapter 198, chapter 199, chapter 201, chapter 202,
78 chapter 203, chapter 206, chapter 207, chapter 210, chapter 211,
79 chapter 212, chapter 213, chapter 220, ~~chapter 221~~, s.
80 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s.
81 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,
82 chapter 563, chapter 564, chapter 565, chapter 624, or s.
83 681.117 by filing an action in circuit court; or, alternatively,
84 the taxpayer may file a petition under the applicable provisions

HB 7203

2011

85 of chapter 120. However, once an action has been initiated under
86 s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s.
87 120.80(14)(b), no action relating to the same subject matter may
88 be filed by the taxpayer in circuit court, and judicial review
89 shall be exclusively limited to appellate review pursuant to s.
90 120.68; and once an action has been initiated in circuit court,
91 no action may be brought under chapter 120.

92 Section 2. Effective January 1, 2012, section 72.041,
93 Florida Statutes, is amended to read:

94 72.041 Tax liabilities arising under the laws of other
95 states.—Actions to enforce lawfully imposed sales, use, and
96 corporate income taxes and motor and other fuel taxes of another
97 state may be brought in a court of this state under the
98 following conditions:

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

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

104 (3) This section does not apply to the enforcement of tax
105 warrants of another state unless the warrant has been obtained
106 as a result of a judgment entered by a court of competent
107 jurisdiction in the taxing state or unless the courts of the
108 state seeking to enforce its warrant allow the enforcement of
109 the warrants issued by the Department of Revenue pursuant to
110 chapters 206, 212, 213, and 220, ~~and 221~~; and

111 (4) All tax liabilities owing to this state or any of its
112 subdivisions shall be paid first and shall be prior in right to

HB 7203

2011

any tax liability arising under the laws of other states.

Section 3. Effective January 1, 2012, subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s. 220.194 ~~221.02~~, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.192, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, and those enumerated in s. 220.1896.

Section 4. Effective January 1, 2012, 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. The amount of any tax upon or measured by income,

HB 7203

2011

141 excluding taxes based on gross receipts or revenues, paid or
142 accrued as a liability to the District of Columbia or any state
143 of the United States which is deductible from gross income in
144 the computation of taxable income for the taxable year.

145 2. The amount of interest which is excluded from taxable
146 income under s. 103(a) of the Internal Revenue Code or any other
147 federal law, less the associated expenses disallowed in the
148 computation of taxable income under s. 265 of the Internal
149 Revenue Code or any other law, excluding 60 percent of any
150 amounts included in alternative minimum taxable income, as
151 defined in s. 55(b)(2) of the Internal Revenue Code, if the
152 taxpayer pays tax under s. 220.11(3).

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

157 4. That portion of the wages or salaries paid or incurred
158 for the taxable year which is equal to the amount of the credit
159 allowable for the taxable year under s. 220.181. This
160 subparagraph shall expire on the date specified in s. 290.016
161 for the expiration of the Florida Enterprise Zone Act.

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

167 6. The amount taken as a credit under s. 220.194 ~~of~~
168 ~~emergency excise tax paid or accrued as a liability to this~~

HB 7203

2011

169 ~~state under chapter 221~~ which ~~tax~~ is deductible from gross
170 income in the computation of taxable income for the taxable
171 year.

172 7. That portion of assessments to fund a guaranty
173 association incurred for the taxable year which is equal to the
174 amount of the credit allowable for the taxable year.

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

180 9. The amount taken as a credit for the taxable year under
181 s. 220.1895.

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

185 11. The amount taken as a credit for the taxable year
186 under s. 220.1875. The addition in this subparagraph is intended
187 to ensure that the same amount is not allowed for the tax
188 purposes of this state as both a deduction from income and a
189 credit against the tax. This addition is not intended to result
190 in adding the same expense back to income more than once.

191 12. The amount taken as a credit for the taxable year
192 under s. 220.192.

193 13. The amount taken as a credit for the taxable year
194 under s. 220.193.

195 14. Any portion of a qualified investment, as defined in
196 s. 288.9913, which is claimed as a deduction by the taxpayer and

HB 7203

2011

197 taken as a credit against income tax pursuant to s. 288.9916.

198 15. The costs to acquire a tax credit pursuant to s.
199 288.1254(5) that are deducted from or otherwise reduce federal
200 taxable income for the taxable year.

201 Section 5. Subsection (5) of section 220.131, Florida
202 Statutes, is amended to read:

203 220.131 Adjusted federal income; affiliated groups.—

204 (5) Each taxpayer shall apportion adjusted federal income
205 under s. 220.15 as a member of an affiliated group which files a
206 consolidated return under this section on the basis of
207 apportionment factors described in s. 220.15. For the purposes
208 of this subsection, each special industry member included in an
209 affiliated group filing a consolidated return ~~hereunder~~, who
210 ~~which member~~ would otherwise be permitted to use a special
211 method of apportionment under s. 220.151 or s. 220.153, shall
212 construct the numerator of its sales, property, and payroll
213 factors, respectively, by multiplying the denominator of each
214 such factor by the premiums or revenue miles factor ratio
215 otherwise applicable under ~~pursuant to~~ s. 220.151 in the manner
216 prescribed by ~~the~~ department ~~by~~ rule.

217 Section 6. Section 220.153, Florida Statutes, is created
218 to read:

219 220.153 Apportionment by sales factor.—

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

221 (a) "Full-time employee" means an employee who works an
222 average of at least 36 hours per week for an entire year and
223 receives an average weekly wage greater than the lower of the
224 state or local average weekly wages for the taxpayer's industry;

HB 7203

2011

225 however, a full-time employee does not include an employee who
226 is hired to construct improvements to real property.

227 (b) "Qualified capital expenditures" means expenditures in
228 this state for purposes substantially related to a business's
229 production or sale of goods or services for funding the
230 acquisition of additional real property (land, buildings,
231 including appurtenances, fixtures and fixed equipment,
232 structures, etc.), including additions, replacements, major
233 repairs, and renovations to real property which materially
234 extend its useful life or materially improve or change its
235 functional use and including furniture and equipment necessary
236 to furnish and operate a new or improved facility. The term
237 "qualified capital expenditures" does not include the outlay of
238 capital to fund any passive investment intended for the
239 accumulation of reserves or the realization of profit for
240 distribution to any person holding an ownership interest in the
241 business.

242 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not
243 including a financial organization as defined in s. 220.15(6) or
244 a bank, savings association, international banking facility, or
245 banking organization as defined in s. 220.62, doing business
246 within and without this state, who applies and demonstrates to
247 the Office of Tourism, Trade, and Economic Development that, on
248 or after July 1, 2013, it has made qualified capital
249 expenditures equal to or exceeding \$250 million and has
250 continuously maintained at least the number of full-time
251 employees who were employed by the taxpayer in this state at the
252 time it notified the office of its intent to apply for

HB 7203

2011

253 apportionment pursuant to this section may apportion its
254 adjusted federal income solely by the sales factor set forth in
255 s. 220.15(5), commencing in the taxable year of such
256 determination.

257 (3) APPLICATION PROCESS.—

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

260 1. The taxpayer must notify the Office of Tourism, Trade,
261 and Economic Development of its intent to submit an application
262 to apportion its adjusted federal income in order to commence
263 the 2-year period for measuring qualified capital expenditures.

264 2. The application must be submitted within 2 years after
265 notifying the office of the taxpayer's intent to qualify. The
266 application must be made under oath and provide such information
267 as the office reasonably requires by rule for determining the
268 applicant's eligibility to apportion adjusted federal income.
269 The taxpayer is responsible for affirmatively demonstrating to
270 the satisfaction of the office that it meets the eligibility
271 requirements.

272 (b) The taxpayer notice and application forms shall be
273 established by the office by rule. The office shall acknowledge
274 receipt of the notice and approve or deny the application in
275 writing within 45 days after receipt.

276 (c) Upon approval, the taxpayer, by the due date for
277 filing its tax return for the taxable year during which its
278 eligibility has been determined, including any extensions
279 thereof, may elect to apportion its adjusted federal income by
280 filing a return for the taxable year using the method provided

HB 7203

2011

281 under this chapter.

282 (d) Once made, a taxpayer may not revoke the election for
283 4 tax years, at which time the taxpayer may renew the election
284 by the due date, or extended due date, for filing its tax return
285 by filing a return for the next taxable year using the method
286 provided under this chapter. If the taxpayer does not renew the
287 election, it shall apportion its adjusted federal income
288 pursuant to s. 220.15 and must reapply to apportion its adjusted
289 federal income pursuant to this section.

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

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

297 (b) The Office of Tourism, Trade, and Economic Development
298 may, by order, revoke its decision to grant eligibility for
299 apportionment, and may also order the recalculation of
300 apportionment factors to those applicable under s. 220.15 if, as
301 the result of an audit, investigation, or examination, it
302 determines that information provided by the taxpayer in the
303 application, or in a statement, representation, record, report,
304 plan, or other document provided to the office to become
305 eligible for apportionment, was materially false at the time it
306 was made and that an individual acting on behalf of the taxpayer
307 knew, or should have known, that the information submitted was
308 false. The taxpayer shall pay such additional taxes and interest

HB 7203

2011

as may be due pursuant to this chapter computed as the difference between the tax that would have been due under the apportionment formula provided in s. 220.15 for such years and the tax actually paid. In addition, the department shall assess a penalty equal to 100 percent of the additional tax due.

(c) The Office of Tourism, Trade, and Economic Development shall immediately notify the department of an order affecting a taxpayer's eligibility to apportion tax pursuant to this section. A taxpayer who is liable for past tax must file an amended return with the department, or such other report as the department prescribes by rule, and pay any required tax, interest, and penalty within 60 days after the taxpayer receives notification from the office that the previously approved credits have been revoked. If the revocation is contested, the taxpayer shall file an amended return or other report within 30 days after an order becomes final. A taxpayer who fails to pay the past tax, interest, and penalty by the due date is subject to the penalties provided in s. 220.803.

(5) RULES.—The Office of Tourism, Trade, and Economic Development and the department may adopt rules to administer this section.

Section 7. Effective January 1, 2012, section 220.194, Florida Statutes, is created to read:

220.194 Emergency excise tax credit.—

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

HB 7203

2011

337 (2) If a credit granted pursuant to this section is not
338 fully used in taxable years ending in 2012 because of
339 insufficient tax liability on the part of the taxpayer, the
340 unused amount may be carried forward for a period not to exceed
341 5 years. The carryover credit may be used in a subsequent year
342 when the tax imposed by this chapter for such year exceeds the
343 credit for such year, after applying the other credits and
344 unused credit carryovers in the order provided in s. 220.02(8).

345 Section 8. Effective January 1, 2012, subsection (4) of
346 section 220.801, Florida Statutes, is amended to read:

347 220.801 Penalties; failure to timely file returns.—

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

352 Section 9. Effective January 1, 2012, section 213.05,
353 Florida Statutes, is amended to read:

354 213.05 Department of Revenue; control and administration
355 of revenue laws.—The Department of Revenue shall have only those
356 responsibilities for ad valorem taxation specified to the
357 department in chapter 192, taxation, general provisions; chapter
358 193, assessments; chapter 194, administrative and judicial
359 review of property taxes; chapter 195, property assessment
360 administration and finance; chapter 196, exemption; chapter 197,
361 tax collections, sales, and liens; chapter 199, intangible
362 personal property taxes; and chapter 200, determination of
363 millage. The Department of Revenue shall have the responsibility
364 of regulating, controlling, and administering all revenue laws

HB 7203

2011

and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 202, communications services tax; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; ~~chapter 221, emergency excise tax;~~ ss. 336.021 and 336.025, taxes on motor fuel and special fuel; s. 376.11, pollutant spill prevention and control; s. 403.718, waste tire fees; s. 403.7185, lead-acid battery fees; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; s. 624.4621, group self-insurer's fund premium tax; s. 624.5091, retaliatory tax; s. 624.475, commercial self-insurance fund premium tax; ss. 624.509-624.511, insurance code: administration and general provisions; s. 624.515, State Fire Marshal regulatory assessment; s. 627.357, medical malpractice self-insurance premium tax; s. 629.5011, reciprocal insurers premium tax; and s. 681.117, motor vehicle warranty enforcement.

Section 10. Effective January 1, 2012, subsection (1) and paragraph (k) of subsection (8) of section 213.053, Florida Statutes, as amended by chapter 2010-280, Laws of Florida, are amended to read:

213.053 Confidentiality and information sharing.—

(1) This section applies to:

- (a) Section 125.0104, county government;
- (b) Section 125.0108, tourist impact tax;

HB 7203

2011

393 (c) Chapter 175, municipal firefighters' pension trust
394 funds;
395 (d) Chapter 185, municipal police officers' retirement
396 trust funds;
397 (e) Chapter 198, estate taxes;
398 (f) Chapter 199, intangible personal property taxes;
399 (g) Chapter 201, excise tax on documents;
400 (h) Chapter 202, the Communications Services Tax
401 Simplification Law;
402 (i) Chapter 203, gross receipts taxes;
403 (j) Chapter 211, tax on severance and production of
404 minerals;
405 (k) Chapter 212, tax on sales, use, and other
406 transactions;
407 (l) Chapter 220, income tax code;
408 ~~(m) Chapter 221, emergency excise tax;~~
409 (m)~~(n)~~ Section 252.372, emergency management,
410 preparedness, and assistance surcharge;
411 (n)~~(o)~~ Section 379.362(3), Apalachicola Bay oyster
412 surcharge;
413 (o)~~(p)~~ Chapter 376, pollutant spill prevention and
414 control;
415 (p)~~(q)~~ Section 403.718, waste tire fees;
416 (q)~~(r)~~ Section 403.7185, lead-acid battery fees;
417 (r)~~(s)~~ Section 538.09, registration of secondhand dealers;
418 (s)~~(t)~~ Section 538.25, registration of secondary metals
419 recyclers;
420 (t)~~(u)~~ Sections 624.501 and 624.509-624.515, insurance

HB 7203

2011

code;

(u)~~(v)~~ Section 681.117, motor vehicle warranty enforcement; and

(v)~~(w)~~ Section 896.102, reports of financial transactions in trade or business.

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

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

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

3. Information relative to tax credits taken by a taxpayer pursuant to the tax credit programs created in ss. 193.017; 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;

HB 7203

2011

212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;
220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;
290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to
the Office of Tourism, Trade, and Economic Development, or its
employees or agents that are identified in writing by the office
to the department, for use in the administration or evaluation
of such programs.

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

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

Section 11. Effective January 1, 2012, subsection (12) of
section 213.255, Florida Statutes, is amended to read:

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

(12) The rate of interest shall be the adjusted rate
established pursuant to s. 213.235, except that the annual rate

HB 7203

2011

of interest shall never be greater than 11 percent. This annual rate of interest shall be applied to all refunds of taxes administered by the department except for corporate income taxes ~~and emergency excise taxes~~ governed by ss. 220.721 and 220.723.

Section 12. Effective January 1, 2012, chapter 221, Florida Statutes, consisting of sections 221.01, 221.02, 221.04, and 221.05, is repealed.

Section 13. Effective January 1, 2012, paragraph (a) of subsection (6) of section 288.075, Florida Statutes, is amended to read:

288.075 Confidentiality of records.—

(6) ECONOMIC INCENTIVE PROGRAMS.—

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

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

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

HB 7203

2011

certification.

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

4. The amount of:

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

b. Corporate income taxes paid pursuant to chapter 220;

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

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

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

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

~~f.g.~~ Ad valorem taxes paid, as defined in s. 220.03(1); or

~~g.h.~~ State communications services taxes paid pursuant to chapter 202.

Section 14. Effective January 1, 2012, paragraph (f) of subsection (2) of section 288.1045, Florida Statutes, is amended to read:

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

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

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

HB 7203

2011

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

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

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

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

~~c. Emergency excise taxes paid pursuant to chapter 221.~~

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

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

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

However, a qualified applicant may not receive a tax refund pursuant to this section for any amount of credit, refund, or exemption granted such contractor for any of such taxes. If a refund for such taxes is provided by the office, which taxes are subsequently adjusted by the application of any credit, refund, or exemption granted to the qualified applicant other than that

HB 7203

2011

provided in this section, the qualified applicant shall reimburse the Economic Development Trust Fund for the amount of such credit, refund, or exemption. A qualified applicant must notify and tender payment to the office within 20 days after receiving a credit, refund, or exemption, other than that provided in this section. The addition of communications services taxes administered under chapter 202 is remedial in nature and retroactive to October 1, 2001. The office may make supplemental tax refund payments to allow for tax refunds for communications services taxes paid by an eligible qualified defense contractor after October 1, 2001.

Section 15. Effective January 1, 2012, paragraph (d) of subsection (3) of section 288.106, Florida Statutes, is amended to read:

288.106 Tax refund program for qualified target industry businesses.—

(3) TAX REFUND; ELIGIBLE AMOUNTS.—

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

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

a. Corporate income taxes under chapter 220.

b. Insurance premium tax under s. 624.509.

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

HB 7203

2011

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

b. Intangible personal property taxes under chapter 199.

~~c. Emergency excise taxes under chapter 221.~~

~~c.d.~~ Excise taxes on documents under chapter 201.

~~d.e.~~ Ad valorem taxes paid, as defined in s. 220.03(1).

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

Section 16. Paragraph (h) of subsection (1), paragraphs (c) and (e) of subsection (3), paragraph (b) of subsection (4), and paragraph (a) of subsection (7) of section 288.1254, Florida Statutes are amended, and paragraphs (k), (l), (m), and (n) are added to subsection (1) of that section, to read:

288.1254 Entertainment industry financial incentive program.—

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

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

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

HB 7203

2011

617 provided by an in-state company from out-of-state vendors or
618 suppliers. When services are provided by the vendor or supplier
619 include personal services or labor, only personal services or
620 labor provided by residents of this state, evidenced by the
621 required documentation of residency in this state, qualify.

622 2. Payments to legal residents of this state in the form
623 of salary, wages, or other compensation up to a maximum of
624 \$400,000 per resident unless otherwise specified in subsection
625 (4). A completed declaration of residency in this state must
626 accompany the documentation submitted to the office for
627 reimbursement.

628
629 For a qualified production involving an event, such as an awards
630 show, the term does not include expenditures solely associated
631 with the event itself and not directly required by the
632 production. The term does not include expenditures incurred
633 before certification, with the exception of those incurred for a
634 commercial, a music video, or the pickup of additional episodes
635 of a high-impact television series within a single season. Under
636 no circumstances may the qualified production include in the
637 calculation for qualified expenditures the original purchase
638 price for equipment or other tangible property that is later
639 sold or transferred by the qualified production for
640 consideration. In such cases, the qualified expenditure is the
641 net of the original purchase price minus the consideration
642 received upon sale or transfer.

643 (k) "Qualified production facility" means a building or
644 complex of buildings and their improvements and associated

645 backlot facilities in which films and television productions are
646 or are intended to be regularly produced and which contain at
647 least one sound stage of at least 7,800 square feet, have
648 sufficient air-conditioning for shooting without the need for
649 supplemental units, and incorporate a permanent grid designed to
650 bear the load requirements for lighting for motion picture
651 production and sufficient built-in electric service for shooting
652 without the need for generators.

653 (l) "Regional population ratio" means the ratio of the
654 population of a region to the population of this state. The
655 regional population ratio applicable to a given fiscal year is
656 the regional population ratio calculated by the Office of Film
657 and Entertainment using the latest official estimates of
658 population certified under s. 186.901, available on the first
659 day of that fiscal year.

660 (m) "Regional tax credit ratio" means a ratio the
661 numerator of which is of the sum of tax credits awarded to
662 productions in a region to date plus the tax credits certified,
663 but not yet awarded, to productions currently in that region and
664 the denominator of which is the sum of all tax credits awarded
665 in the state to date plus all tax credits certified, but not yet
666 awarded, to productions currently in the state. The regional tax
667 credit ratio applicable to a given year is the regional tax
668 credit ratio calculated by the Office of Film and Entertainment
669 using credit award and certification information available on
670 the first day of that fiscal year.

671 (n) "Underutilized region" for a given state fiscal year
672 means a region with a regional tax credit ratio applicable to

HB 7203

2011

that fiscal year that is lower than its regional population ratio applicable to that fiscal year. The following regions are established for purposes of making this determination:

1. North Region, consisting of Alachua, Baker, Bay, Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau, Okaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor, Union, Wakulla, Walton, and Washington counties.

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

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

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

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

(3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

(c) Application process.—The Office of Film and Entertainment shall establish a process by which an application is accepted and reviewed and by which tax credit eligibility and award amount are determined. The Office of Film and Entertainment may request assistance from a duly appointed local film commission in determining compliance with this section. A high-impact television series may submit an application for no more than two successive seasons, notwithstanding the fact that

HB 7203

2011

701 the successive season has not been ordered. The successive
702 season qualified expenditure amounts shall be based on the
703 current season's estimated qualified expenditures.

704 (e) Grounds for denial.—The Office of Film and
705 Entertainment shall deny an application if it determines that
706 the application is not complete or the production or application
707 does not meet the requirements of this section. Within 90 days
708 after submitting a program application, except with respect to
709 applications in the independent Florida filmmaker queue, a
710 production must establish verification of project financing to
711 the Office of Film and Entertainment, otherwise the project is
712 deemed denied and removed from the respective queue. A project
713 that has been denied is eligible for resubmittal upon proof of
714 financing.

715 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
716 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
717 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
718 ACQUISITIONS.—

719 (b) Tax credit eligibility.—

720 1. General production queue.—Ninety-four percent of tax
721 credits authorized pursuant to subsection (6) in any state
722 fiscal year must be dedicated to the general production queue.
723 The general production queue consists of all qualified
724 productions other than those eligible for the commercial and
725 music video queue or the independent and emerging media
726 production queue. A qualified production that demonstrates a
727 minimum of \$625,000 in qualified expenditures is eligible for
728 tax credits equal to 20 percent of its actual qualified

HB 7203

2011

expenditures, up to a maximum of \$8 million. A qualified production that incurs qualified expenditures during multiple state fiscal years may combine those expenditures to satisfy the \$625,000 minimum threshold.

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

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

(I) If less than 35 percent of the sum of the total tax credits awarded to productions and the total tax credits certified, but not yet awarded, to productions currently in this state has been to high-impact television series, any ~~A~~ qualified high-impact television series shall be allowed first position in this queue for tax credit awards not yet certified.

(II) If less than 20 percent of the sum of the total tax credits awarded to productions and the total tax credits certified, but not yet awarded, to productions currently in this state has been to digital media projects, any digital media project shall be allowed first position in this queue for tax credit awards not yet certified.

(III) For the purposes of determining position between a

HB 7203

2011

high-impact television series allowed first position and a digital media project allowed first position under this sub-paragraph, tax credits shall be awarded on a first-come, first-served basis.

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

d. Any qualified production that employs students enrolled full-time in a film and entertainment-related or digital media-related course of study at an institution of higher education in this state is eligible for an additional 15 percent tax credit on qualified expenditures that are wages, salaries, or other compensation paid to such students.

e. A qualified production for which 50 percent or more of its principal photography occurs at a qualified production facility is eligible for an additional 5 percent tax credit on actual qualified expenditures.

2. Commercial and music video queue.—Three percent of tax credits authorized pursuant to subsection (6) in any state fiscal year must be dedicated to the commercial and music video queue. A qualified production company that produces national or regional commercials or music videos may be eligible for a tax credit award if it demonstrates a minimum of \$100,000 in qualified expenditures per national or regional commercial or music video and exceeds a combined threshold of \$500,000 after combining actual qualified expenditures from qualified commercials and music videos during a single state fiscal year.

HB 7203

2011

785 After a qualified production company that produces commercials,
786 music videos, or both reaches the threshold of \$500,000, it is
787 eligible to apply for certification for a tax credit award. The
788 maximum credit award shall be equal to 20 percent of its actual
789 qualified expenditures up to a maximum of \$500,000. If there is
790 a surplus at the end of a fiscal year after the Office of Film
791 and Entertainment certifies and determines the tax credits for
792 all qualified commercial and video projects, such surplus tax
793 credits shall be carried forward to the following fiscal year
794 and be available to any eligible qualified productions under the
795 general production queue.

796 3. Independent and emerging media production queue.—Three
797 percent of tax credits authorized pursuant to subsection (6) in
798 any state fiscal year must be dedicated to the independent and
799 emerging media production queue. This queue is intended to
800 encourage Florida independent film and emerging media
801 production. Any qualified production, excluding commercials,
802 infomercials, or music videos, that demonstrates at least
803 \$100,000, but not more than \$625,000, in total qualified
804 expenditures is eligible for tax credits equal to 20 percent of
805 its actual qualified expenditures. If a surplus exists at the
806 end of a fiscal year after the Office of Film and Entertainment
807 certifies and determines the tax credits for all qualified
808 independent and emerging media production projects, such surplus
809 tax credits shall be carried forward to the following fiscal
810 year and be available to any eligible qualified productions
811 under the general production queue.

812 4. Family-friendly productions.—A certified theatrical or

HB 7203

2011

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

(7) ANNUAL ALLOCATION OF TAX CREDITS.—

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

1. For fiscal year 2010-2011, \$53.5 million.
2. For fiscal year 2011-2012, \$74.5 million.
3. For fiscal years 2012-2013, 2013-2014, and 2014-2015, \$50 ~~\$38~~ million per fiscal year.

Section 17. Subsection (5) of section 288.1258, Florida Statutes, is amended to read:

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

(5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.—The Office of Film and Entertainment shall keep annual records from the information

HB 7203

2011

841 provided on taxpayer applications for tax exemption certificates
842 beginning January 1, 2001. ~~These records shall reflect a ratio~~
843 ~~of the annual amount of sales and use tax exemptions under this~~
844 ~~section and incentives awarded pursuant to s. 288.1254 to the~~
845 ~~estimated amount of funds expended by certified productions,~~
846 ~~including productions that received incentives pursuant to s.~~
847 ~~288.1254.~~ These records also shall reflect a separate ratio of
848 the annual amount of sales and use tax exemptions under this
849 section, plus the incentives awarded pursuant to s. 288.1254 to
850 the estimated amount of funds expended by certified productions.
851 In addition, the office shall maintain data showing annual
852 growth in Florida-based entertainment industry companies and
853 entertainment industry employment and wages. The employment
854 information shall include an estimate of the full-time
855 equivalent positions created by each production that received
856 tax credits pursuant to s. 288.1254. The Office of Film and
857 Entertainment shall report this information to the Legislature
858 no later than December 1 of each year.

859 Section 18. Effective January 1, 2012, paragraph (d) is
860 added to subsection (6) of section 290.0055, Florida Statutes,
861 to read:

862 290.0055 Local nominating procedure.—

863 (6)

864 (d)1. The governing body of a jurisdiction which has
865 nominated an application for an enterprise zone that is no
866 larger than 12 square miles and includes a portion of the state
867 designated as a rural area of critical economic concern under s.
868 288.0656(7) may apply to the Office of Tourism, Trade, and

HB 7203

2011

Economic Development to expand the boundary of the enterprise zone by not more than 3 square miles. An application to expand the boundary of an enterprise zone under this paragraph must be submitted by December 31, 2012.

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

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

Section 19. Effective January 1, 2012, section 290.00726, Florida Statutes, is created to read:

290.00726 Enterprise zone designation for Martin County.—
Martin County may apply to the Office of Tourism, Trade, and Economic Development for designation of one enterprise zone for an area within Martin County, which zone shall encompass an area of up to 10 square miles consisting of land within the primary urban services boundary and focusing on Indiantown, but excluding property owned by Florida Power and Light to the west, two areas to the north designated as estate residential, and the county-owned Timer Powers Recreational Area. Within the designated enterprise zone, Martin County shall exempt residential condominiums from benefiting from state enterprise zone incentives, unless prohibited by law. The application must have been submitted by December 31, 2011, and must comply with the requirements of s. 290.0055. Notwithstanding s. 290.0065

HB 7203

2011

897 limiting the total number of enterprise zones designated and the
898 number of enterprise zones within a population category, the
899 Office of Tourism, Trade, and Economic Development may designate
900 one enterprise zone under this section. The Office of Tourism,
901 Trade, and Economic Development shall establish the initial
902 effective date of the enterprise zone designated under this
903 section.

904 Section 20. Section 290.00727, Florida Statutes, is
905 created to read:

906 290.00727 Enterprise zone designation for the City of Palm
907 Bay.—The City of Palm Bay may apply to the Office of Tourism,
908 Trade, and Economic Development for designation of one
909 enterprise zone for an area within the northeast portion of the
910 city, which zone shall encompass an area of up to 5 square
911 miles. The application must have been submitted by December 31,
912 2011, and must comply with the requirements of s. 290.0055.
913 Notwithstanding s. 290.0065 limiting the total number of
914 enterprise zones designated and the number of enterprise zones
915 within a population category, the Office of Tourism, Trade, and
916 Economic Development may designate one enterprise zone under
917 this section. The Office of Tourism, Trade, and Economic
918 Development shall establish the initial effective date of the
919 enterprise zone designated under this section.

920 Section 21. Effective January 1, 2012, subsection (1) of
921 section 334.30, Florida Statutes, is amended to read:

922 334.30 Public-private transportation facilities.—The
923 Legislature finds and declares that there is a public need for
924 the rapid construction of safe and efficient transportation

HB 7203

2011

925 facilities for the purpose of traveling within the state, and
926 that it is in the public's interest to provide for the
927 construction of additional safe, convenient, and economical
928 transportation facilities.

929 (1) The department may receive or solicit proposals and,
930 with legislative approval as evidenced by approval of the
931 project in the department's work program, enter into agreements
932 with private entities, or consortia thereof, for the building,
933 operation, ownership, or financing of transportation facilities.
934 The department may advance projects programmed in the adopted 5-
935 year work program or projects increasing transportation capacity
936 and greater than \$500 million in the 10-year Strategic
937 Intermodal Plan using funds provided by public-private
938 partnerships or private entities to be reimbursed from
939 department funds for the project as programmed in the adopted
940 work program. The department shall by rule establish an
941 application fee for the submission of unsolicited proposals
942 under this section. The fee must be sufficient to pay the costs
943 of evaluating the proposals. The department may engage the
944 services of private consultants to assist in the evaluation.
945 Before approval, the department must determine that the proposed
946 project:

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

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

950 (c) Would have adequate safeguards in place to ensure that
951 no additional costs or service disruptions would be realized by
952 the traveling public and residents of the state in the event of

HB 7203

2011

953 default or cancellation of the agreement by the department;

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

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

960
961 The department shall ensure that all reasonable costs to the
962 state, related to transportation facilities that are not part of
963 the State Highway System, are borne by the private entity. The
964 department shall also ensure that all reasonable costs to the
965 state and substantially affected local governments and
966 utilities, related to the private transportation facility, are
967 borne by the private entity for transportation facilities that
968 are owned by private entities. For projects on the State Highway
969 System, the department may use state resources to participate in
970 funding and financing the project as provided for under the
971 department's enabling legislation. Because the Legislature
972 recognizes that private entities or consortia thereof would
973 perform a governmental or public purpose or function when they
974 enter into agreements with the department to design, build,
975 operate, own, or finance transportation facilities, the
976 transportation facilities, including leasehold interests
977 thereof, are exempt from ad valorem taxes as provided in chapter
978 196 to the extent property is owned by the state or other
979 government entity, and from intangible taxes as provided in
980 chapter 199 and special assessments of the state, any city,

HB 7203

2011

town, county, special district, political subdivision of the state, or any other governmental entity. The private entities or consortia thereof are exempt from tax imposed by chapter 201 on all documents or obligations to pay money which arise out of the agreements to design, build, operate, own, lease, or finance transportation facilities. Any private entities or consortia thereof must pay any applicable corporate taxes as provided in chapter ~~chapters~~ 220 and ~~221~~, and unemployment compensation taxes as provided in chapter 443, and sales and use tax as provided in chapter 212 shall be applicable. The private entities or consortia thereof must also register and collect the tax imposed by chapter 212 on all their direct sales and leases that are subject to tax under chapter 212. The agreement between the private entity or consortia thereof and the department establishing a transportation facility under this chapter constitutes documentation sufficient to claim any exemption under this section.

Section 22. Effective January 1, 2012, subsection (4), paragraph (a) of subsection (6), and subsection (7) of section 624.509, Florida Statutes, are amended to read:

624.509 Premium tax; rate and computation.—

(4) The income tax imposed under chapter 220 ~~and the emergency excise tax imposed under chapter 221~~ which is ~~are~~ paid by any insurer shall be credited against, and to the extent thereof shall discharge, the liability for tax imposed by this section for the annual period in which such tax payments are made. As to any insurer issuing policies insuring against loss or damage from the risks of fire, tornado, and certain casualty

HB 7203

2011

lines, the tax imposed by this section, as intended and contemplated by this subsection, shall be construed to mean the net amount of such tax remaining after there has been credited thereon such gross premium receipts tax as may be payable by such insurer in pursuance of the imposition of such tax by any incorporated cities or towns in the state for firefighters' relief and pension funds and police officers' retirement funds maintained in such cities or towns, as provided in and by relevant provisions of the Florida Statutes. For purposes of this subsection, payments of estimated income tax under chapter 220 ~~and of estimated emergency excise tax under chapter 221~~ shall be deemed paid either at the time the insurer actually files its annual returns under chapter 220 or at the time such returns are required to be filed, whichever first occurs, and not at such earlier time as such payments of estimated tax are actually made.

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

(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 under chapter 220, ~~the emergency excise tax paid under chapter 221~~ and the credit allowed under subsection (5), as these

HB 7203

2011

credits are limited by subsection (6); all other available credits and deductions.

Section 23. Effective January 1, 2012, subsection (1) of section 624.51055, Florida Statutes, is amended to read:

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

(1) There is allowed a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.395 against any tax due for a taxable year under s. 624.509(1). However, such a credit may not exceed 75 percent of the tax due under s. 624.509(1) after deducting from such tax 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 under chapter 220; ~~credits for the emergency excise tax paid under chapter 221;~~ and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An insurer claiming a credit against premium tax liability under this section shall 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.

Section 24. (1) The executive director of the Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under ss. 120.536(1) and 120.54(4), Florida Statutes, for the purpose of implementing this act.

(2) Notwithstanding any other provision of law, such emergency rules shall remain in effect for 6 months after the date adopted and may be renewed during the pendency of

HB 7203

2011

procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 25. Effective July 1, 2011, there is appropriated for the 2011-2012 state fiscal year to the Office of Tourism, Trade, and Economic Development within the Executive Office of the Governor:

(1) The sum of \$44,500,000 in nonrecurring funds from the General Revenue Fund to the State Economic Enhancement and Development Trust Fund for the purposes set forth in this section.

(2) The sum of \$44,500,000 from the State Economic Enhancement and Development Trust Fund to the Office of Tourism, Trade and Economic Development within the Executive Office of the Governor for business expansion and creation opportunities using any one or more of the following incentive programs:

(a) Quick-response training for economic development pursuant to s. 288.047.

(b) The Incumbent Worker Training Program pursuant to s. 445.003.

(c) Contracts for transportation projects pursuant to s. 288.063.

(d) The qualified defense contractor and space flight business tax refund program pursuant to s. 288.1045.

(e) The tax refund program for qualified target industry businesses pursuant to s. 288.106.

(f) Brownfield redevelopment bonus refunds pursuant to s. 288.107.

(g) High-impact business pursuant to s. 288.108.

HB 7203

2011

1093 (h) The Quick Action Closing Fund pursuant to s. 288.1088.

1094 (i) The Innovation Incentive Program pursuant to s.

1095 288.1089.

1096 (j) Space Florida for business development.

1097 Section 26. Except as otherwise expressly provided in this

1098 act, this act shall take effect July 1, 2011.