

HB 965

2011

1 A bill to be entitled
2 An act relating to the Florida Tax Credit Scholarship
3 Program; amending s. 213.053, F.S.; authorizing the
4 Department of Revenue to disclose certain information
5 relating to taxpayers to an eligible nonprofit
6 scholarship-funding organization; providing for
7 application to specified taxes; providing restrictions;
8 amending s. 220.1875, F.S.; revising provisions relating
9 to the amount of a tax credit allowed for a contribution
10 made to an eligible nonprofit scholarship-funding
11 organization; amending s. 1002.395, F.S.; revising
12 provisions relating to the carryforward of an unused
13 amount of a tax credit and the rescindment of all or part
14 of a tax credit under the Florida Tax Credit Scholarship
15 Program; providing an effective date.

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

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19 Section 1. Paragraph (dd) is added to subsection (8) of
20 section 213.053, Florida Statutes, as amended by chapter 2010-
21 280, Laws of Florida, to read:

22 213.053 Confidentiality and information sharing.—

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

25 (dd) Names and addresses of the 100 taxpayers with the
26 greatest tax liabilities during the most recent calendar year
27 for which information is available for each tax identified in
28 subparagraphs 1., 2., and 4., and names and addresses of the 100

29 taxpayers with the greatest tax liability for the most recent
30 taxable years for which information is available for the tax
31 identified in subparagraph 3., to an eligible nonprofit
32 scholarship-funding organization that provides scholarships
33 under s. 1002.395 to 10,000 or more eligible students. An
34 eligible nonprofit scholarship-funding organization may request
35 the information for any of the taxes identified in subparagraphs
36 1.-4. but may not make more than one such request for each tax
37 in any 12-month period. The department shall provide such
38 information within 45 days after a request by an eligible
39 nonprofit scholarship-funding organization. The information may
40 be used by the eligible nonprofit scholarship-funding
41 organization only for purposes of notifying the taxpayer of the
42 opportunity to make an eligible contribution to the Florida Tax
43 Credit Scholarship Program under s. 1002.395. This paragraph
44 applies only to information relating to taxes under:

45 1. Sections 211.02 and 211.025.

46 2. Chapter 212 from a direct pay permitholder as a result
47 of the direct pay permit held pursuant to s. 212.183.

48 3. Chapter 220, unless disclosure of the names and
49 addresses would violate the terms of any information-sharing
50 agreement between the department and an agency of the Federal
51 Government.

52 4. Section 624.509(1).

53
54 Disclosure of information under this subsection shall be
55 pursuant to a written agreement between the executive director
56 and the agency. Such agencies, governmental or nongovernmental,

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57 shall be bound by the same requirements of confidentiality as
58 the Department of Revenue. Breach of confidentiality is a
59 misdemeanor of the first degree, punishable as provided by s.
60 775.082 or s. 775.083.

61 Section 2. Subsection (1) of section 220.1875, Florida
62 Statutes, is amended to read:

63 220.1875 Credit for contributions to eligible nonprofit
64 scholarship-funding organizations.—

65 (1) There is allowed a credit of 100 percent of an
66 eligible contribution made to an eligible nonprofit scholarship-
67 funding organization under s. 1002.395 against any tax due for a
68 taxable year under this chapter. ~~However, such a credit may not~~
69 ~~exceed 75 percent of the tax due under this chapter for the~~
70 ~~taxable year,~~ after the application of any other allowable
71 credits by the taxpayer. The credit granted by this section
72 shall be reduced by the difference between the amount of federal
73 corporate income tax taking into account the credit granted by
74 this section and the amount of federal corporate income tax
75 without application of the credit granted by this section.

76 Section 3. Paragraphs (c) and (e) of subsection (5) of
77 section 1002.395, Florida Statutes, are amended to read:

78 1002.395 Florida Tax Credit Scholarship Program.—

79 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

80 (c) If a tax credit approved under paragraph (b) is not
81 fully used within the specified state fiscal year for credits
82 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes
83 due for the specified taxable year for credits under s. 220.1875
84 or s. 624.51055 because of insufficient tax liability on the

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85 part of the taxpayer, the unused amount may be carried forward
86 for a period not to exceed 5 ~~3~~ years. However, any taxpayer that
87 seeks to carry forward an unused amount of tax credit must
88 submit an application to the department for approval of the
89 carryforward tax credit in the year that the taxpayer intends to
90 use the carryforward. The department must obtain the division's
91 approval prior to approving the carryforward of a tax credit
92 under s. 561.1211.

93 (e) Within any state fiscal year, a taxpayer may rescind
94 all or part of a tax credit approved under paragraph (b). The
95 amount rescinded shall become available for that state fiscal
96 year to another eligible taxpayer as approved by the department
97 if the taxpayer receives notice from the department that the
98 rescindment has been accepted by the department ~~and the taxpayer~~
99 ~~has not previously rescinded any or all of its tax credits~~
100 ~~approved under paragraph (b) more than once in the previous 3~~
101 ~~tax years~~. The department must obtain the division's approval
102 prior to accepting the rescindment of a tax credit under s.
103 561.1211. Any amount rescinded under this paragraph shall become
104 available to an eligible taxpayer on a first-come, first-served
105 basis based on tax credit applications received after the date
106 the rescindment is accepted by the department.

107 Section 4. This act shall take effect July 1, 2011.