

CS/CS/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 requirements for
8 release of information; providing restrictions; amending
9 ss. 220.1875 and 624.51055, F.S.; revising provisions
10 relating to the amount of a tax credit allowed for a
11 contribution made to an eligible nonprofit scholarship-
12 funding organization; amending s. 1002.395, F.S.; revising
13 provisions relating to the carryforward of an unused
14 amount of a tax credit and the rescindment of all or part
15 of a tax credit under the Florida Tax Credit Scholarship
16 Program; providing an effective date.

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

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20 Section 1. Paragraph (dd) is added to subsection (8) of
21 section 213.053, Florida Statutes, as amended by chapter 2010-
22 280, Laws of Florida, to read:

23 213.053 Confidentiality and information sharing.—

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

26 (dd) Names and addresses of the 100 taxpayers with the
27 greatest tax liabilities after all tax credits are applied
28 during the most recent calendar year for which information is

29 available for each tax identified in subparagraphs 1., 2., and
30 4., and names and addresses of the 100 taxpayers with the
31 greatest tax liability after all tax credits are applied for the
32 most recent taxable years for which information is available for
33 the tax identified in subparagraph 3., to an eligible nonprofit
34 scholarship-funding organization under s. 1002.395 for which the
35 department approved at least \$10 million of tax credit
36 allocations in the prior year. An eligible nonprofit
37 scholarship-funding organization may request the information for
38 any of the taxes identified in subparagraphs 1.-4. but may not
39 make more than one such request for each tax in any 12-month
40 period. For the information for taxes identified in
41 subparagraphs 1., 2., and 4., the department must provide such
42 information within 45 days after a request by an eligible
43 nonprofit scholarship-funding organization. For the information
44 for taxes identified in subparagraph 3., the department must
45 first request the taxpayer's consent to the release of the
46 information and grant the taxpayer a 45-day notice period to
47 object to the release of the information. Information pertaining
48 to a taxpayer that objects to the release of the information may
49 not be released. After the 45-day notice period, the department
50 shall release the information relating to any taxpayer that did
51 not object. The information may be used by the eligible
52 nonprofit scholarship-funding organization only for purposes of
53 notifying the taxpayer of the opportunity to make an eligible
54 contribution to the Florida Tax Credit Scholarship Program under
55 s. 1002.395. This paragraph applies only to information relating
56 to taxes under:

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57 1. Sections 211.02 and 211.025.

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

60 3. Chapter 220, unless disclosure of the names and
61 addresses would violate the terms of any information-sharing
62 agreement between the department and an agency of the Federal
63 Government.

64 4. Section 624.509(1).

65
66 Disclosure of information under this subsection shall be
67 pursuant to a written agreement between the executive director
68 and the agency. Such agencies, governmental or nongovernmental,
69 shall be bound by the same requirements of confidentiality as
70 the Department of Revenue. Breach of confidentiality is a
71 misdemeanor of the first degree, punishable as provided by s.
72 775.082 or s. 775.083.

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

75 220.1875 Credit for contributions to eligible nonprofit
76 scholarship-funding organizations.—

77 (1) There is allowed a credit of 100 percent of an
78 eligible contribution made to an eligible nonprofit scholarship-
79 funding organization under s. 1002.395 against any tax due for a
80 taxable year under this chapter. ~~However, such a credit may not~~
81 ~~exceed 75 percent of the tax due under this chapter for the~~
82 ~~taxable year,~~ after the application of any other allowable
83 credits by the taxpayer. The credit granted by this section
84 shall be reduced by the difference between the amount of federal

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85 corporate income tax taking into account the credit granted by
86 this section and the amount of federal corporate income tax
87 without application of the credit granted by this section.

88 Section 3. Subsection (1) of section 624.51055, Florida
89 Statutes, is amended to read:

90 624.51055 Credit for contributions to eligible nonprofit
91 scholarship-funding organizations.—

92 (1) There is allowed a credit of 100 percent of an
93 eligible contribution made to an eligible nonprofit scholarship-
94 funding organization under s. 1002.395 against any tax due for a
95 taxable year under s. 624.509(1). ~~However, such a credit may not~~
96 ~~exceed 75 percent of the tax due under s. 624.509(1) after~~
97 deducting from such tax deductions for assessments made pursuant
98 to s. 440.51; credits for taxes paid under ss. 175.101 and
99 185.08; credits for income taxes paid under chapter 220; credits
100 for the emergency excise tax paid under chapter 221; and the
101 credit allowed under s. 624.509(5), as such credit is limited by
102 s. 624.509(6). An insurer claiming a credit against premium tax
103 liability under this section shall not be required to pay any
104 additional retaliatory tax levied pursuant to s. 624.5091 as a
105 result of claiming such credit. Section 624.5091 does not limit
106 such credit in any manner.

107 Section 4. Paragraphs (c) and (e) of subsection (5) of
108 section 1002.395, Florida Statutes, are amended to read:

109 1002.395 Florida Tax Credit Scholarship Program.—

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

111 (c) If a tax credit approved under paragraph (b) is not
112 fully used within the specified state fiscal year for credits

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113 under s. 211.0251, s. 212.1831, or s. 561.1211 or against taxes
114 due for the specified taxable year for credits under s. 220.1875
115 or s. 624.51055 because of insufficient tax liability on the
116 part of the taxpayer, the unused amount may be carried forward
117 for a period not to exceed 5 3 years. However, any taxpayer that
118 seeks to carry forward an unused amount of tax credit must
119 submit an application to the department for approval of the
120 carryforward tax credit in the year that the taxpayer intends to
121 use the carryforward. The department must obtain the division's
122 approval prior to approving the carryforward of a tax credit
123 under s. 561.1211.

124 (e) Within any state fiscal year, a taxpayer may rescind
125 all or part of a tax credit approved under paragraph (b). The
126 amount rescinded shall become available for that state fiscal
127 year to another eligible taxpayer as approved by the department
128 if the taxpayer receives notice from the department that the
129 rescindment has been accepted by the department ~~and the taxpayer~~
130 ~~has not previously rescinded any or all of its tax credits~~
131 ~~approved under paragraph (b) more than once in the previous 3~~
132 ~~tax years~~. The department must obtain the division's approval
133 prior to accepting the rescindment of a tax credit under s.
134 561.1211. Any amount rescinded under this paragraph shall become
135 available to an eligible taxpayer on a first-come, first-served
136 basis based on tax credit applications received after the date
137 the rescindment is accepted by the department.

138 Section 5. This act shall take effect July 1, 2011.