

## ENROLLED

CS/CS/HB 965, Engrossed 1

2011 Legislature

1                               A bill to be entitled  
2       An act relating to the Florida Tax Credit Scholarship  
3       Program; amending ss. 220.1875 and 624.51055, F.S.;  
4       revising provisions relating to the amount of a tax credit  
5       allowed for a contribution made to an eligible nonprofit  
6       scholarship-funding organization; amending s. 1002.395,  
7       F.S.; revising provisions relating to the carryforward of  
8       an unused amount of a tax credit and the rescindment of  
9       all or part of a tax credit under the Florida Tax Credit  
10      Scholarship Program; providing an effective date.

11  
12   Be It Enacted by the Legislature of the State of Florida:

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14       Section 1. Subsection (1) of section 220.1875, Florida  
15       Statutes, is amended to read:

16       220.1875 Credit for contributions to eligible nonprofit  
17       scholarship-funding organizations.—

18       (1) There is allowed a credit of 100 percent of an  
19       eligible contribution made to an eligible nonprofit scholarship-  
20       funding organization under s. 1002.395 against any tax due for a  
21       taxable year under this chapter. ~~However, such a credit may not~~  
22       ~~exceed 75 percent of the tax due under this chapter for the~~  
23       ~~taxable year,~~ after the application of any other allowable  
24       credits by the taxpayer. The credit granted by this section  
25       shall be reduced by the difference between the amount of federal  
26       corporate income tax taking into account the credit granted by  
27       this section and the amount of federal corporate income tax  
28       without application of the credit granted by this section.

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Section 2. 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 3. Paragraphs (c) and (e) of subsection (5) of section 1002.395, Florida Statutes, are amended to read:

1002.395 Florida Tax Credit Scholarship Program.—

(5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—

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

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57 part of the taxpayer, the unused amount may be carried forward  
58 for a period not to exceed 5 ~~3~~ years. However, any taxpayer that  
59 seeks to carry forward an unused amount of tax credit must  
60 submit an application to the department for approval of the  
61 carryforward tax credit in the year that the taxpayer intends to  
62 use the carryforward. The department must obtain the division's  
63 approval prior to approving the carryforward of a tax credit  
64 under s. 561.1211.

65 (e) Within any state fiscal year, a taxpayer may rescind  
66 all or part of a tax credit approved under paragraph (b). The  
67 amount rescinded shall become available for that state fiscal  
68 year to another eligible taxpayer as approved by the department  
69 if the taxpayer receives notice from the department that the  
70 rescindment has been accepted by the department ~~and the taxpayer~~  
71 ~~has not previously rescinded any or all of its tax credits~~  
72 ~~approved under paragraph (b) more than once in the previous 3~~  
73 ~~tax years~~. The department must obtain the division's approval  
74 prior to accepting the rescindment of a tax credit under s.  
75 561.1211. Any amount rescinded under this paragraph shall become  
76 available to an eligible taxpayer on a first-come, first-served  
77 basis based on tax credit applications received after the date  
78 the rescindment is accepted by the department.

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