

By Senator Flores

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1 A bill to be entitled
2 An act relating to the Department of Revenue; amending
3 s. 213.053, F.S.; authorizing the department to
4 release certain taxpayers' names and addresses to
5 certain scholarship-funding organizations; amending s.
6 220.1875, F.S.; deleting a limitation on the amount of
7 tax credit allowable for contributions made to certain
8 scholarship-funding organizations; amending s.
9 1002.395, F.S.; extending the carry-forward period for
10 the use of certain tax credits resulting from
11 contributions to the Florida Tax Credit Scholarship
12 Program; deleting a restriction on a taxpayer's
13 ability to rescind certain tax credits resulting from
14 contributions to the program; providing an effective
15 date.

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

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19 Section 1. Present paragraph (cc) of subsection (8) of
20 section 213.053, Florida Statutes, is redesignated as paragraph
21 (dd), and a new paragraph (cc) is added to that subsection, to
22 read:

23 213.053 Confidentiality and information sharing.—

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

26 (cc) To an eligible nonprofit scholarship-funding
27 organization that provides scholarships under s. 1002.395 to
28 10,000 or more eligible students, names and addresses of the 100
29 taxpayers having the greatest tax liabilities during the most

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recent calendar year for which information is available for each tax identified in subparagraphs 1., 2., and 4., and for the tax identified in subparagraph 3., names and addresses of the 100 taxpayers having the greatest tax liability for the most recent taxable years for which information is available. An eligible organization may request the information for any tax identified in subparagraphs 1. through 4., but may not make more than one request for each tax in any 12-month period. The department shall provide such information within 45 days after a request is made by an eligible organization. The information may be used by the organization only to notify the taxpayer of the opportunity to make an eligible contribution to the Florida Tax Credit Scholarship Program under s. 1002.395. This paragraph applies to information relating to taxes under:

1. Sections 211.02 and 211.025.

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

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

4. Section 624.509(1).

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.

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775.082 or s. 775.083.

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

220.1875 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 this chapter. ~~However, such a credit may not exceed 75 percent of the tax due under this chapter for the taxable year,~~ after the application of any other allowable credits by the taxpayer. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax taking into account the credit granted by this section and the amount of federal corporate income tax without application of the credit granted by this section.

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 part of the taxpayer, the unused amount may be carried forward for a period not to exceed 5 ~~3~~ years. However, any taxpayer that seeks to carry forward an unused amount of tax credit must submit an application to the department for approval of the

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88 carryforward tax credit in the year that the taxpayer intends to
89 use the carryforward. The department must obtain the division's
90 approval prior to approving the carryforward of a tax credit
91 under s. 561.1211.

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

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