

**By** the Committee on Education Pre-K - 12; and Senator Flores

581-03413-11

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A bill to be entitled

An act relating to the Department of Revenue; amending s. 213.053, F.S.; authorizing the department to release certain taxpayers' names and addresses to certain scholarship-funding organizations; amending ss. 220.1875 and 624.51055, F.S.; deleting a limitation on the amount of tax credit allowable for contributions made to certain scholarship-funding organizations; amending s. 1002.395, F.S.; extending the carry-forward period for the use of certain tax credits resulting from contributions to the Florida Tax Credit Scholarship Program; deleting a restriction on a taxpayer's ability to rescind certain tax credits resulting from contributions to the program; providing an effective date.

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

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

213.053 Confidentiality and information sharing.—

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

(dd) Names and addresses of the 100 taxpayers having the greatest tax liabilities after all tax credits are applied during the most recent calendar year for which information is available for each tax identified in subparagraphs 1., 2., and 4., and the names and addresses of the 100 taxpayers having the

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30 greatest tax liability after all tax credits are applied for the  
31 most recent taxable years for which information is available for  
32 the tax identified in subparagraph 3., to an eligible nonprofit  
33 scholarship-funding organization under s. 1002.395 for which the  
34 department approved at least \$10 million of tax credit  
35 allocations in the prior year. An eligible nonprofit  
36 scholarship-funding organization may request the information for  
37 any of the taxes identified in subparagraphs 1.-4., but may not  
38 make more than one such request for each tax in any 12-month  
39 period. The department shall provide such information within 45  
40 days after a request by an eligible nonprofit scholarship-  
41 funding organization. The information may be used by the  
42 eligible nonprofit scholarship-funding organization only for  
43 purposes of notifying the taxpayer of the opportunity to make an  
44 eligible contribution to the Florida Tax Credit Scholarship  
45 Program under s. 1002.395. This paragraph applies only to  
46 information relating to taxes under:

47 1. Sections 211.02 and 211.025.

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

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

54 4. Section 624.509(1).

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

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59 shall be bound by the same requirements of confidentiality as  
60 the Department of Revenue. Breach of confidentiality is a  
61 misdemeanor of the first degree, punishable as provided by s.  
62 775.082 or s. 775.083.

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

65 220.1875 Credit for contributions to eligible nonprofit  
66 scholarship-funding organizations.—

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

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

80 624.51055 Credit for contributions to eligible nonprofit  
81 scholarship-funding organizations.—

82 (1) There is allowed a credit of 100 percent of an eligible  
83 contribution made to an eligible nonprofit scholarship-funding  
84 organization under s. 1002.395 against any tax due for a taxable  
85 year under s. 624.509(1). ~~However, such a credit may not exceed~~  
86 ~~75 percent of the tax due under s. 624.509(1)~~ after deducting  
87 from such tax deductions for assessments made pursuant to s.

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

(e) Within any state fiscal year, a taxpayer may rescind all or part of a tax credit approved under paragraph (b). The amount rescinded shall become available for that state fiscal

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117 year to another eligible taxpayer as approved by the department  
118 if the taxpayer receives notice from the department that the  
119 rescindment has been accepted by the department ~~and the taxpayer~~  
120 ~~has not previously rescinded any or all of its tax credits~~  
121 ~~approved under paragraph (b) more than once in the previous 3~~  
122 ~~tax years.~~ The department must obtain the division's approval  
123 prior to accepting the rescindment of a tax credit under s.  
124 561.1211. Any amount rescinded under this paragraph shall become  
125 available to an eligible taxpayer on a first-come, first-served  
126 basis based on tax credit applications received after the date  
127 the rescindment is accepted by the department.

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