



Finance and Tax Committee

Wednesday, March 30, 2011

2:15 p.m.

Morris Hall

ACTION PACKET

COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Summary:

Finance & Tax Committee

Wednesday March 30, 2011 02:15 pm

CS/HB 143	Favorable	Yeas: 21	Nays: 1
CS/CS/HJR 381	Favorable With Committee Substitute	Yeas: 20	Nays: 2
HB 493	Temporarily Deferred		
HB 733	Favorable With Committee Substitute	Yeas: 23	Nays: 0
CS/HB 873	Favorable With Committee Substitute	Yeas: 22	Nays: 1
HB 965	Favorable With Committee Substitute	Yeas: 20	Nays: 3
CS/HB 1069	Temporarily Deferred		
CS/HB 1309	Favorable With Committee Substitute	Yeas: 21	Nays: 0
PCB FTC 11-02	Favorable	Yeas: 16	Nays: 6
PCB FTC 11-03	Favorable	Yeas: 22	Nays: 0

Committee meeting was reported out: Wednesday, March 30, 2011 8:51:46PM

COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Attendance:

	<i>Present</i>	<i>Absent</i>	<i>Excused</i>
Stephen Precourt (Chair)	X		
Joseph Abruzzo	X		
Larry Ahern	X		
Lori Berman	X		
Jason Brodeur	X		
Douglas Broxson	X		
Fredrick Costello	X		
Jose Diaz	X		
Chris Dorworth	X		
Erik Fresen	X		
James Grant	X		
John Julien	X		
Debbie Mayfield	X		
George Moraitis, Jr.	X		
Scott Randolph	X		
Lake Ray	X		
Michelle Rehwinkel Vasilinda	X		
Hazelle Rogers	X		
Patrick Rooney, Jr.	X		
Perry Thurston, Jr.	X		
Carlos Trujillo	X		
Charles Van Zant	X		
James Waldman	X		
Michael Weinstein	X		
Totals:	24	0	0

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

CS/HB 143 : Tax Credits

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Larry Ahern	X				
Lori Berman	X				
Jason Brodeur	X				
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz				X	
Chris Dorworth	X				
Erik Fresen	X				
James Grant	X				
John Julien	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.	X				
Carlos Trujillo			X		
Charles Van Zant	X				
James Waldman	X				
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
Total Yeas: 21		Total Nays: 1			

Appearances:

CS/HB 143

Ryan West (Lobbyist) - Proponent

Florida Chamber of Commerce

136 S. Bronough Street

Tallahassee FL 32301

Phone: 850-521-1235

Sharkey, Jeffrey (Lobbyist) - Proponent

Space X

106 East College Avenue

Tallahassee FL 32301

Phone: 850-224-1660

CS/HB 143

Fraser, Towson (Lobbyist) - Proponent

Associated Industries of Florida

120 South Monroe Street

Tallahassee FL 32301

Phone: (850)671-4401

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Pitts, Brian - Proponent
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Snow, Christopher (Lobbyist) - Proponent

Space Florida
1580 Waldo Palmer Lane
Tallahassee FL
Phone: 321-474-9754

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

CS/CS/HJR 381 : Property Assessment; Nonhomestead Increase Limitation, Reduction & Continuation; New Homestead Owner's Additional Exemption

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo				X	
Larry Ahern	X				
Lori Berman	X				
Jason Brodeur				X	
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz	X				
Chris Dorworth	X				
Erik Fresen	X				
James Grant	X				
John Julien	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.		X			
Carlos Trujillo	X				
Charles Van Zant	X				
James Waldman		X			
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
Total Yeas: 20		Total Nays: 2			

Appearances:

Suggs, Davin (Lobbyist) - Opponent
Florida Association of Counties
100 South Monroe Street
Tallahassee FL 32302
Phone: (850)922-4300

Pitts, Brian - Information Only
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Price, Trey (Lobbyist) - Information Only
Florida Realtors
200 S. Monroe Street
Tallahassee Florida 32301
Phone: 850-224-1400

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Ryan West (Lobbyist) - Proponent

Florida Chamber of Commerce

136 S. Bronough Street

Tallahassee FL 32301

Phone: 850-521-1235

Hughes, Amber (Lobbyist) - Opponent

Florida League of Cities

P.O. Box 1757

Tallahassee FL 32302

Phone: 850-701-3621

Committee meeting was reported out: Wednesday, March 30, 2011 8:51:46PM

COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

HB 493 : Tax on Sales, Use & Other Transactions

Temporarily Deferred

Appearances:

Steven Wolens - Opponent
McKool Smith/Broward County
300 Crescent Court #1500
Dallas TX 75201

Bell, Doug (Lobbyist) - Opponent
Volusia County
215 S. Monroe St.
Tallahassee FL 32301
Phone: (850)222-3533

Bleakley, Sarah (Lobbyist) - Opponent
Lee County Board of County Commissioners
1500 Mahan Drive
Tallahassee FL 32308
Phone: (850)224-4070

Jeffries, Mark (Lobbyist) - Opponent
Orange County Government
Office of the Mayor 201 S Rosalind Ave
Orlando FL 32801
Phone: (407)836-5909

Zingale, James (Lobbyist) - Opponent
Orange & Broward County
101 N. Gadaden
Tallahassee FL 323801
Phone: (850)201-2096

Frank Attkisson - Proponent
323 Pleasant Street
Kissimmee FL

Pitts, Brian - Opponent
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Weber, Victoria (Lobbyist) - Proponent
Florida Chamber of Commerce & Disney
119 South Monroe Street #300
Tallahassee FL 32302
Phone: (850)222-7500

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Snyder, James (Lobbyist) - Opponent

Florida Association of Convention and Visitors Bureaus
PO Box 14629
Tallahassee FL 32302
Phone: (850)224-2777

Padgett, Samantha (Lobbyist) - Proponent

Florida Retail Federation
227 S. Adams Street
Tallahassee FL 32301
Phone: (850)222-4082

Green, Jennifer (Lobbyist) - Proponent

Expedia, Inc
P.O. Box 390
Tallahassee FL 20005
Phone: (850)841-1726

Dunbar, Peter (Lobbyist) - Opponent

Marriott Corporation
215 South Monroe Street
Tallahassee FL 32312
Phone: (850)222-3533

Pinsky, Richard (Lobbyist) - Opponent

American Hotel & Lodging Association
106 East College Avenue
Tallahassee FL

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

HB 733 : Tax on Sales, Use, and Other Transactions

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Larry Ahern	X				
Lori Berman	X				
Jason Brodeur	X				
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz	X				
Chris Dorworth	X				
Erik Fresen	X				
James Grant	X				
John Julien	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.	X				
Carlos Trujillo	X				
Charles Van Zant				X	
James Waldman	X				
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
Total Yeas: 23		Total Nays: 0			

Appearances:

Imbrone, Paul (Lobbyist) - Proponent

Macy's, Inc
22 East Flagler Street
Miami FL
Phone: 768-251-3225

Miller, Randy (Lobbyist) - Proponent

Florida Retail Federation
227 S Adams St
Tallahassee FL 32302-2024
Phone: (850)222-4082

Jacob Burns - Proponent

University of Florida Student Government
207 SW 13th Street
Gainesville FL 32601
Phone: 850-376-1506

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Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Pitts, Brian - Proponent

Trustee-Justice-2-Jesus

1119 Newton Avenue South

S. Petersburg Florida 33705

Phone: 727-897-9291

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

CS/HB 873 : Corporate Tax Credits and Refunds

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Larry Ahern	X				
Lori Berman	X				
Jason Brodeur	X				
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz	X				
Chris Dorworth	X				
Erik Fresen	X				
James Grant	X				
John Julien	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.	X				
Carlos Trujillo	X				
Charles Van Zant				X	
James Waldman	X				
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
	Total Yeas: 22	Total Nays: 1			

Appearances:

Fraser, Towson (Lobbyist) - Proponent
Associated Industries of Florida
120 South Monroe Street
Tallahassee FL 32301
Phone: (850)671-4401

Snow, Christopher (Lobbyist) - Proponent
Space Florida
1580 Waldo Palmer Lane
Tallahassee FL
Phone: 321-474-9754

Sharkey, Jeffrey (Lobbyist) - Proponent
Space X
106 E. College Avenue
Tallahassee FL 32301
Phone: (850)224-1660

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

HB 965 : Florida Tax Credit Scholarship Program

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Larry Ahern	X				
Lori Berman		X			
Jason Brodeur	X				
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz	X				
Chris Dorworth	X				
Erik Fresen	X				
James Grant	X				
John Julien	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph					X
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.		X			
Carlos Trujillo	X				
Charles Van Zant	X				
James Waldman	X				
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
Total Yeas: 20		Total Nays: 3			

Appearances:

Dix, Patsy (Lobbyist) - Opponent
Florida Education Association
213 S Adams St
Tallahassee FL 32301
Phone: (850)224-2078

Russell, Lynda (Lobbyist) - Opponent
Florida Education Association
213 S Adams St
Tallahassee FL 32301
Phone: (850)224-2078

Herzog, James (Lobbyist) - Proponent
Florida Catholic Conference
201 W Park Ave
Tallahassee FL 32301
Phone: (850)222-3803

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Lasher, Denise (Lobbyist) - Proponent

Set Up for Students

P.O. Box 1440

Lutz FL 33559

Phone: (813)240-4567

LaQuinta Demous - Proponent

Parent of Florida Tax Credit Scholarship Students

128 North 14th Street

Quincy FL 32351

Phone: 850-627-0844

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

CS/HB 1069 : Capital Investment Tax Credit

Temporarily Deferred

Committee meeting was reported out: Wednesday, March 30, 2011 8:51:46PM

COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

CS/HB 1309 : Economic Recovery from the Deepwater Horizon Disaster

Favorable With Committee Substitute

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Larry Ahern	X				
Lori Berman	X				
Jason Brodeur	X				
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz	X				
Chris Dorworth	X				
Erik Fresen	X				
James Grant	X				
John Julien	X				
Debbie Mayfield	X				
George Moraitis, Jr.				X	
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.				X	
Carlos Trujillo	X				
Charles Van Zant				X	
James Waldman	X				
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
Total Yeas: 21		Total Nays: 0			

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

PCB FTC 11-02 : State Government Revenue Limitation

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo		X			
Larry Ahern	X				
Lori Berman		X			
Jason Brodeur	X				
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz	X				
Chris Dorworth	X				
Erik Fresen	X				
James Grant	X				
John Julien			X		
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph			X		
Lake Ray	X				
Michelle Rehwinkel Vasilinda		X			
Hazelle Rogers		X			
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.		X			
Carlos Trujillo	X				
Charles Van Zant	X				
James Waldman		X			
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
	Total Yeas: 16	Total Nays: 6			

Appearances:

Meiners, H. (Lobbyist) - Waive In Support
Associated Industries of Florida
P.O. Box 1633
Tallahassee FL 32301
Phone: (850)591-0177

Wilcox, Benjamin (Lobbyist) - Opponent
League of Women Voters of Florida
1719 Old Fort Drive
Tallahassee FL 32301
Phone: (850)544-4448

McRay, Jack (Lobbyist) - Opponent
AARP
200 W. College Avenue, Ste. 304
Tallahassee FL 32301
Phone: (850) 577-5187

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Cindy Gerhardt - Opponent
Florida PTA
5430 Frand Reeder Road
Pensacola FL 32526
Phone: 850-384-0595

Ryan West (Lobbyist) - Proponent
Florida Chamber of Commerce
136 S. Bronough Street
Tallahassee FL 32301
Phone: 850-521-1235

Templin, Rich (Lobbyist) - Opponent
Florida AFL-CIO
135 S. Monroe
Tallahassee FL 32301
Phone: 850-224-6926

Ashwell, Brad (Lobbyist) - Opponent
Florida PIRG (The Public Interest Research Group)
310 North Monroe Street
Tallahassee FL 32301
Phone: (850)224-3321

Dix, Patsy (Lobbyist) - Opponent
Florida Education Association
213 S Adams St
Tallahassee FL 32301
Phone: (850)224-2078

John Ratliff - Opponent
Public Policy Coordinator - SEIU 1991
18441 NW 2nd Avenue
Miami Gardens FL 33169
Phone: 305-620-6555

Pitts, Brian - Proponent
Trustee-Justice-2-Jesus
1119 Newton Avenue South
S. Petersburg Florida 33705
Phone: 727-897-9291

Woodall, Karen (Lobbyist) - Opponent
Florida Center for Fiscal & Economic Policy
545 E. Tennessee Street
Tallahassee FL 32308
Phone: 850-321-9386

Carol Hedges - Information Only
Colorado Fiscal Policy Institute
789 Sherman Suite 300
Denver CO 80203
Phone: 303-573-5669 x 309

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

PCB FTC 11-03 : Economic Development

Favorable

	Yea	Nay	No Vote	Absentee Yea	Absentee Nay
Joseph Abruzzo	X				
Larry Ahern	X				
Lori Berman	X				
Jason Brodeur	X				
Douglas Broxson	X				
Fredrick Costello	X				
Jose Diaz	X				
Chris Dorworth				X	
Erik Fresen	X				
James Grant	X				
John Julien	X				
Debbie Mayfield	X				
George Moraitis, Jr.	X				
Scott Randolph	X				
Lake Ray	X				
Michelle Rehwinkel Vasilinda	X				
Hazelle Rogers	X				
Patrick Rooney, Jr.	X				
Perry Thurston, Jr.					X
Carlos Trujillo	X				
Charles Van Zant	X				
James Waldman	X				
Michael Weinstein	X				
Stephen Precourt (Chair)	X				
Total Yeas: 22		Total Nays: 0			

Appearances:

Meiners, H. (Lobbyist) - Information Only

Associated Industries of Florida

516 N Adams St

Tallahassee FL 32301

Phone: (850)591-0177

Weber, Victoria (Lobbyist) - Proponent

Florida Chamber of Commerce

136 S Bronough St

Tallahassee FL 32302

Phone: (850)222-7500

Gonzalez, Jose (Lobbyist) - Proponent

Associated Industries of Florida

516 N. Adams Street

Tallahassee FL 32302

Phone: (850)224-7173

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COMMITTEE MEETING REPORT

Finance & Tax Committee

3/30/2011 2:15:00PM

Location: Morris Hall (17 HOB)

Kurt Wenner - Information Only

Florida TaxWatch

106 N. Bronough Street

Tallahassee FL 32301

Phone: 850-222-5052

Committee meeting was reported out: Wednesday, March 30, 2011 8:51:46PM

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No. 01

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y)N
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing PCB: Finance & Tax Committee
 2 Representative(s) Metz offered the following:

Amendment (with title amendment)

Remove lines 185-277 and insert:

220.153 Apportionment by sales factor.—

(1) DEFINITIONS.—As used in this section the following terms mean:

(a) "Full-time employee" means an employee who works an average of at least 36 hours per week for an entire year and receives an average weekly wage greater than the lower of the state or local average weekly wages for the taxpayer's industry; however, a full-time employee does not include an employee who is hired to construct improvements to real property.

(b) "Qualified capital expenditures" means expenditures in this state for purposes substantially related to a business's production or sale of goods or services for funding the acquisition of additional real property (land, buildings, including appurtenances, fixtures and fixed equipment,

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

20 structures, etc.), including additions, replacements, major
21 repairs, and renovations to real property which materially
22 extend its useful life or materially improve or change its
23 functional use and including furniture and equipment necessary
24 to furnish and operate a new or improved facility;

25
26 The term "qualified capital expenditures" does not include the
27 outlay of capital to fund any passive investment intended for
28 the accumulation of reserve or the realization of profit for
29 distribution to any person holding an ownership interest in the
30 business.

31 (2) APPORTIONMENT OF TAXES; ELIGIBILITY.—A taxpayer, not
32 including a financial organization as defined in s. 220.15(6) or
33 a bank, savings association, international banking facility, or
34 banking organization as defined in s. 220.62, doing business
35 within and without this state, who applies and demonstrates to
36 the Office of Tourism, Trade, and Economic Development that, on
37 or after July 1, 2013, it has made qualified capital
38 expenditures equal to or exceeding \$250 million and has
39 continuously maintained at least the number of full-time
40 employees who were employed by the taxpayer in this state at the
41 time it notified the office of its intent to apply for
42 apportionment pursuant to this section, may apportion its
43 adjusted federal income solely by the sales factor set forth in
44 s. 220.15(5), commencing in the taxable year of such
45 determination.

46 (3) APPLICATION PROCESS.—

Amendment No.

47 (a) To qualify as a taxpayer who is eligible to apportion
48 its adjusted federal income under this section:

49 1. The taxpayer must notify the Office of Tourism, Trade,
50 and Economic Development of its intent to submit an application
51 to apportion its adjusted federal income in order to commence
52 the 2-year period for measuring qualified capital expenditures.

53 2. The application must be submitted within 2 years after
54 notifying the office of the taxpayer's intent to qualify. The
55 application must be made under oath and provide such information
56 as the office reasonably requires by rule for determining the
57 applicant's eligibility to apportion adjusted federal income.
58 The taxpayer is responsible for affirmatively demonstrating to
59 the satisfaction of the office that it meets the eligibility
60 requirements.

61 (b) The taxpayer notice and application forms shall be
62 established by the office by rule. The office shall acknowledge
63 receipt of the notice and approve or deny the application in
64 writing within 45 days after receipt.

65 (c) Upon approval, the taxpayer, by the due date for
66 filing its tax return for the taxable year during which its
67 eligibility has been determined, including any extensions
68 thereof, may elect to apportion its adjusted federal income by
69 filing a return for the taxable year using the method provided
70 under this chapter.

71 (d) Once made, a taxpayer may not revoke the election for
72 4 tax years, at which time the taxpayer may renew the election
73 by the due date, or extended due date, for filing its tax return
74 by filing a return for the next taxable year using the method

Amendment No.

75 provided under this chapter. If the taxpayer does not renew its
76 election, it shall apportion its adjusted federal income
77 pursuant to s. 220.15 and must reapply to apportion its adjusted
78 federal income pursuant to this section.

79 (4) REVIEW AUTHORITY; RECAPTURE OF TAX.—

80 (a) In addition to its existing audit authority, the
81 department may perform any financial and technical review and
82 investigation, including examining the accounts, books, and
83 records of the taxpayer as necessary, to verify that the
84 taxpayer's tax return correctly computes and apportions adjusted
85 federal income and to ensure compliance with this chapter.

86 (b) The Office of Tourism, Trade, and Economic Development
87 may, by order, revoke its decision to grant eligibility for
88 apportionment, and may also order the recalculation of
89 apportionment factors to those applicable under s. 220.15 if, as
90 the result of an audit, investigation, or examination, it
91 determines that information provided by the taxpayer in the
92 application, or in a statement, representation, record, report,
93 plan, or other document provided to the office to become
94 eligible for apportionment, was materially false at the time it
95 was made and that an individual acting on behalf of the taxpayer
96 knew, or should have known, that the information submitted was
97 false. The taxpayer shall pay such additional taxes and interest
98 as may be due pursuant to this chapter computed as the
99 difference between the tax that would have been due under the
100 apportionment formula provided in s. 220.15 for such years and
101 the tax actually paid. In addition, the department shall assess
102 a penalty equal to 100 percent of the additional tax due.

Amendment No.

103 (c) The office shall immediately notify the department of
104 an order affecting a taxpayer's eligibility to apportion tax
105 pursuant to this section. A taxpayer who is liable for past tax
106 must file an amended return with the department, or such other
107 report as the department prescribes by rule, and pay any
108 required tax, interest, and penalty within 60 days after the
109 taxpayer receives notification from the office that the
110 previously approved credits have been revoked. If the revocation
111 is contested, the taxpayer shall file an amended return or other
112 report within 30 days after an order becomes final. A taxpayer
113 who fails to pay the past tax, interest, and penalty by the due
114 date is subject to the penalties provided in s. 220.803.

115 (5) RULES.—The Office of Tourism, Trade, and Economic
116 Development and the department may adopt rules to administer
117 this section.

118 Section 3. Paragraph (k) of subsection (8) of section
119 213.053, Florida Statutes, as amended by section 3 of chapter
120 2010-280, Laws of Florida, is amended to read:

121 213.053 Confidentiality and information sharing.—

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

124 (k)1. Payment information relative to chapters 199, 201,
125 202, 212, 220, 221, and 624 to the Office of Tourism, Trade, and
126 Economic Development, or its employees or agents that are
127 identified in writing by the office to the department, in the
128 administration of the tax refund program for qualified defense
129 contractors and space flight business contractors authorized by

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

130 s. 288.1045 and the tax refund program for qualified target
131 industry businesses authorized by s. 288.106.

132 2. Information relative to tax credits taken by a business
133 under s. 220.191 and exemptions or tax refunds received by a
134 business under s. 212.08(5)(j) to the Office of Tourism, Trade,
135 and Economic Development, or its employees or agents that are
136 identified in writing by the office to the department, in the
137 administration and evaluation of the capital investment tax
138 credit program authorized in s. 220.191 and the semiconductor,
139 defense, and space tax exemption program authorized in s.
140 212.08(5)(j).

141 3. Information relative to tax credits taken by a taxpayer
142 pursuant to the tax credit programs created in ss. 193.017;
143 212.08(5)(g), (h), (n), (o) and (p); 212.08(15); 212.096; 212.097;
144 212.098; 220.181; 220.182; 220.183; 220.184; 220.1845; 220.185;
145 220.1895; 220.19; 220.191; 220.192; 220.193; 288.0656; 288.99;
146 290.007; 376.30781; 420.5093; 420.5099; 550.0951; 550.26352;
147 550.2704; 601.155; 624.509; 624.510; 624.5105; and 624.5107 to
148 the Office of Tourism, Trade, and Economic Development, or its
149 employees or agents that are identified in writing by the office
150 to the department, for use in the administration or evaluation
151 of such programs.

152 4. Information relative to single sales factor
153 apportionment used by a taxpayer to the Office of Tourism,
154 Trade, and Economic Development or its employees or agents who
155 are identified in writing by the office to the department for
156 use by the office to administer s. 220.153.

157

Amendment No.

158 Disclosure of information under this subsection shall be
159 pursuant to a written agreement between the executive director
160 and the agency. Such agencies, governmental or nongovernmental,
161 shall be bound by the same requirements of confidentiality as
162 the Department of Revenue. Breach of confidentiality is a
163 misdemeanor of the first degree, punishable as provided by s.
164 775.082 or s. 775.083.

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168

T I T L E A M E N D M E N T

169

170

Remove lines 6-19 and insert:

171

the act; creating s. 220.153, F.S.; defining the terms "full-

172

time employee" and "qualified capital expenditures"; providing

173

for the apportionment of certain taxpayer's adjusted federal

174

income solely by the sales factor provided in s. 220.15, F.S.;

175

providing for eligibility based on the taxpayer's capital

176

expenditures and number of full-time employees; providing an

177

application process; authorizing the Department of Revenue to

178

examine and verify that a taxpayer has correctly apportioned its

179

taxes; authorizing the Office of Tourism, Trade, and Economic

180

Development to approve and revoke approval of an application;

181

providing for the recapture of unpaid taxes, interest, and

182

penalties; authorizing the office and the department to adopt

183

rules; amending s. 213.053, F.S.; authorizing the department to

184

share information with the office relating to single sales

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

185 factor apportionment used by a taxpayer; conforming provisions
186 to changes made by the

Amendment No.

20 Office of Film and Entertainment using the latest official
21 estimates of population certified pursuant to s. 186.901
22 available on the first day of that fiscal year.

23 (m) "Regional tax credit ratio" means a ratio the
24 numerator of which is of the sum of tax credits awarded to
25 productions in a region to date plus the tax credits certified
26 but not yet awarded to productions currently in that region, and
27 the denominator of which is the sum of all tax credits awarded
28 in the state to date plus all tax credits certified but not yet
29 awarded to productions currently in the state. The regional tax
30 credit ratio applicable to a given year is the regional tax
31 credit ratio calculated by the Office of Film and Entertainment
32 using credit award and certification information available on
33 the first day of that fiscal year.

34 (n) "Underutilized region" for a given state fiscal year
35 means a region with a regional tax credit ratio applicable to
36 that fiscal year lower than its regional population ratio
37 applicable to that fiscal year. The following regions are
38 established for the purposes of making this determination:

39 1. North Region consisting of Alachua, Baker, Bay,
40 Bradford, Calhoun, Clay, Columbia, Dixie, Duval, Escambia,
41 Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson,
42 Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Nassau,
43 Oklaloosa, Putnam, Santa Rosa, St. Johns, Suwannee, Taylor,
44 Union, Wakulla, Walton, and Washington counties.

45 2. Central East Region consisting of Brevard, Flagler,
46 Indian River, Lake, Okeechobee, Orange, Osceola, Seminole, St.
47 Lucie, and Volusia counties.

Amendment No.

48 3. Central West Region consisting of Citrus, Hernando,
49 Hillsborough, Manatee, Marion, Polk, Pasco, Pinellas, Sarasota,
50 and Sumter counties.

51 4. Southwest Region of Charlotte, Collier, DeSoto, Glades,
52 Hardee, Hendry, Highlands, and Lee counties.

53 5. Southeast Region of Broward, Martin, Miami-Dade, Monroe,
54 and Palm Beach counties.

55 (3) APPLICATION PROCEDURE; APPROVAL PROCESS.—

56 (a) Program application.—A qualified production company
57 producing a qualified production in this state may submit a
58 program application to the Office of Film and Entertainment for
59 the purpose of determining qualification for an award of tax
60 credits authorized by this section no earlier than 180 days
61 before the first day of principal photography or project start
62 date in this state. The applicant shall provide the Office of
63 Film and Entertainment with information required to determine
64 whether the production is a qualified production and to
65 determine the qualified expenditures and other information
66 necessary for the office to determine eligibility for the tax
67 credit.

68 (b) Required documentation.—The Office of Film and
69 Entertainment shall develop an application form for qualifying
70 an applicant as a qualified production. The form must include,
71 but need not be limited to, production-related information
72 concerning employment of residents in this state, a detailed
73 budget of planned qualified expenditures, and the applicant's
74 signed affirmation that the information on the form has been

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

75 verified and is correct. The Office of Film and Entertainment
76 and local film commissions shall distribute the form.

77 (c) Application process.—The Office of Film and
78 Entertainment shall establish a process by which an application
79 is accepted and reviewed and by which tax credit eligibility and
80 award amount are determined. The Office of Film and
81 Entertainment may request assistance from a duly appointed local
82 film commission in determining compliance with this section. A
83 high-impact television series may submit an application for no
84 more than two successive seasons, notwithstanding the fact the
85 successive season has not been ordered. The successive season
86 qualified expenditure amounts shall be based on the current
87 season's estimated qualified expenditures.

88 (d) Certification.—The Office of Film and Entertainment
89 shall review the application within 15 business days after
90 receipt. Upon its determination that the application contains
91 all the information required by this subsection and meets the
92 criteria set out in this section, the Office of Film and
93 Entertainment shall qualify the applicant and recommend to the
94 Office of Tourism, Trade, and Economic Development that the
95 applicant be certified for the maximum tax credit award amount.
96 Within 5 business days after receipt of the recommendation, the
97 Office of Tourism, Trade, and Economic Development shall reject
98 the recommendation or certify the maximum recommended tax credit
99 award, if any, to the applicant and to the executive director of
100 the Department of Revenue.

101 (e) Grounds for denial.—The Office of Film and
102 Entertainment shall deny an application if it determines that

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

103 | the application is not complete or the production or application
104 | does not meet the requirements of this section. Within 90 days of
105 | submitting a program application, except with respect to
106 | applications in the independent Florida filmmaker queue, a
107 | production must establish verification of project financing to
108 | the Office of Film and Entertainment, otherwise such project
109 | shall be deemed denied and removed from the respective queue.
110 | Such deemed denied project shall be eligible for resubmittal
111 | upon proof of financing.

112 | (f) Verification of actual qualified expenditures.-

113 | 1. The Office of Film and Entertainment shall develop a
114 | process to verify the actual qualified expenditures of a
115 | certified production. The process must require:

116 | a. A certified production to submit, in a timely manner
117 | after production ends in this state and after making all of its
118 | qualified expenditures in this state, data substantiating each
119 | qualified expenditure, including documentation on the net
120 | expenditure on equipment and other tangible personal property by
121 | the qualified production, to an independent certified public
122 | accountant licensed in this state;

123 | b. Such accountant to conduct a compliance audit, at the
124 | certified production's expense, to substantiate each qualified
125 | expenditure and submit the results as a report, along with the
126 | required substantiating data, to the Office of Film and
127 | Entertainment; and

128 | c. The Office of Film and Entertainment to review the
129 | accountant's submittal and report to the Office of Tourism,

Amendment No.

130 Trade, and Economic Development the final verified amount of
131 actual qualified expenditures made by the certified production.

132 2. The Office of Tourism, Trade, and Economic Development
133 shall determine and approve the final tax credit award amount to
134 each certified applicant based on the final verified amount of
135 actual qualified expenditures and shall notify the executive
136 director of the Department of Revenue in writing that the
137 certified production has met the requirements of the incentive
138 program and of the final amount of the tax credit award. The
139 final tax credit award amount may not exceed the maximum tax
140 credit award amount certified under paragraph (d).

141 (g) Promoting Florida.—The Office of Film and
142 Entertainment shall ensure that, as a condition of receiving a
143 tax credit under this section, marketing materials promoting
144 this state as a tourist destination or film and entertainment
145 production destination are included, when appropriate, at no
146 cost to the state, which must, at a minimum, include placement
147 of a "Filmed in Florida" or "Produced in Florida" logo in the
148 end credits. The placement of a "Filmed in Florida" or "Produced
149 in Florida" logo on all packaging material and hard media is
150 also required, unless such placement is prohibited by licensing
151 or other contractual obligations. The size and placement of such
152 logo shall be commensurate to other logos used. If no logos are
153 used, the statement "Filmed in Florida using Florida's
154 Entertainment Industry Financial Incentive," or a similar
155 statement approved by the Office of Film and Entertainment,
156 shall be used. The Office of Film and Entertainment shall
157 provide a logo and supply it for the purposes specified in this

Amendment No.

158 paragraph. A 30-second "Visit Florida" promotional video must
159 also be included on all optical disc formats of a film, unless
160 such placement is prohibited by licensing or other contractual
161 obligations. The 30-second promotional video shall be approved
162 and provided by the Florida Tourism Industry Marketing
163 Corporation in consultation with the Commissioner of Film and
164 Entertainment.

165 (4) TAX CREDIT ELIGIBILITY; TAX CREDIT AWARDS; QUEUES;
166 ELECTION AND DISTRIBUTION; CARRYFORWARD; CONSOLIDATED RETURNS;
167 PARTNERSHIP AND NONCORPORATE DISTRIBUTIONS; MERGERS AND
168 ACQUISITIONS.—

169 (a) Priority for tax credit award.—The priority of a
170 qualified production for tax credit awards must be determined on
171 a first-come, first-served basis within its appropriate queue.
172 Each qualified production must be placed into the appropriate
173 queue and is subject to the requirements of that queue.

174 (b) Tax credit eligibility.—

175 1. General production queue.—Ninety-four percent of tax
176 credits authorized pursuant to subsection (6) in any state
177 fiscal year must be dedicated to the general production queue.
178 The general production queue consists of all qualified
179 productions other than those eligible for the commercial and
180 music video queue or the independent and emerging media
181 production queue. A qualified production that demonstrates a
182 minimum of \$625,000 in qualified expenditures is eligible for
183 tax credits equal to 20 percent of its actual qualified
184 expenditures, up to a maximum of \$8 million. A qualified
185 production that incurs qualified expenditures during multiple

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

186 state fiscal years may combine those expenditures to satisfy the
187 \$625,000 minimum threshold.

188 a. An off-season certified production that is a feature
189 film, independent film, or television series or pilot is
190 eligible for an additional 5-percent tax credit on actual
191 qualified expenditures. An off-season certified production that
192 does not complete 75 percent of principal photography due to a
193 disruption caused by a hurricane or tropical storm may not be
194 disqualified from eligibility for the additional 5-percent
195 credit as a result of the disruption.

196 b. The calculations required by this sub-subparagraph,
197 shall use only credits available to be certified and awarded on
198 or after July 1, 2011.

199 I. If less than 35% of the sum of total tax credits awarded
200 to productions and total tax credits certified but not yet
201 awarded to productions currently in this state has been to high-
202 impact television series, any qualified high-impact television
203 series shall be allowed first position in this queue for tax
204 credit awards not yet certified.

205 II. If less than 20% of the sum of total tax credits
206 awarded to productions and total tax credits certified but not
207 yet awarded to productions currently in the state has been to
208 digital media projects, any digital media project shall be
209 allowed first position in this queue for tax credit awards not
210 yet certified.

211 III. For the purposes of determining position between a
212 high-impact television series allowed first position and a
213 digital media project allowed first position pursuant to this

Amendment No.

214 sub-subparagraph, tax credits shall be awarded on a first-come,
215 first-serve basis.

216 c. A qualified production which incurs at least 85 percent
217 of its qualified expenditures within a region designated as an
218 underutilized region at the time the production is certified is
219 eligible for an additional 5 percent tax credit.

220 d. Any qualified production which employs students
221 enrolled full-time in a film-and-entertainment-related or
222 digital-media-related course of study at an institution of
223 higher education in this state is eligible for an additional 15
224 percent credit on those qualified expenditures that are wages,
225 salaries, or other compensation paid to such students.

226 e. A qualified production for which fifty percent or more
227 of its principal photography occurs at a qualified production
228 facility is eligible for an additional 5 percent tax credit on
229 actual qualified expenditures.

230 2. Commercial and music video queue.—Three percent of tax
231 credits authorized pursuant to subsection (6) in any state
232 fiscal year must be dedicated to the commercial and music video
233 queue. A qualified production company that produces national or
234 regional commercials or music videos may be eligible for a tax
235 credit award if it demonstrates a minimum of \$100,000 in
236 qualified expenditures per national or regional commercial or
237 music video and exceeds a combined threshold of \$500,000 after
238 combining actual qualified expenditures from qualified
239 commercials and music videos during a single state fiscal year.
240 After a qualified production company that produces commercials,
241 music videos, or both reaches the threshold of \$500,000, it is

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

242 eligible to apply for certification for a tax credit award. The
243 maximum credit award shall be equal to 20 percent of its actual
244 qualified expenditures up to a maximum of \$500,000. If there is
245 a surplus at the end of a fiscal year after the Office of Film
246 and Entertainment certifies and determines the tax credits for
247 all qualified commercial and video projects, such surplus tax
248 credits shall be carried forward to the following fiscal year
249 and be available to any eligible qualified productions under the
250 general production queue.

251 3. Independent and emerging media production queue.—Three
252 percent of tax credits authorized pursuant to subsection (6) in
253 any state fiscal year must be dedicated to the independent and
254 emerging media production queue. This queue is intended to
255 encourage Florida independent film and emerging media
256 production. Any qualified production, excluding commercials,
257 infomercials, or music videos, that demonstrates at least
258 \$100,000, but not more than \$625,000, in total qualified
259 expenditures is eligible for tax credits equal to 20 percent of
260 its actual qualified expenditures. If a surplus exists at the
261 end of a fiscal year after the Office of Film and Entertainment
262 certifies and determines the tax credits for all qualified
263 independent and emerging media production projects, such surplus
264 tax credits shall be carried forward to the following fiscal
265 year and be available to any eligible qualified productions
266 under the general production queue.

267 4. Family-friendly productions.—A certified theatrical or
268 direct-to-video motion picture production or video game
269 determined by the Commissioner of Film and Entertainment, with

Amendment No.

270 the advice of the Florida Film and Entertainment Advisory
271 Council, to be family-friendly, based on the review of the
272 script and the review of the final release version, is eligible
273 for an additional tax credit equal to 5 percent of its actual
274 qualified expenditures. Family-friendly productions are those
275 that have cross-generational appeal; would be considered
276 suitable for viewing by children age 5 or older; are appropriate
277 in theme, content, and language for a broad family audience;
278 embody a responsible resolution of issues; and do not exhibit or
279 imply any act of smoking, sex, nudity, or vulgar or profane
280 language.

281 (c) Withdrawal of tax credit eligibility.—A qualified or
282 certified production must continue on a reasonable schedule,
283 which includes beginning principal photography or the production
284 project in this state no more than 45 calendar days before or
285 after the principal photography or project start date provided
286 in the production's program application. The Office of Tourism,
287 Trade, and Economic Development shall withdraw the eligibility
288 of a qualified or certified production that does not continue on
289 a reasonable schedule.

290 (d) Election and distribution of tax credits.—

291 1. A certified production company receiving a tax credit
292 award under this section shall, at the time the credit is
293 awarded by the Office of Tourism, Trade, and Economic
294 Development after production is completed and all requirements
295 to receive a credit award have been met, make an irrevocable
296 election to apply the credit against taxes due under chapter
297 220, against state taxes collected or accrued under chapter 212,

Amendment No.

298 or against a stated combination of the two taxes. The election
299 is binding upon any distributee, successor, transferee, or
300 purchaser. The Office of Tourism, Trade, and Economic
301 Development shall notify the Department of Revenue of any
302 election made pursuant to this paragraph.

303 2. A qualified production company is eligible for tax
304 credits against its sales and use tax liabilities and corporate
305 income tax liabilities as provided in this section. However, tax
306 credits awarded under this section may not be claimed against
307 sales and use tax liabilities or corporate income tax
308 liabilities for any tax period beginning before July 1, 2011,
309 regardless of when the credits are applied for or awarded.

310 (e) Tax credit carryforward.—If the certified production
311 company cannot use the entire tax credit in the taxable year or
312 reporting period in which the credit is awarded, any excess
313 amount may be carried forward to a succeeding taxable year or
314 reporting period. A tax credit applied against taxes imposed
315 under chapter 212 may be carried forward for a maximum of 5
316 years after the date the credit is awarded. A tax credit applied
317 against taxes imposed under chapter 220 may be carried forward
318 for a maximum of 5 years after the date the credit is awarded,
319 after which the credit expires and may not be used.

320 (f) Consolidated returns.—A certified production company
321 that files a Florida consolidated return as a member of an
322 affiliated group under s. 220.131(1) may be allowed the credit
323 on a consolidated return basis up to the amount of the tax
324 imposed upon the consolidated group under chapter 220.

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

325 (g) Partnership and noncorporate distributions.—A
326 qualified production company that is not a corporation as
327 defined in s. 220.03 may elect to distribute tax credits awarded
328 under this section to its partners or members in proportion to
329 their respective distributive income or loss in the taxable year
330 in which the tax credits were awarded.

331 (h) Mergers or acquisitions.—Tax credits available under
332 this section to a certified production company may succeed to a
333 surviving or acquiring entity subject to the same conditions and
334 limitations as described in this section; however, they may not
335 be transferred again by the surviving or acquiring entity.

336 (7) ANNUAL ALLOCATION OF TAX CREDITS.—

337 (a) The aggregate amount of the tax credits that may be
338 certified pursuant to paragraph (3)(d) may not exceed:

- 339 1. For fiscal year 2010-2011, \$53.5 million.
340 2. For fiscal year 2011-2012, \$74.5 million.
341 3. For fiscal years 2012-2013, 2013-2014, and 2014-2015,
342 ~~\$38~~ \$50 million per fiscal year.

343 (b) Any portion of the maximum amount of tax credits
344 established per fiscal year in paragraph (a) that is not
345 certified as of the end of a fiscal year shall be carried
346 forward and made available for certification during the
347 following 2 fiscal years in addition to the amounts available
348 for certification under paragraph (a) for those fiscal years.

349 (c) Upon approval of the final tax credit award amount
350 pursuant to subparagraph (3)(f)2., an amount equal to the
351 difference between the maximum tax credit award amount
352 previously certified under paragraph (3)(d) and the approved

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

353 final tax credit award amount shall immediately be available for
354 recertification during the current and following fiscal years in
355 addition to the amounts available for certification under
356 paragraph (a) for those fiscal years.

357 (d) If during a fiscal year, the total amount of credits
358 applied for, pursuant to paragraph (3) (a), exceeds the amount of
359 credits available for certification in that fiscal year, such
360 excess shall be treated as having been applied for on the first
361 day of the next fiscal year in which credits remain available
362 for certification.

363 Section 16. Subsection (5) of section 288.1258, Florida
364 Statutes, is amended to read:

365 288.1258 Entertainment industry qualified production
366 companies; application procedure; categories; duties of the
367 Department of Revenue; records and reports.--

368 (5) RELATIONSHIP OF TAX EXEMPTIONS AND INCENTIVES TO
369 INDUSTRY GROWTH; REPORT TO THE LEGISLATURE.--The Office of Film
370 and Entertainment shall keep annual records from the information
371 provided on taxpayer applications for tax exemption certificates
372 beginning January 1, 2001. ~~These records shall reflect a ratio~~
373 ~~of the annual amount of sales and use tax exemptions under this~~
374 ~~section and incentives awarded pursuant to s. 288.1254 to the~~
375 ~~estimated amount of funds expended by certified productions,~~
376 ~~including productions that received incentives pursuant to s.~~
377 ~~288.1254.~~ These records also shall reflect a separate ratio of
378 the annual amount of sales and use tax exemptions under this
379 section, plus the incentives awarded pursuant to s. 288.1254 to
380 the estimated amount of funds expended by certified productions.

Amendment No.

381 In addition, the office shall maintain data showing annual
382 growth in Florida-based entertainment industry companies and
383 entertainment industry employment and wages. The employment
384 information shall include an estimate of the full time
385 equivalent positions created by each production that received
386 tax credits pursuant to s. 288.1254. The Office of Film and
387
388
389

390 -----
391 **D I R E C T O R Y A M E N D M E N T**

392 Remove lines 462-463 and insert:

393 Section 15. Subsections (1), (3), (4), and (7) of section
394 288.1254, Florida Statutes, are amended to read:
395
396

397 -----
398 **T I T L E A M E N D M E N T**

399 Remove lines 27-28 and insert:

400 F.S.; providing definitions, revising criteria for awarding tax
401 credits, revising application procedures; and increasing the
402 amount of credits

COMMITTEE/SUBCOMMITTEE AMENDMENT

PCB Name: PCB FTC 11-03 (2011)

Amendment No.

- 19 (a) Quick-response training for economic development
20 pursuant to s. 288.047;
- 21 (b) Incumbent Worker Training Program pursuant to s.
22 445.003;
- 23 (c) Contracts for transportation projects pursuant to s.
24 288.063;
- 25 (d) Qualified defense contractor and space flight business
26 tax refund program pursuant to s. 288.1045;
- 27 (e) Tax refund program for qualified target industry
28 businesses pursuant to s. 288.106;
- 29 (f) Brownfield redevelopment bonus refunds pursuant to s.
30 288.107;
- 31 (g) High-impact business pursuant to s. 288.108;
- 32 (h) Quick Action Closing Fund pursuant to s. 288.1088;
- 33 (i) Innovation Incentive Program pursuant to s. 288.1089;
- 34 (j) Space Florida for business development.
- 35 Section 24. This act shall take effect July 1, 2011,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 143 (2011)

Amendment No. 01

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
2 Representative(s) Workman offered the following:

3

4 **Amendment**

5 Remove lines 181-183 and insert:

6 (5) ANNUAL LIMIT ON TAX CREDITS.—The total amount of
7 credits that may be granted under this section is \$2 million. A
8 credit that is claimed after the \$2 million

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 143 (2011)

Amendment No. 02

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	—	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	<input checked="" type="checkbox"/>	<input type="checkbox"/> (Y) <input type="checkbox"/> (N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
2 Representative(s) Workman offered the following:

3
4
5
6

Amendment

Remove line 237 and insert:
and (3)(c) and subsection (8), expires December 31, 2013. An

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 381 (2011)

Amendment No. 01

COUNCIL/COMMITTEE ACTION

ADOPTED ___ (Y/N)
ADOPTED AS AMENDED ___ (Y/N)
ADOPTED W/O OBJECTION ___ (Y/N)
FAILED TO ADOPT ___ (Y/N)
WITHDRAWN ✓ (Y/N)
OTHER ___

1 Council/Committee hearing bill: Finance & Tax Committee
2 Representative(s) Dorworth offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the resolving clause and insert:
6 That the following amendments to Sections 4 and 6 of Article VII
7 and the creation of Sections 32 and 33 of Article XII of the
8 State Constitution are agreed to and shall be submitted to the
9 electors of this state for approval or rejection at the next
10 general election or at an earlier special election specifically
11 authorized by law for that purpose:

12 ARTICLE VII

13 FINANCE AND TAXATION

14 SECTION 4. Taxation; assessments.—By general law
15 regulations shall be prescribed which shall secure a just
16 valuation of all property for ad valorem taxation, provided:

17 (a) Agricultural land, land producing high water recharge
18 to Florida's aquifers, or land used exclusively for

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 381 (2011)

Amendment No.

19 noncommercial recreational purposes may be classified by general
20 law and assessed solely on the basis of character or use.

21 (b) As provided by general law and subject to conditions,
22 limitations, and reasonable definitions specified therein, land
23 used for conservation purposes shall be classified by general
24 law and assessed solely on the basis of character or use.

25 (c) Pursuant to general law tangible personal property
26 held for sale as stock in trade and livestock may be valued for
27 taxation at a specified percentage of its value, may be
28 classified for tax purposes, or may be exempted from taxation.

29 (d) All persons entitled to a homestead exemption under
30 Section 6 ~~of this Article~~ shall have their homestead assessed at
31 just value as of January 1 of the year following the effective
32 date of this amendment. This assessment shall change only as
33 provided in this subsection.

34 (1) Assessments subject to this subsection shall be
35 changed annually on January 1 ~~1st~~ of each year; but those
36 changes in assessments shall not exceed the lower of the
37 following:

38 a. Three percent ~~(3%)~~ of the assessment for the prior
39 year.

40 b. The percent change in the Consumer Price Index for all
41 urban consumers, U.S. City Average, all items 1967=100, or
42 successor reports for the preceding calendar year as initially
43 reported by the United States Department of Labor, Bureau of
44 Labor Statistics.

45 (2) No assessment shall exceed just value.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 381 (2011)

Amendment No.

46 (3) After any change of ownership, as provided by general
47 law, homestead property shall be assessed at just value as of
48 January 1 of the following year, unless the provisions of
49 paragraph (8) apply. Thereafter, the homestead shall be assessed
50 as provided in this subsection.

51 (4) New homestead property shall be assessed at just value
52 as of January 1 ~~1st~~ of the year following the establishment of
53 the homestead, unless the provisions of paragraph (8) apply.
54 That assessment shall only change as provided in this
55 subsection.

56 (5) Changes, additions, reductions, or improvements to
57 homestead property shall be assessed as provided for by general
58 law; provided, however, after the adjustment for any change,
59 addition, reduction, or improvement, the property shall be
60 assessed as provided in this subsection.

61 (6) In the event of a termination of homestead status, the
62 property shall be assessed as provided by general law.

63 (7) The provisions of this amendment are severable. If any
64 of the provisions of this amendment shall be held
65 unconstitutional by any court of competent jurisdiction, the
66 decision of such court shall not affect or impair any remaining
67 provisions of this amendment.

68 (8)a. A person who establishes a new homestead as of
69 January 1, 2009, or January 1 of any subsequent year and who has
70 received a homestead exemption pursuant to Section 6 ~~of this~~
71 ~~Article~~ as of January 1 of either of the 2 ~~two~~ years immediately
72 preceding the establishment of the new homestead is entitled to
73 have the new homestead assessed at less than just value. If this

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 381 (2011)

Amendment No.

74 revision is approved in January of 2008, a person who
75 establishes a new homestead as of January 1, 2008, is entitled
76 to have the new homestead assessed at less than just value only
77 if that person received a homestead exemption on January 1,
78 2007. The assessed value of the newly established homestead
79 shall be determined as follows:

80 1. If the just value of the new homestead is greater than
81 or equal to the just value of the prior homestead as of January
82 1 of the year in which the prior homestead was abandoned, the
83 assessed value of the new homestead shall be the just value of
84 the new homestead minus an amount equal to the lesser of
85 \$500,000 or the difference between the just value and the
86 assessed value of the prior homestead as of January 1 of the
87 year in which the prior homestead was abandoned. Thereafter, the
88 homestead shall be assessed as provided in this subsection.

89 2. If the just value of the new homestead is less than the
90 just value of the prior homestead as of January 1 of the year in
91 which the prior homestead was abandoned, the assessed value of
92 the new homestead shall be equal to the just value of the new
93 homestead divided by the just value of the prior homestead and
94 multiplied by the assessed value of the prior homestead.

95 However, if the difference between the just value of the new
96 homestead and the assessed value of the new homestead calculated
97 pursuant to this sub-subparagraph is greater than \$500,000, the
98 assessed value of the new homestead shall be increased so that
99 the difference between the just value and the assessed value
100 equals \$500,000. Thereafter, the homestead shall be assessed as
101 provided in this subsection.

Amendment No.

102 b. By general law and subject to conditions specified
103 therein, the legislature shall provide for application of this
104 paragraph to property owned by more than one person.

105 (e) The legislature may, by general law, for assessment
106 purposes and subject to the provisions of this subsection, allow
107 counties and municipalities to authorize by ordinance that
108 historic property may be assessed solely on the basis of
109 character or use. Such character or use assessment shall apply
110 only to the jurisdiction adopting the ordinance. The
111 requirements for eligible properties must be specified by
112 general law.

113 (f) A county may, in the manner prescribed by general law,
114 provide for a reduction in the assessed value of homestead
115 property to the extent of any increase in the assessed value of
116 that property which results from the construction or
117 reconstruction of the property for the purpose of providing
118 living quarters for one or more natural or adoptive grandparents
119 or parents of the owner of the property or of the owner's spouse
120 if at least one of the grandparents or parents for whom the
121 living quarters are provided is 62 years of age or older. Such a
122 reduction may not exceed the lesser of the following:

123 (1) The increase in assessed value resulting from
124 construction or reconstruction of the property.

125 (2) Twenty percent of the total assessed value of the
126 property as improved.

127 (g) For all levies other than school district levies,
128 assessments of residential real property, as defined by general
129 law, which contains nine units or fewer and which is not subject

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 381 (2011)

Amendment No.

130 to the assessment limitations set forth in subsections (a)
131 through (d) shall change only as provided in this subsection.

132 (1) Assessments subject to this subsection shall be
133 changed annually on the date of assessment provided by law; but
134 those changes in assessments shall not exceed 3 ~~ten~~ percent
135 ~~(10%)~~ of the assessment for the prior year.

136 (2) No assessment shall exceed just value.

137 (3) After a change of ownership or control, as defined by
138 general law, including any change of ownership of a legal entity
139 that owns the property, such property shall be assessed at just
140 value as of the next assessment date. Thereafter, such property
141 shall be assessed as provided in this subsection.

142 (4) Changes, additions, reductions, or improvements to
143 such property shall be assessed as provided for by general law;
144 however, after the adjustment for any change, addition,
145 reduction, or improvement, the property shall be assessed as
146 provided in this subsection.

147 (h) For all levies other than school district levies,
148 assessments of real property that is not subject to the
149 assessment limitations set forth in subsections (a) through (d)
150 and (g) shall change only as provided in this subsection.

151 (1) Assessments subject to this subsection shall be
152 changed annually on the date of assessment provided by law; but
153 those changes in assessments shall not exceed 3 ~~ten~~ percent ~~(10%)~~
154 of the assessment for the prior year.

155 (2) No assessment shall exceed just value.

156 (3) The legislature must provide that such property shall
157 be assessed at just value as of the next assessment date after a

Amendment No.

158 qualifying improvement, as defined by general law, is made to
159 such property. Thereafter, such property shall be assessed as
160 provided in this subsection.

161 (4) The legislature may provide that such property shall
162 be assessed at just value as of the next assessment date after a
163 change of ownership or control, as defined by general law,
164 including any change of ownership of the legal entity that owns
165 the property. Thereafter, such property shall be assessed as
166 provided in this subsection.

167 (5) Changes, additions, reductions, or improvements to
168 such property shall be assessed as provided for by general law;
169 however, after the adjustment for any change, addition,
170 reduction, or improvement, the property shall be assessed as
171 provided in this subsection.

172 (i) The legislature, by general law and subject to
173 conditions specified therein, may prohibit the consideration of
174 the following in the determination of the assessed value of real
175 property used for residential purposes:

176 (1) Any change or improvement made for the purpose of
177 improving the property's resistance to wind damage.

178 (2) The installation of a renewable energy source device.

179 (j)(1) The assessment of the following working waterfront
180 properties shall be based upon the current use of the property:

181 a. Land used predominantly for commercial fishing
182 purposes.

183 b. Land that is accessible to the public and used for
184 vessel launches into waters that are navigable.

185 c. Marinas and drystacks that are open to the public.

Amendment No.

186 d. Water-dependent marine manufacturing facilities,
187 commercial fishing facilities, and marine vessel construction
188 and repair facilities and their support activities.

189 (2) The assessment benefit provided by this subsection is
190 subject to conditions and limitations and reasonable definitions
191 as specified by the legislature by general law.

192 SECTION 6. Homestead exemptions.-

193 (a) Every person who has the legal or equitable title to
194 real estate and maintains thereon the permanent residence of the
195 owner, or another legally or naturally dependent upon the owner,
196 shall be exempt from taxation thereon, except assessments for
197 special benefits, up to the assessed valuation of \$25,000
198 ~~twenty-five thousand dollars~~ and, for all levies other than
199 school district levies, on the assessed valuation greater than
200 \$50,000 ~~fifty thousand dollars~~ and up to \$75,000 ~~seventy-five~~
201 ~~thousand dollars~~, upon establishment of right thereto in the
202 manner prescribed by law. The real estate may be held by legal
203 or equitable title, by the entirety, jointly, in common, as a
204 condominium, or indirectly by stock ownership or membership
205 representing the owner's or member's proprietary interest in a
206 corporation owning a fee or a leasehold initially in excess of
207 98 ~~ninety-eight~~ years. The exemption shall not apply with
208 respect to any assessment roll until such roll is first
209 determined to be in compliance with the provisions of Section 4
210 by a state agency designated by general law. This exemption is
211 repealed on the effective date of any amendment to this Article
212 which provides for the assessment of homestead property at less
213 than just value.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 381 (2011)

Amendment No.

214 (b) Not more than one exemption shall be allowed any
215 individual or family unit or with respect to any residential
216 unit. No exemption shall exceed the value of the real estate
217 assessable to the owner or, in case of ownership through stock
218 or membership in a corporation, the value of the proportion
219 which the interest in the corporation bears to the assessed
220 value of the property.

221 (c) By general law and subject to conditions specified
222 therein, the legislature may provide to renters, who are
223 permanent residents, ad valorem tax relief on all ad valorem tax
224 levies. Such ad valorem tax relief shall be in the form and
225 amount established by general law.

226 (d) The legislature may, by general law, allow counties or
227 municipalities, for the purpose of their respective tax levies
228 and subject to the provisions of general law, to grant an
229 additional homestead tax exemption not exceeding \$50,000 ~~fifty~~
230 ~~thousand dollars~~ to any person who has the legal or equitable
231 title to real estate and maintains thereon the permanent
232 residence of the owner and who has attained age 65 ~~sixty-five~~
233 and whose household income, as defined by general law, does not
234 exceed \$20,000 ~~twenty thousand dollars~~. The general law must
235 allow counties and municipalities to grant this additional
236 exemption, within the limits prescribed in this subsection, by
237 ordinance adopted in the manner prescribed by general law, and
238 must provide for the periodic adjustment of the income
239 limitation prescribed in this subsection for changes in the cost
240 of living.

COUNCIL/COMMITTEE AMENDMENT

Bill No. HJR 381 (2011)

Amendment No.

241 (e) Each veteran who is age 65 or older who is partially
242 or totally permanently disabled shall receive a discount from
243 the amount of the ad valorem tax otherwise owed on homestead
244 property the veteran owns and resides in if the disability was
245 combat related, the veteran was a resident of this state at the
246 time of entering the military service of the United States, and
247 the veteran was honorably discharged upon separation from
248 military service. The discount shall be in a percentage equal to
249 the percentage of the veteran's permanent, service-connected
250 disability as determined by the United States Department of
251 Veterans Affairs. To qualify for the discount granted by this
252 subsection, an applicant must submit to the county property
253 appraiser, by March 1, proof of residency at the time of
254 entering military service, an official letter from the United
255 States Department of Veterans Affairs stating the percentage of
256 the veteran's service-connected disability and such evidence
257 that reasonably identifies the disability as combat related, and
258 a copy of the veteran's honorable discharge. If the property
259 appraiser denies the request for a discount, the appraiser must
260 notify the applicant in writing of the reasons for the denial,
261 and the veteran may reapply. The legislature may, by general
262 law, waive the annual application requirement in subsequent
263 years. This subsection shall take effect December 7, 2006, is
264 self-executing, and does not require implementing legislation.

265 (f) As provided by general law and subject to conditions
266 specified therein, every person who establishes the right to
267 receive the homestead exemption provided in subsection (a)
268 within 1 year after purchasing the homestead property and who

Amendment No.

269 has not owned property in the previous 3 years to which the
270 homestead exemption provided in subsection (a) applied is
271 entitled to an additional homestead exemption in an amount equal
272 to 50 percent of the homestead property's just value on January
273 1 of the year the homestead is established for all levies other
274 than school district levies. The additional exemption shall
275 apply for a period of 5 years or until the year the property is
276 sold, whichever occurs first. The amount of the additional
277 exemption shall not exceed \$200,000 and shall be reduced in each
278 subsequent year by an amount equal to 20 percent of the amount
279 of the additional exemption received in the year the homestead
280 was established or by an amount equal to the difference between
281 the just value of the property and the assessed value of the
282 property determined under Section 4(d), whichever is greater.
283 Not more than one exemption provided under this subsection shall
284 be allowed per homestead property. The additional exemption
285 shall apply to property purchased on or after January 1, 2011,
286 but shall not be available in the sixth and subsequent years
287 after the additional exemption is first received.

288 ARTICLE XII

289 SCHEDULE

290 SECTION 32. Property tax limit for nonhomestead property.-
291 This section and the amendment to Section 4 of Article VII
292 reducing the limit on the maximum annual increase in the
293 assessed value of nonhomestead property from 10 percent to 3
294 percent shall take effect January 1, 2012.

295 SECTION 33. Additional homestead exemption for new owners
296 of homestead property.-This section and the amendment to Section

Amendment No.

297 6 of Article VII providing for an additional homestead exemption
298 for new owners of homestead property who have not owned
299 homestead property during the immediately preceding 3 years
300 shall take effect January 1, 2012, and the additional homestead
301 exemption shall be available for properties purchased on or
302 after January 1, 2011.

303 BE IT FURTHER RESOLVED that the following statement be
304 placed on the ballot:

305 CONSTITUTIONAL AMENDMENT

306 ARTICLE VII, SECTIONS 4, 6

307 ARTICLE XII, SECTIONS 32, 33

308 PROPERTY ASSESSMENT; NONHOMESTEAD INCREASE LIMITATION
309 REDUCTION; NEW HOMESTEAD OWNERS' ADDITIONAL EXEMPTION.-

310 (1) This amendment reduces from 10 percent to 3 percent
311 the limitation on annual increases in assessments of
312 nonhomestead real property and provides an effective date of
313 January 1, 2012

314 (2) This amendment also provides new owners of homestead
315 property who have not owned homestead property during the
316 immediately preceding 3 years with an additional homestead
317 exemption equal to 50 percent of the property's just value in
318 the first year for all levies other than school district levies,
319 limited to \$200,000; applies the additional exemption for the
320 shorter of 5 years or the year of sale of the property; reduces
321 the amount of the additional exemption in each succeeding year
322 for 5 years by the greater of 20 percent of the amount of the
323 initial additional exemption or the difference between the just
324 value and the assessed value of the property; limits the

Amendment No.

325 additional exemption to one per homestead property; limits the
326 additional exemption to properties purchased on or after January
327 1, 2011; prohibits availability of the additional exemption in
328 the sixth and subsequent years after the additional exemption is
329 granted; and provides for the amendment to take effect January
330 1, 2012, and apply to properties purchased on or after January
331 1, 2011.

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T I T L E A M E N D M E N T

337

Remove the entire title and insert:

338

A joint resolution proposing amendments to Sections 4 and
339 6 of Article VII and the creation of Sections 32 and 33 of
340 Article XII of the State Constitution to reduce the
341 limitation on annual assessment increases applicable to
342 nonhomestead real property, provide an additional
343 homestead exemption for new owners of homestead property
344 and application and limitations with respect thereto, and
345 provide effective dates.

346

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No. 02

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION _____ (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Economic Affairs Committee
2 Representative Dorworth offered the following:

3
4 **Amendment (with title amendment)**

5 Remove everything after the resolving clause and insert:

6 That the following amendments to Sections 4 and 6 of
7 Article VII and Section 27 of Article XII and the creation of
8 Sections 32 and 33 of Article XII of the State Constitution are
9 agreed to and shall be submitted to the electors of this state
10 for approval or rejection at the next general election or at an
11 earlier special election specifically authorized by law for that
12 purpose:

13 **ARTICLE VII**

14 **FINANCE AND TAXATION**

15 **SECTION 4. Taxation; assessments.**—By general law
16 regulations shall be prescribed which shall secure a just
17 valuation of all property for ad valorem taxation, provided:

18 (a) Agricultural land, land producing high water recharge
19 to Florida's aquifers, or land used exclusively for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

20 noncommercial recreational purposes may be classified by general
21 law and assessed solely on the basis of character or use.

22 (b) As provided by general law and subject to conditions,
23 limitations, and reasonable definitions specified therein, land
24 used for conservation purposes shall be classified by general
25 law and assessed solely on the basis of character or use.

26 (c) Pursuant to general law tangible personal property
27 held for sale as stock in trade and livestock may be valued for
28 taxation at a specified percentage of its value, may be
29 classified for tax purposes, or may be exempted from taxation.

30 (d) All persons entitled to a homestead exemption under
31 Section 6 ~~of this Article~~ shall have their homestead assessed at
32 ~~just value as of January 1 of the year following the effective~~
33 ~~date of this amendment. This assessment shall change only as~~
34 provided in this subsection.

35 (1) Assessments subject to this subsection shall change be
36 ~~changed~~ annually on January 1 ~~1st~~ of each year; but those
37 changes in assessments may ~~shall~~ not exceed the lower of the
38 following:

39 a. Three percent ~~(3%)~~ of the assessment for the prior
40 year.

41 b. The percent change in the Consumer Price Index for all
42 urban consumers, U.S. City Average, all items 1967=100, or a
43 successor index ~~reports~~ for the preceding calendar year as
44 initially reported by the United States Department of Labor,
45 Bureau of Labor Statistics.

46 (2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

47 (3) After a ~~any~~ change of ownership, as provided by
48 general law, homestead property shall be assessed at just value
49 as of January 1 of the following year, unless the provisions of
50 paragraph (8) apply. Thereafter, the homestead shall be assessed
51 as provided in this subsection.

52 (4) New homestead property shall be assessed at just value
53 as of January 1 ~~1st~~ of the year following the establishment of
54 the homestead, unless the provisions of paragraph (8) apply.
55 That assessment shall ~~only~~ change only as provided in this
56 subsection.

57 (5) Changes, additions, reductions, or improvements to
58 homestead property shall be assessed as provided for by general
59 law. ~~provided,~~ However, after the adjustment for any change,
60 addition, reduction, or improvement, the property shall be
61 assessed as provided in this subsection.

62 (6) In the event of a termination of homestead status, the
63 property shall be assessed as provided by general law.

64 (7) The provisions of this subsection ~~amendment~~ are
65 severable. If a provision ~~any of the provisions~~ of this
66 subsection is ~~amendment shall be~~ held unconstitutional by a ~~any~~
67 court of competent jurisdiction, the decision of the ~~such~~ court
68 does shall not affect or impair any remaining provisions of this
69 subsection ~~amendment~~.

70 (8)a. A person who ~~establishes a new homestead as of~~
71 ~~January 1, 2009, or January 1 of any subsequent year and who has~~
72 received a homestead exemption pursuant to Section 6 ~~of this~~
73 ~~Article~~ as of January 1 of either of the 2 ~~two~~ years immediately
74 preceding the establishment of a ~~the~~ new homestead is entitled

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

75 to have the new homestead assessed at less than just value. ~~If~~
76 ~~this revision is approved in January of 2008, a person who~~
77 ~~establishes a new homestead as of January 1, 2008, is entitled~~
78 ~~to have the new homestead assessed at less than just value only~~
79 ~~if that person received a homestead exemption on January 1,~~
80 ~~2007.~~ The assessed value of the newly established homestead
81 shall be determined as follows:

82 1. If the just value of the new homestead is greater than
83 or equal to the just value of the prior homestead as of January
84 1 of the year in which the prior homestead was abandoned, the
85 assessed value of the new homestead shall be the just value of
86 the new homestead minus an amount equal to the lesser of
87 \$500,000 or the difference between the just value and the
88 assessed value of the prior homestead as of January 1 of the
89 year in which the prior homestead was abandoned. Thereafter, the
90 homestead shall be assessed as provided in this subsection.

91 2. If the just value of the new homestead is less than the
92 just value of the prior homestead as of January 1 of the year in
93 which the prior homestead was abandoned, the assessed value of
94 the new homestead shall be equal to the just value of the new
95 homestead divided by the just value of the prior homestead and
96 multiplied by the assessed value of the prior homestead.
97 However, if the difference between the just value of the new
98 homestead and the assessed value of the new homestead calculated
99 pursuant to this sub-subparagraph is greater than \$500,000, the
100 assessed value of the new homestead shall be increased so that
101 the difference between the just value and the assessed value

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

102 equals \$500,000. Thereafter, the homestead shall be assessed as
103 provided in this subsection.

104 b. By general law and subject to conditions specified
105 therein, the legislature shall provide for application of this
106 paragraph to property owned by more than one person.

107 (e) The legislature may, by general law, for assessment
108 purposes and subject to the provisions of this subsection, allow
109 counties and municipalities to authorize by ordinance that
110 historic property may be assessed solely on the basis of
111 character or use. Such character or use assessment shall apply
112 only to the jurisdiction adopting the ordinance. The
113 requirements for eligible properties must be specified by
114 general law.

115 (f) A county may, in the manner prescribed by general law,
116 provide for a reduction in the assessed value of homestead
117 property to the extent of any increase in the assessed value of
118 that property which results from the construction or
119 reconstruction of the property for the purpose of providing
120 living quarters for one or more natural or adoptive grandparents
121 or parents of the owner of the property or of the owner's spouse
122 if at least one of the grandparents or parents for whom the
123 living quarters are provided is 62 years of age or older. Such a
124 reduction may not exceed the lesser of the following:

125 (1) The increase in assessed value resulting from
126 construction or reconstruction of the property.

127 (2) Twenty percent of the total assessed value of the
128 property as improved.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

129 (g) For all levies other than school district levies,
130 assessments of residential real property, as defined by general
131 law, which contains nine units or fewer and which is not subject
132 to the assessment limitations set forth in subsections (a)
133 through (d) shall change only as provided in this subsection.

134 (1) Assessments subject to this subsection shall be
135 changed annually on the date of assessment provided by law.
136 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
137 3 ~~ten~~ percent ~~(10%)~~ of the assessment for the prior year.

138 (2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

139 (3) After a change of ownership or control, as defined by
140 general law, including any change of ownership of a legal entity
141 that owns the property, such property shall be assessed at just
142 value as of the next assessment date. Thereafter, such property
143 shall be assessed as provided in this subsection.

144 (4) Changes, additions, reductions, or improvements to
145 such property shall be assessed as provided for by general law.
146 However, after the adjustment for any change, addition,
147 reduction, or improvement, the property shall be assessed as
148 provided in this subsection.

149 (h) For all levies other than school district levies,
150 assessments of real property that is not subject to the
151 assessment limitations set forth in subsections (a) through (d)
152 and (g) shall change only as provided in this subsection.

153 (1) Assessments subject to this subsection shall be
154 changed annually on the date of assessment provided by law.
155 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
156 3 ~~ten~~ percent ~~(10%)~~ of the assessment for the prior year.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

157 (2) ~~An~~ ~~Ne~~ assessment may not shall exceed just value.

158 (3) The legislature must provide that such property shall
159 be assessed at just value as of the next assessment date after a
160 qualifying improvement, as defined by general law, is made to
161 such property. Thereafter, such property shall be assessed as
162 provided in this subsection.

163 (4) The legislature may provide that such property shall
164 be assessed at just value as of the next assessment date after a
165 change of ownership or control, as defined by general law,
166 including any change of ownership of the legal entity that owns
167 the property. Thereafter, such property shall be assessed as
168 provided in this subsection.

169 (5) Changes, additions, reductions, or improvements to
170 such property shall be assessed as provided for by general law.
171 However, after the adjustment for any change, addition,
172 reduction, or improvement, the property shall be assessed as
173 provided in this subsection.

174 (i) The legislature, by general law and subject to
175 conditions specified therein, may prohibit the consideration of
176 the following in the determination of the assessed value of real
177 property used for residential purposes:

178 (1) Any change or improvement made for the purpose of
179 improving the property's resistance to wind damage.

180 (2) The installation of a renewable energy source device.

181 (j) (1) The assessment of the following working waterfront
182 properties shall be based upon the current use of the property:

183 a. Land used predominantly for commercial fishing
184 purposes.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

185 | b. Land that is accessible to the public and used for
186 | vessel launches into waters that are navigable.

187 | c. Marinas and drystacks that are open to the public.

188 | d. Water-dependent marine manufacturing facilities,
189 | commercial fishing facilities, and marine vessel construction
190 | and repair facilities and their support activities.

191 | (2) The assessment benefit provided by this subsection is
192 | subject to conditions and limitations and reasonable definitions
193 | as specified by the legislature by general law.

194 | SECTION 6. Homestead exemptions.—

195 | (a) Every person who has the legal or equitable title to
196 | real estate and maintains thereon the permanent residence of the
197 | owner, or another legally or naturally dependent upon the owner,
198 | shall be exempt from taxation thereon, except assessments for
199 | special benefits, up to the assessed valuation of \$25,000
200 | ~~twenty-five thousand dollars~~ and, for all levies other than
201 | school district levies, on the assessed valuation greater than
202 | \$50,000 ~~fifty thousand dollars~~ and up to \$75,000 ~~seventy-five~~
203 | ~~thousand dollars~~, upon establishment of right thereto in the
204 | manner prescribed by law. The real estate may be held by legal
205 | or equitable title, by the entireties, jointly, in common, as a
206 | condominium, or indirectly by stock ownership or membership
207 | representing the owner's or member's proprietary interest in a
208 | corporation owning a fee or a leasehold initially in excess of
209 | 98 ~~ninety-eight~~ years. The exemption shall not apply with
210 | respect to any assessment roll until such roll is first
211 | determined to be in compliance with the provisions of Section 4
212 | by a state agency designated by general law. This exemption is

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

213 repealed on the effective date of any amendment to this Article
214 which provides for the assessment of homestead property at less
215 than just value.

216 (b) Not more than one exemption shall be allowed any
217 individual or family unit or with respect to any residential
218 unit. No exemption shall exceed the value of the real estate
219 assessable to the owner or, in case of ownership through stock
220 or membership in a corporation, the value of the proportion
221 which the interest in the corporation bears to the assessed
222 value of the property.

223 (c) By general law and subject to conditions specified
224 therein, the legislature may provide to renters, who are
225 permanent residents, ad valorem tax relief on all ad valorem tax
226 levies. Such ad valorem tax relief shall be in the form and
227 amount established by general law.

228 (d) The legislature may, by general law, allow counties or
229 municipalities, for the purpose of their respective tax levies
230 and subject to the provisions of general law, to grant an
231 additional homestead tax exemption not exceeding \$50,000 ~~fifty~~
232 ~~thousand dollars~~ to any person who has the legal or equitable
233 title to real estate and maintains thereon the permanent
234 residence of the owner and who has attained age 65 ~~sixty-five~~
235 and whose household income, as defined by general law, does not
236 exceed \$20,000 ~~twenty thousand dollars~~. The general law must
237 allow counties and municipalities to grant this additional
238 exemption, within the limits prescribed in this subsection, by
239 ordinance adopted in the manner prescribed by general law, and
240 must provide for the periodic adjustment of the income

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

241 limitation prescribed in this subsection for changes in the cost
242 of living.

243 (e) Each veteran who is age 65 or older who is partially
244 or totally permanently disabled shall receive a discount from
245 the amount of the ad valorem tax otherwise owed on homestead
246 property the veteran owns and resides in if the disability was
247 combat related, the veteran was a resident of this state at the
248 time of entering the military service of the United States, and
249 the veteran was honorably discharged upon separation from
250 military service. The discount shall be in a percentage equal to
251 the percentage of the veteran's permanent, service-connected
252 disability as determined by the United States Department of
253 Veterans Affairs. To qualify for the discount granted by this
254 subsection, an applicant must submit to the county property
255 appraiser, by March 1, proof of residency at the time of
256 entering military service, an official letter from the United
257 States Department of Veterans Affairs stating the percentage of
258 the veteran's service-connected disability and such evidence
259 that reasonably identifies the disability as combat related, and
260 a copy of the veteran's honorable discharge. If the property
261 appraiser denies the request for a discount, the appraiser must
262 notify the applicant in writing of the reasons for the denial,
263 and the veteran may reapply. The legislature may, by general
264 law, waive the annual application requirement in subsequent
265 years. This subsection shall take effect December 7, 2006, is
266 self-executing, and does not require implementing legislation.

267 (f) As provided by general law and subject to conditions
268 specified therein, every person who establishes the right to

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

269 receive the homestead exemption provided in subsection (a)
270 within 1 year after purchasing the homestead property and who
271 has not owned property in the previous 3 calendar years to which
272 the homestead exemption provided in subsection (a) applied is
273 entitled to an additional homestead exemption in an amount equal
274 to 50 percent of the homestead property's just value on January
275 1 of the year the homestead is established for all levies other
276 than school district levies. The additional exemption shall
277 apply for a period of 5 years or until the year the property is
278 sold, whichever occurs first. The amount of the additional
279 exemption shall not exceed \$200,000 and shall be reduced in each
280 subsequent year by an amount equal to 20 percent of the amount
281 of the additional exemption received in the year the homestead
282 was established or by an amount equal to the difference between
283 the just value of the property and the assessed value of the
284 property determined under Section 4(d), whichever is greater.
285 Not more than one exemption provided under this subsection shall
286 be allowed per homestead property. The additional exemption
287 shall apply to property purchased on or after January 1, 2011,
288 if this amendment is approved at a special election held on the
289 date of the 2012 presidential preference primary, or on or after
290 January 1, 2012, if approved at the 2012 general election, but
291 shall not be available in the sixth and subsequent years after
292 the additional exemption is first received.

293 ARTICLE XII

294 SCHEDULE

295 SECTION 27. Property tax exemptions and limitations on
296 property tax assessments.—The amendments to Sections 3, 4, and 6

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

297 of Article VII, providing a \$25,000 exemption for tangible
298 personal property, providing an additional \$25,000 homestead
299 exemption, authorizing transfer of the accrued benefit from the
300 limitations on the assessment of homestead property, and this
301 section, if submitted to the electors of this state for approval
302 or rejection at a special election authorized by law to be held
303 on January 29, 2008, shall take effect upon approval by the
304 electors and shall operate retroactively to January 1, 2008, or,
305 if submitted to the electors of this state for approval or
306 rejection at the next general election, shall take effect
307 January 1 of the year following such general election. The
308 amendments to Section 4 of Article VII creating subsections (f)
309 and (g) of that section, creating a limitation on annual
310 assessment increases for specified real property, shall take
311 effect upon approval of the electors and shall first limit
312 assessments beginning January 1, 2009, if approved at a special
313 election held on January 29, 2008, or shall first limit
314 assessments beginning January 1, 2010, if approved at the
315 general election held in November of 2008. ~~Subsections (f) and~~
316 ~~(g) of Section 4 of Article VII are repealed effective January~~
317 ~~1, 2019; however, the legislature shall by joint resolution~~
318 ~~propose an amendment abrogating the repeal of subsections (f)~~
319 ~~and (g), which shall be submitted to the electors of this state~~
320 ~~for approval or rejection at the general election of 2018 and,~~
321 ~~if approved, shall take effect January 1, 2019.~~

322 SECTION 32. Property assessments.—This section and the
323 amendment of Section 4 of Article VII reducing the limit on the
324 maximum annual increase in the assessed value of nonhomestead

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

325 property from 10 percent to 3 percent, if submitted to the
326 electors of this state for approval or rejection at a special
327 election authorized by law to be held on the date of the 2012
328 presidential preference primary, shall take effect upon approval
329 by the electors and shall operate retroactively to January 1,
330 2012, or, if submitted to the electors of this state for
331 approval or rejection at the 2012 general election, shall take
332 effect January 1, 2013.

333 SECTION 33. Additional homestead exemption for owners of
334 homestead property who recently have not owned homestead
335 property.—This section and the amendment to Section 6 of Article
336 VII providing for an additional homestead exemption for owners
337 of homestead property who have not owned homestead property
338 during the 3 calendar years immediately preceding purchase of
339 the current homestead property, if submitted to the electors of
340 this state for approval or rejection at a special election
341 authorized by law to be held on the date of the 2012
342 presidential preference primary, shall take effect upon approval
343 by the electors and operate retroactively to January 1, 2012,
344 and the additional homestead exemption shall be available for
345 properties purchased on or after January 1, 2011, or if
346 submitted to the electors of this state for approval or
347 rejection at the 2012 general election, shall take effect
348 January 1, 2013, and the additional homestead exemption shall be
349 available for properties purchased on or after January 1, 2012.

350 BE IT FURTHER RESOLVED that the following statement be
351 placed on the ballot:

352 CONSTITUTIONAL AMENDMENT

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

353 ARTICLE VII, SECTIONS 4, 6

354 ARTICLE XII, SECTIONS 27, 32, 33

355 PROPERTY ASSESSMENT; NONHOMESTEAD INCREASE LIMITATION
356 REDUCTION; ADDITIONAL HOMESTEAD EXEMPTION; SCHEDULED REPEAL
357 DELETION.—

358 (1) This amendment reduces from 10 percent to 3 percent
359 the limitation on annual increases in assessments of
360 nonhomestead real property. This amendment takes effect upon
361 approval of the voters, if approved at a special election held
362 on the date of the 2012 presidential preference primary and
363 operates retroactively to January 1, 2012, or, if approved by
364 the voters at the general election, takes effect January 1,
365 2013.

366 (2) This amendment also provides owners of homestead
367 property who have not owned homestead property during the 3
368 calendar years immediately preceding purchase of the current
369 homestead property with an additional homestead exemption equal
370 to 50 percent of the property's just value in the first year for
371 all levies other than school district levies, limited to
372 \$200,000; applies the additional exemption for the shorter of 5
373 years or the year of sale of the property; reduces the amount of
374 the additional exemption in each succeeding year for 5 years by
375 the greater of 20 percent of the amount of the initial
376 additional exemption or the difference between the just value
377 and the assessed value of the property; limits the additional
378 exemption to one per homestead property; limits the additional
379 exemption to properties purchased on or after January 1, 2011,
380 if approved by the voters at a special election held on the date

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

381 of the 2012 presidential preference primary, or on or after
382 January 1, 2012, if approved by the voters at the 2012 general
383 election; prohibits availability of the additional exemption in
384 the sixth and subsequent years after the additional exemption is
385 granted; and provides for the amendment to take effect upon
386 approval of the voters and operate retroactively to January 1,
387 2012, if approved at the special election held on the date of
388 the 2012 presidential preference primary, or on January 1, 2013,
389 if approved by the voters at the 2012 general election.

390 (3) This amendment also removes from the State
391 Constitution a repeal, scheduled to take effect in 2019, of
392 constitutional amendments adopted in 2008 that limit annual
393 assessment increases for specified nonhomestead real property.

394

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396

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T I T L E A M E N D M E N T

398

Remove the entire title and insert:

399

House Joint Resolution

400

A joint resolution proposing amendments to Sections 4 and
401 6 of Article VII and Section 27 of Article XII and the
402 creation of Sections 32 and 33 of Article XII of the State
403 Constitution to reduce the limitation on annual assessment
404 increases applicable to nonhomestead real property,
405 provide an additional homestead exemption for owners of
406 homestead property who have not owned homestead property
407 for a specified time before purchase of the current
408 homestead property, and application and limitations with

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

409 | respect thereto, delete a future repeal of provisions
410 | limiting annual assessment increases for specified
411 | nonhomestead real property, and provide effective dates.

OTC
OTC

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No. 03

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED _____ (Y/N)
ADOPTED AS AMENDED _____ (Y/N)
ADOPTED W/O OBJECTION (Y/N)
FAILED TO ADOPT _____ (Y/N)
WITHDRAWN _____ (Y/N)
OTHER _____

1 Committee/Subcommittee hearing bill: Finance and Tax Committee
2 Representative Dorworth offered the following:

4 **Amendment (with title amendment)**

5 Remove everything after the resolving clause and insert:

6 That the following amendments to Sections 4 and 6 of
7 Article VII and Section 27 of Article XII and the creation of
8 Sections 32 and 33 of Article XII of the State Constitution are
9 agreed to and shall be submitted to the electors of this state
10 for approval or rejection at the next general election or at an
11 earlier special election specifically authorized by law for that
12 purpose:

13 ARTICLE VII

14 FINANCE AND TAXATION

15 SECTION 4. Taxation; assessments.—By general law
16 regulations shall be prescribed which shall secure a just
17 valuation of all property for ad valorem taxation, provided:

18 (a) Agricultural land, land producing high water recharge
19 to Florida's aquifers, or land used exclusively for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

20 noncommercial recreational purposes may be classified by general
21 law and assessed solely on the basis of character or use.

22 (b) As provided by general law and subject to conditions,
23 limitations, and reasonable definitions specified therein, land
24 used for conservation purposes shall be classified by general
25 law and assessed solely on the basis of character or use.

26 (c) Pursuant to general law tangible personal property
27 held for sale as stock in trade and livestock may be valued for
28 taxation at a specified percentage of its value, may be
29 classified for tax purposes, or may be exempted from taxation.

30 (d) All persons entitled to a homestead exemption under
31 Section 6 ~~of this Article~~ shall have their homestead assessed at
32 ~~just value as of January 1 of the year following the effective~~
33 ~~date of this amendment. This assessment shall change only as~~
34 provided in this subsection.

35 (1) Assessments subject to this subsection shall change be
36 ~~changed~~ annually on January 1 ~~1st~~ of each year. ~~but those~~
37 ~~changes in assessments~~

38 a. A change in an assessment may shall not exceed the
39 lower of the following:

40 1.a. Three percent ~~(3%)~~ of the assessment for the prior
41 year.

42 2.b. The percent change in the Consumer Price Index for
43 all urban consumers, U.S. City Average, all items 1967=100, or a
44 successor index ~~reports~~ for the preceding calendar year as
45 initially reported by the United States Department of Labor,
46 Bureau of Labor Statistics.

Amendment No.

47 b. The Legislature may provide by general law that except
 48 for changes, additions, reductions, or improvements to homestead
 49 property assessed as provided in subsection (d) (5), an
 50 assessment may not increase if the just value of the property is
 51 less than the just value of the property on the preceding
 52 January 1.

53 (2) An ~~Ne~~ assessment may not ~~shall~~ exceed just value.

54 (3) After a any change of ownership, as provided by
 55 general law, homestead property shall be assessed at just value
 56 as of January 1 of the following year, unless the provisions of
 57 paragraph (8) apply. Thereafter, the homestead shall be assessed
 58 as provided in this subsection.

59 (4) New homestead property shall be assessed at just value
 60 as of January 1 ~~1st~~ of the year following the establishment of
 61 the homestead, unless the provisions of paragraph (8) apply.
 62 That assessment shall ~~only~~ change only as provided in this
 63 subsection.

64 (5) Changes, additions, reductions, or improvements to
 65 homestead property shall be assessed as provided for by general
 66 law. ~~provided,~~ However, after the adjustment for any change,
 67 addition, reduction, or improvement, the property shall be
 68 assessed as provided in this subsection.

69 (6) In the event of a termination of homestead status, the
 70 property shall be assessed as provided by general law.

71 (7) The provisions of this subsection ~~amendment~~ are
 72 severable. If a provision ~~any of the provisions~~ of this
 73 subsection is ~~amendment shall be~~ held unconstitutional by a any
 74 court of competent jurisdiction, the decision of the ~~such~~ court

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

75 ~~does shall~~ not affect or impair any remaining provisions of this
76 subsection amendment.

77 (8)a. A person who ~~establishes a new homestead as of~~
78 ~~January 1, 2009, or January 1 of any subsequent year and who has~~
79 received a homestead exemption pursuant to Section 6 ~~of this~~
80 ~~Article~~ as of January 1 of either of the 2 ~~two~~ years immediately
81 preceding the establishment of a ~~the~~ new homestead is entitled
82 to have the new homestead assessed at less than just value. ~~If~~
83 ~~this revision is approved in January of 2008, a person who~~
84 ~~establishes a new homestead as of January 1, 2008, is entitled~~
85 ~~to have the new homestead assessed at less than just value only~~
86 ~~if that person received a homestead exemption on January 1,~~
87 ~~2007.~~ The assessed value of the newly established homestead
88 shall be determined as follows:

89 1. If the just value of the new homestead is greater than
90 or equal to the just value of the prior homestead as of January
91 1 of the year in which the prior homestead was abandoned, the
92 assessed value of the new homestead shall be the just value of
93 the new homestead minus an amount equal to the lesser of
94 \$500,000 or the difference between the just value and the
95 assessed value of the prior homestead as of January 1 of the
96 year in which the prior homestead was abandoned. Thereafter, the
97 homestead shall be assessed as provided in this subsection.

98 2. If the just value of the new homestead is less than the
99 just value of the prior homestead as of January 1 of the year in
100 which the prior homestead was abandoned, the assessed value of
101 the new homestead shall be equal to the just value of the new
102 homestead divided by the just value of the prior homestead and

Amendment No.

103 multiplied by the assessed value of the prior homestead.
104 However, if the difference between the just value of the new
105 homestead and the assessed value of the new homestead calculated
106 pursuant to this sub-subparagraph is greater than \$500,000, the
107 assessed value of the new homestead shall be increased so that
108 the difference between the just value and the assessed value
109 equals \$500,000. Thereafter, the homestead shall be assessed as
110 provided in this subsection.

111 b. By general law and subject to conditions specified
112 therein, the legislature shall provide for application of this
113 paragraph to property owned by more than one person.

114 (e) The legislature may, by general law, for assessment
115 purposes and subject to the provisions of this subsection, allow
116 counties and municipalities to authorize by ordinance that
117 historic property may be assessed solely on the basis of
118 character or use. Such character or use assessment shall apply
119 only to the jurisdiction adopting the ordinance. The
120 requirements for eligible properties must be specified by
121 general law.

122 (f) A county may, in the manner prescribed by general law,
123 provide for a reduction in the assessed value of homestead
124 property to the extent of any increase in the assessed value of
125 that property which results from the construction or
126 reconstruction of the property for the purpose of providing
127 living quarters for one or more natural or adoptive grandparents
128 or parents of the owner of the property or of the owner's spouse
129 if at least one of the grandparents or parents for whom the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

130 living quarters are provided is 62 years of age or older. Such a
131 reduction may not exceed the lesser of the following:

132 (1) The increase in assessed value resulting from
133 construction or reconstruction of the property.

134 (2) Twenty percent of the total assessed value of the
135 property as improved.

136 (g) For all levies other than school district levies,
137 assessments of residential real property, as defined by general
138 law, which contains nine units or fewer and which is not subject
139 to the assessment limitations set forth in subsections (a)
140 through (d) shall change only as provided in this subsection.

141 (1) Assessments subject to this subsection shall be
142 changed annually on the date of assessment provided by law.
143 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
144 3 ~~ten~~ percent (~~10%~~) of the assessment for the prior year. The
145 Legislature may provide by general law that an assessment may
146 not increase if the just value of the property is less than the
147 just value of the property on the preceding date of assessment
148 provided by law.

149 (2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

150 (3) After a change of ownership or control, as defined by
151 general law, including any change of ownership of a legal entity
152 that owns the property, such property shall be assessed at just
153 value as of the next assessment date. Thereafter, such property
154 shall be assessed as provided in this subsection.

155 (4) Changes, additions, reductions, or improvements to
156 such property shall be assessed as provided for by general law.
157 However, after the adjustment for any change, addition,

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

158 reduction, or improvement, the property shall be assessed as
159 provided in this subsection.

160 (h) For all levies other than school district levies,
161 assessments of real property that is not subject to the
162 assessment limitations set forth in subsections (a) through (d)
163 and (g) shall change only as provided in this subsection.

164 (1) Assessments subject to this subsection shall be
165 changed annually on the date of assessment provided by law.
166 However, ~~but~~ those changes in assessments may ~~shall~~ not exceed
167 3 ~~ten~~ percent (~~10%~~) of the assessment for the prior year. The
168 Legislature may provide by general law that an assessment may
169 not increase if the just value of the property is less than the
170 just value of the property on the preceding date of assessment
171 provided by law.

172 (2) An ~~No~~ assessment may not ~~shall~~ exceed just value.

173 (3) The legislature must provide that such property shall
174 be assessed at just value as of the next assessment date after a
175 qualifying improvement, as defined by general law, is made to
176 such property. Thereafter, such property shall be assessed as
177 provided in this subsection.

178 (4) The legislature may provide that such property shall
179 be assessed at just value as of the next assessment date after a
180 change of ownership or control, as defined by general law,
181 including any change of ownership of the legal entity that owns
182 the property. Thereafter, such property shall be assessed as
183 provided in this subsection.

184 (5) Changes, additions, reductions, or improvements to
185 such property shall be assessed as provided for by general law. ~~†~~

Amendment No.

186 However, after the adjustment for any change, addition,
187 reduction, or improvement, the property shall be assessed as
188 provided in this subsection.

189 (i) The legislature, by general law and subject to
190 conditions specified therein, may prohibit the consideration of
191 the following in the determination of the assessed value of real
192 property used for residential purposes:

193 (1) Any change or improvement made for the purpose of
194 improving the property's resistance to wind damage.

195 (2) The installation of a renewable energy source device.

196 (j)(1) The assessment of the following working waterfront
197 properties shall be based upon the current use of the property:

198 a. Land used predominantly for commercial fishing
199 purposes.

200 b. Land that is accessible to the public and used for
201 vessel launches into waters that are navigable.

202 c. Marinas and drystacks that are open to the public.

203 d. Water-dependent marine manufacturing facilities,
204 commercial fishing facilities, and marine vessel construction
205 and repair facilities and their support activities.

206 (2) The assessment benefit provided by this subsection is
207 subject to conditions and limitations and reasonable definitions
208 as specified by the legislature by general law.

209 SECTION 6. Homestead exemptions.-

210 (a) Every person who has the legal or equitable title to
211 real estate and maintains thereon the permanent residence of the
212 owner, or another legally or naturally dependent upon the owner,
213 shall be exempt from taxation thereon, except assessments for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

214 special benefits, up to the assessed valuation of \$25,000
215 ~~twenty five thousand dollars~~ and, for all levies other than
216 school district levies, on the assessed valuation greater than
217 \$50,000 ~~fifty thousand dollars~~ and up to \$75,000 ~~seventy five~~
218 ~~thousand dollars~~, upon establishment of right thereto in the
219 manner prescribed by law. The real estate may be held by legal
220 or equitable title, by the entirety, jointly, in common, as a
221 condominium, or indirectly by stock ownership or membership
222 representing the owner's or member's proprietary interest in a
223 corporation owning a fee or a leasehold initially in excess of
224 98 ~~ninety eight~~ years. The exemption shall not apply with
225 respect to any assessment roll until such roll is first
226 determined to be in compliance with the provisions of Section 4
227 by a state agency designated by general law. This exemption is
228 repealed on the effective date of any amendment to this Article
229 which provides for the assessment of homestead property at less
230 than just value.

231 (b) Not more than one exemption shall be allowed any
232 individual or family unit or with respect to any residential
233 unit. No exemption shall exceed the value of the real estate
234 assessable to the owner or, in case of ownership through stock
235 or membership in a corporation, the value of the proportion
236 which the interest in the corporation bears to the assessed
237 value of the property.

238 (c) By general law and subject to conditions specified
239 therein, the legislature may provide to renters, who are
240 permanent residents, ad valorem tax relief on all ad valorem tax

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

241 levies. Such ad valorem tax relief shall be in the form and
242 amount established by general law.

243 (d) The legislature may, by general law, allow counties or
244 municipalities, for the purpose of their respective tax levies
245 and subject to the provisions of general law, to grant an
246 additional homestead tax exemption not exceeding \$50,000 ~~fifty~~
247 ~~thousand dollars~~ to any person who has the legal or equitable
248 title to real estate and maintains thereon the permanent
249 residence of the owner and who has attained age 65 ~~sixty-five~~
250 and whose household income, as defined by general law, does not
251 exceed \$20,000 ~~twenty thousand dollars~~. The general law must
252 allow counties and municipalities to grant this additional
253 exemption, within the limits prescribed in this subsection, by
254 ordinance adopted in the manner prescribed by general law, and
255 must provide for the periodic adjustment of the income
256 limitation prescribed in this subsection for changes in the cost
257 of living.

258 (e) Each veteran who is age 65 or older who is partially
259 or totally permanently disabled shall receive a discount from
260 the amount of the ad valorem tax otherwise owed on homestead
261 property the veteran owns and resides in if the disability was
262 combat related, the veteran was a resident of this state at the
263 time of entering the military service of the United States, and
264 the veteran was honorably discharged upon separation from
265 military service. The discount shall be in a percentage equal to
266 the percentage of the veteran's permanent, service-connected
267 disability as determined by the United States Department of
268 Veterans Affairs. To qualify for the discount granted by this

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

269 subsection, an applicant must submit to the county property
270 appraiser, by March 1, proof of residency at the time of
271 entering military service, an official letter from the United
272 States Department of Veterans Affairs stating the percentage of
273 the veteran's service-connected disability and such evidence
274 that reasonably identifies the disability as combat related, and
275 a copy of the veteran's honorable discharge. If the property
276 appraiser denies the request for a discount, the appraiser must
277 notify the applicant in writing of the reasons for the denial,
278 and the veteran may reapply. The legislature may, by general
279 law, waive the annual application requirement in subsequent
280 years. This subsection shall take effect December 7, 2006, is
281 self-executing, and does not require implementing legislation.

282 (f) As provided by general law and subject to conditions
283 specified therein, every person who establishes the right to
284 receive the homestead exemption provided in subsection (a)
285 within 1 year after purchasing the homestead property and who
286 has not owned property in the previous 3 calendar years to which
287 the homestead exemption provided in subsection (a) applied is
288 entitled to an additional homestead exemption in an amount equal
289 to 50 percent of the homestead property's just value on January
290 1 of the year the homestead is established for all levies other
291 than school district levies. The additional exemption shall
292 apply for a period of 5 years or until the year the property is
293 sold, whichever occurs first. The amount of the additional
294 exemption shall not exceed \$200,000 and shall be reduced in each
295 subsequent year by an amount equal to 20 percent of the amount
296 of the additional exemption received in the year the homestead

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

297 | was established or by an amount equal to the difference between
298 | the just value of the property and the assessed value of the
299 | property determined under Section 4(d), whichever is greater.
300 | Not more than one exemption provided under this subsection shall
301 | be allowed per homestead property. The additional exemption
302 | shall apply to property purchased on or after January 1, 2011,
303 | if this amendment is approved at a special election held on the
304 | date of the 2012 presidential preference primary, or on or after
305 | January 1, 2012, if approved at the 2012 general election, but
306 | shall not be available in the sixth and subsequent years after
307 | the additional exemption is first received.

308 | ARTICLE XII

309 | SCHEDULE

310 | SECTION 27. Property tax exemptions and limitations on
311 | property tax assessments.—The amendments to Sections 3, 4, and 6
312 | of Article VII, providing a \$25,000 exemption for tangible
313 | personal property, providing an additional \$25,000 homestead
314 | exemption, authorizing transfer of the accrued benefit from the
315 | limitations on the assessment of homestead property, and this
316 | section, if submitted to the electors of this state for approval
317 | or rejection at a special election authorized by law to be held
318 | on January 29, 2008, shall take effect upon approval by the
319 | electors and shall operate retroactively to January 1, 2008, or,
320 | if submitted to the electors of this state for approval or
321 | rejection at the next general election, shall take effect
322 | January 1 of the year following such general election. The
323 | amendments to Section 4 of Article VII creating subsections (f)
324 | and (g) of that section, creating a limitation on annual

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

325 assessment increases for specified real property, shall take
326 effect upon approval of the electors and shall first limit
327 assessments beginning January 1, 2009, if approved at a special
328 election held on January 29, 2008, or shall first limit
329 assessments beginning January 1, 2010, if approved at the
330 general election held in November of 2008. ~~Subsections (f) and~~
331 ~~(g) of Section 4 of Article VII are repealed effective January~~
332 ~~1, 2019; however, the legislature shall by joint resolution~~
333 ~~propose an amendment abrogating the repeal of subsections (f)~~
334 ~~and (g), which shall be submitted to the electors of this state~~
335 ~~for approval or rejection at the general election of 2018 and,~~
336 ~~if approved, shall take effect January 1, 2019.~~

337 SECTION 32. Property assessments.—This section and the
338 amendment of Section 4 of Article VII protecting homestead and
339 specified nonhomestead property having a declining just value
340 and reducing the limit on the maximum annual increase in the
341 assessed value of nonhomestead property from 10 percent to 3
342 percent, if submitted to the electors of this state for approval
343 or rejection at a special election authorized by law to be held
344 on the date of the 2012 presidential preference primary, shall
345 take effect upon approval by the electors and shall operate
346 retroactively to January 1, 2012, or, if submitted to the
347 electors of this state for approval or rejection at the 2012
348 general election, shall take effect January 1, 2013.

349 SECTION 33. Additional homestead exemption for owners of
350 homestead property who recently have not owned homestead
351 property.—This section and the amendment to Section 6 of Article
352 VII providing for an additional homestead exemption for owners

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

353 of homestead property who have not owned homestead property
354 during the 3 calendar years immediately preceding purchase of
355 the current homestead property, if submitted to the electors of
356 this state for approval or rejection at a special election
357 authorized by law to be held on the date of the 2012
358 presidential preference primary, shall take effect upon approval
359 by the electors and operate retroactively to January 1, 2012,
360 and the additional homestead exemption shall be available for
361 properties purchased on or after January 1, 2011, or if
362 submitted to the electors of this state for approval or
363 rejection at the 2012 general election, shall take effect.
364 January 1, 2013, and the additional homestead exemption shall be
365 available for properties purchased on or after January 1, 2012.

366 BE IT FURTHER RESOLVED that the following statement be
367 placed on the ballot:

368 CONSTITUTIONAL AMENDMENT

369 ARTICLE VII, SECTIONS 4, 6

370 ARTICLE XII, SECTIONS 27, 32, 33

371 PROPERTY ASSESSMENT; HOMESTEAD AND SPECIFIED NONHOMESTEAD
372 VALUE DECLINE; NONHOMESTEAD INCREASE LIMITATION REDUCTION;
373 ADDITIONAL HOMESTEAD EXEMPTION; SCHEDULED REPEAL DELETION.-

374 (1) In certain circumstances, the law requires the
375 assessed value of homestead and specified nonhomestead property
376 to increase when the just value of the property decreases.
377 Therefore, this amendment provides that the Legislature may, by
378 general law, provide that the assessed value of homestead and
379 specified nonhomestead property will not increase if the just
380 value of that property decreases. This amendment takes effect

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

381 upon approval by the voters, if approved at a special election
382 held on the date of the 2012 presidential preference primary and
383 operates retroactively to January 1, 2012, or, if approved by
384 the voters at the general election, takes effect January 1,
385 2013.

386 (2) This amendment reduces from 10 percent to 3 percent
387 the limitation on annual increases in assessments of
388 nonhomestead real property. This amendment takes effect upon
389 approval of the voters, if approved at a special election held
390 on the date of the 2012 presidential preference primary and
391 operates retroactively to January 1, 2012, or, if approved by
392 the voters at the general election, takes effect January 1,
393 2013.

394 (3) This amendment also provides owners of homestead
395 property who have not owned homestead property during the 3
396 calendar years immediately preceding purchase of the current
397 homestead property with an additional homestead exemption equal
398 to 50 percent of the property's just value in the first year for
399 all levies other than school district levies, limited to
400 \$200,000; applies the additional exemption for the shorter of 5
401 years or the year of sale of the property; reduces the amount of
402 the additional exemption in each succeeding year for 5 years by
403 the greater of 20 percent of the amount of the initial
404 additional exemption or the difference between the just value
405 and the assessed value of the property; limits the additional
406 exemption to one per homestead property; limits the additional
407 exemption to properties purchased on or after January 1, 2011,
408 if approved by the voters at a special election held on the date

Amendment No.

409 of the 2012 presidential preference primary, or on or after
410 January 1, 2012, if approved by the voters at the 2012 general
411 election; prohibits availability of the additional exemption in
412 the sixth and subsequent years after the additional exemption is
413 granted; and provides for the amendment to take effect upon
414 approval of the voters and operate retroactively to January 1,
415 2012, if approved at the special election held on the date of
416 the 2012 presidential preference primary, or on January 1, 2013,
417 if approved by the voters at the 2012 general election.

418 (4) This amendment also removes from the State
419 Constitution a repeal, scheduled to take effect in 2019, of
420 constitutional amendments adopted in 2008 that limit annual
421 assessment increases for specified nonhomestead real property.

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T I T L E A M E N D M E N T

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Remove the entire title and insert:

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House Joint Resolution

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A joint resolution proposing amendments to Sections 4 and

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6 of Article VII and Section 27 of Article XII and the

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creation of Sections 32 and 33 of Article XII of the State

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Constitution to allow the Legislature by general law to

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prohibit increases in the assessed value of homestead and

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specified nonhomestead property if the just value of the

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property decreases, reduce the limitation on annual

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assessment increases applicable to nonhomestead real

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property, provide an additional homestead exemption for

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/CS/HJR 381 (2011)

Amendment No.

437 owners of homestead property who have not owned homestead
438 property for a specified time before purchase of the
439 current homestead property, and application and
440 limitations with respect thereto, delete a future repeal
441 of provisions limiting annual assessment increases for
442 specified nonhomestead real property, and provide
443 effective dates.

Amendment No. 01

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
 2 Representative(s) Porter offered the following:

Amendment (with title amendment)

5 Remove everything after the enacting clause and insert:

6 Section 1. (1) The tax levied under chapter 212, Florida
 7 Statutes, may not be collected during the period from 12:01 a.m.
 8 on August 12, 2011, through 11:59 p.m. on August 14, 2011, on
 9 the sale of:

10 (a) Clothing, wallets, or bags, including handbags,
 11 backpacks, fanny packs, and diaper bags, but excluding
 12 briefcases, suitcases, and other garment bags, having a sales
 13 price of \$75 or less per item. As used in this section, the term
 14 "clothing" means:

15 1. Any article of wearing apparel intended to be worn on
 16 or about the human body, excluding watches, watchbands, jewelry,
 17 umbrellas, or handkerchiefs; and

18 2. All footwear, excluding skis, swim fins, roller blades,
 19 and skates.

Amendment No.

20 (b) School supplies having a sales price of \$15 or less
21 per item. As used in this section, the term "school supplies"
22 means pens, pencils, erasers, crayons, notebooks, notebook
23 filler paper, legal pads, binders, lunch boxes, construction
24 paper, markers, folders, poster board, composition books, poster
25 paper, scissors, cellophane tape, glue or paste, rulers,
26 computer disks, protractors, compasses, and calculators.

27 (c) Textbooks having a sales price of \$75 or less. The
28 term "textbooks" means any required manual of instruction in any
29 branch of study, including materials for homeschooling or
30 postsecondary education.

31 (2) The tax exemptions in this section do not apply to
32 sales within a theme park or entertainment complex as defined in
33 s. 509.013(9), a public lodging establishment as defined in s.
34 509.013(4), or an airport as defined in s. 330.27(2).

35 (3) The Department of Revenue may, and all conditions are
36 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)
37 and 120.54, Florida Statutes, to administer this section.

38 Section 2. For fiscal year 2010-2011, the sum of \$218,905
39 in nonrecurring funds is appropriated from the General Revenue
40 Fund to the Department of Revenue for purposes of administering
41 section 1. Funds remaining unexpended or unencumbered from this
42 appropriation as of June 30, 2011, shall revert and be
43 reappropriated for the same purpose in fiscal year 2011-2012.

44 Section 3. This act shall take effect upon becoming a law.
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Amendment No.

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T I T L E A M E N D M E N T

Remove the entire title and insert:

An act relating to the tax on sales, use, and other transactions; specifying a period during which the sale of clothing, textbooks, and school supplies are exempt from the tax; providing definitions; providing exceptions; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

Amendment No. 01

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	_____	

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
 2 Representative(s) Crisafulli offered the following:

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Amendment

Remove lines 385-395 and insert:

credits that may be approved pursuant to this subparagraph may not exceed \$5 million. No credit may be approved after October 1, 2017.

2. A certified spaceflight business may transfer, in whole or in part, its Florida net operating loss that would otherwise be available to be taken on a return filed under this chapter. The maximum transferable tax credit amount that may be approved per taxpayer for a taxable year is \$2.5 million; the total tax credits that may be approved pursuant to this subparagraph may not exceed \$15 million. However, any outstanding credit that is carried forward by a transferee may not be used to calculate the annual limit. No credit may be approved after October 1, 2017.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. CS/HB 873 (2011)

Amendment No. 02

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
2 Representative(s) Crisafulli offered the following:

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4 **Amendment**

5 Remove line 467 and insert:

6 approved for all applicants does not exceed the

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 965 (2011)

Amendment No. 01

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
2 Representative(s) Horner offered the following:

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4 **Amendment**

5 Remove lines 26-33 and insert:

6 greatest tax liabilities after all tax credits are applied
7 during the most recent calendar year for which information is
8 available for each tax identified in subparagraphs 1., 2., and
9 4., and names and addresses of the 100 taxpayers with the
10 greatest tax liability after all tax credits are applied for
11 the most recent taxable years for which information is
12 available for the tax identified in subparagraph 3., to an
13 eligible nonprofit scholarship-funding organization under s.
14 1002.395 for which the department approved at least \$10
15 million of tax credit allocations in the prior year. An

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 965 (2011)

Amendment No. 62

COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	—	(Y/N)
ADOPTED AS AMENDED	—	(Y/N)
ADOPTED W/O OBJECTION	✓	(Y) (N)
FAILED TO ADOPT	—	(Y/N)
WITHDRAWN	—	(Y/N)
OTHER	—	

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
2 Representative(s) Horner offered the following:

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4 **Amendment (with title amendment)**

5 Between lines 75 and 76, insert:

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

8 624.51055 Credit for contributions to eligible nonprofit
9 scholarship-funding organizations.—

10 (1) There is allowed a credit of 100 percent of an eligible
11 contribution made to an eligible nonprofit scholarship-funding
12 organization under s. 1002.395 against any tax due for a taxable
13 year under s. 624.509(1). ~~However, such a credit may not exceed~~
14 ~~75 percent of the tax due under s. 624.509(1)~~ after deducting
15 from such tax deductions for assessments made pursuant to s.
16 440.51; credits for taxes paid under ss. 175.101 and 185.08;
17 credits for income taxes paid under chapter 220; credits for the
18 emergency excise tax paid under chapter 221; and the credit
19 allowed under s. 624.509(5), as such credit is limited by s.

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. HB 965 (2011)

Amendment No.

20 624.509(6). An insurer claiming a credit against premium tax
21 liability under this section shall not be required to pay any
22 additional retaliatory tax levied pursuant to s. 624.5091 as a
23 result of claiming such credit. Section 624.5091 does not limit
24 such credit in any manner.

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T I T L E A M E N D M E N T

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Remove line 8 and insert:

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31 amending ss. 220.187 and 624.51055, F.S.; revising provisions
32 relating

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COMMITTEE/SUBCOMMITTEE ACTION

ADOPTED	<input type="checkbox"/>	(Y/N)
ADOPTED AS AMENDED	<input type="checkbox"/>	(Y/N)
ADOPTED W/O OBJECTION	<input checked="" type="checkbox"/>	(Y/N)
FAILED TO ADOPT	<input type="checkbox"/>	(Y/N)
WITHDRAWN	<input type="checkbox"/>	(Y/N)
OTHER	<input type="checkbox"/>	

1 Committee/Subcommittee hearing bill: Finance & Tax Committee
 2 Representative(s) Coley offered the following:

4 **Amendment (with title amendment)**

5 Remove lines 55-102 and insert:

6 paragraph (7) (a), except for the rural job tax credit program
 7 under ss. 212.098 and 220.1895, and is exempt from the
 8 requirements of paragraph (7) (b).

9 (c) Between July 1, 2011, and June 29, 2014, if the Office
 10 of Tourism, Trade, and Economic Development determines it is in
 11 the best interest of the public for reasons of facilitating
 12 economic development, growth, or new employment in the area
 13 designated under this subsection, the office may allow a
 14 qualified target industry business that relocates all or a
 15 portion of its business to the area from another state to
 16 receive a tax refund payment of up to \$6,000 multiplied by the
 17 number of jobs specified in the tax refund agreement pursuant to
 18 s. 288.106(5) (a)1. The business is eligible for an additional
 19 tax refund payment pursuant to s. 288.106(3) (b)4. if the

20 business meets the criteria provided in that subparagraph. A
21 project pursuant to this paragraph must meet all of the criteria
22 provided in s. 288.106 unless such requirement is expressly
23 waived by the Governor.

24 (d) This subsection expires on June 30, 2014.

25 Section 2. (1) For fiscal year 2011-2012, the sum of \$10
26 million in nonrecurring funds from the General Revenue Fund is
27 appropriated to the Office of Tourism, Trade, and Economic
28 Development to assist in diversifying the regional economy for
29 Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, Wakulla,
30 and Walton counties. The funds may be used to recruit or expand
31 targeted industries or businesses in the region, promote
32 research and development, promote commercialization of research,
33 support job creation, and provide funding for matching grant
34 opportunities with federal and private grants. The funds may not
35 be used to pay for administrative costs.

36 (2) The Office of Tourism, Trade, and Economic Development
37 shall consult with local educational entities, economic
38 development organizations, local governments, and Florida's
39 Great Northwest to create a framework and strategy for the use
40 of funds and shall consider local support from these entities
41 prior to approval for any project. In order to promote research
42 and development, commercialization of research, economic
43 diversification, and job creation, the criteria for the
44 expenditure of funds shall, at a minimum, require local match,
45 job creation, return on investment, or capital investment, and
46 expedited permitting where appropriate and feasible by the

47 governments required to issue permits. Funding may be used, on a
48 case-by-case basis, for:

49 (a) Universities and other institutions to conduct research
50 for existing and prospective businesses, particularly in
51 Science, Technology, Engineering and Math disciplines, as well
52 as providing funding for the commercialization of research that
53 will result in the creation of new jobs.

54 (b) Direct recruiting of new businesses to Northwest
55 Florida, including prospect visits, the development of economic
56 development information and materials needed to compete with
57 other states, and for events that showcase the region to
58 prospective industry sectors.

59 (c) Supplementing existing state and local incentives for
60 the direct recruitment, and expansion of companies in Northwest
61 Florida, including funding for bridging the gap between
62 incentives available in Florida and those available in competing
63 jurisdictions.

64 (d) Matching grant opportunities for job creation, job
65 training, or university research needed to develop new products.

66 (3) This section expires on June 30, 2014.

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T I T L E A M E N D M E N T

71 Remove lines 15-20 and insert:
72 appropriated funds; authorizing the Office of Tourism, Trade,
73 and Economic Development to develop and implement an economic

COMMITTEE/SUBCOMMITTEE AMENDMENT

Bill No. 1309(2011)

74 | development program in the Counties of Bay, Escambia, Franklin,
75 | Gulf, Okaloosa, Santa Rosa, Wakulla, and Walton; providing for