

1013.62, F.S.; revising requirements for charter school capital outlay funding; requiring each district to certify certain information to the department by October 1 each year; conforming provisions to changes made by the act; providing appropriations; providing retroactive applicability; authorizing the Department of Revenue to adopt emergency rules for specified purposes; specifying that certain students are exempt from specified required assessments, grades, and graduation requirements for the 2017-2018 school year; specifying that the Marjory Stoneman Douglas High School shall maintain specified grades and designations for the 2017-2018 school year; providing an effective date.

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

Section 1. Section 212.099, Florida Statutes, is created to read:

212.099 Florida Sales Tax Credit Scholarship Program.—

(1) As used in this section, the term:

(a) “Eligible business” means a tenant or person actually occupying, using, or entitled to the use of any property from which the rental or license fee is subject to taxation under s. 212.031.

(b) “Eligible contribution” or “contribution” means a monetary contribution from an eligible business to an eligible nonprofit scholarship-funding organization to be used pursuant to s. 1002.385 or s. 1002.395. The eligible business making the contribution may not designate a specific student as the beneficiary of the contribution.

(c) “Eligible nonprofit scholarship-funding organization” or “organization” has the same meaning as provided in s. 1002.395(2)(f).

(2) An eligible business shall be granted a credit against the tax imposed under s. 212.031 and collected from the eligible business by a dealer. The credit shall be in an amount equal to 100 percent of an eligible contribution made to an organization.

(3) A dealer shall take a credit against the tax imposed under s. 212.031 in an amount equal to the credit taken by the eligible business under subsection (2).

(4)(a) An eligible business must apply to the department for an allocation of tax credits under this section. The eligible business must specify in the application the state fiscal year during which the contribution will be made, the organization that will receive the contribution, the planned amount of the contribution, the address of the property from which the rental or license fee is subject to taxation under s. 212.031, and the federal employer identification number of the dealer who collects the tax imposed under s. 212.031 from the eligible business and who will reduce collection of taxes from the eligible business pursuant to this section. The department shall

approve allocations of tax credits on a first-come, first-served basis and shall provide to the eligible business a separate approval or denial letter for each dealer for which the eligible business applied for an allocation of tax credits. Within 10 days after approving or denying an application, the department shall provide a copy of its approval or denial letter to the organization specified by the eligible business in the application. An approval letter must include the name and federal employer identification number of the dealer from whom a credit under this section can be taken and the amount of tax credits approved for use with that dealer.

(b) Upon receipt of an eligible contribution, the organization shall provide the eligible business that made the contribution with a separate certificate of contribution for each dealer from whom a credit can be taken as approved under paragraph (a). A certificate of contribution must include the contributor's name and, if available, federal employer identification number, the amount contributed, the date of contribution, the name of the organization, and the name and federal employer identification number of the dealer.

(5) Each dealer that receives from an eligible business a copy of the department's approval letter and a certificate of contribution, both of which identify the dealer as the dealer who collects the tax imposed under s. 212.031 from the eligible business and who will reduce collection of taxes from the eligible business pursuant to this section, shall reduce the tax collected from the eligible business under s. 212.031 by the total amount of contributions indicated in the certificate of contribution. The reduction may not exceed the amount of credit allocation approved by the department and may not exceed the amount of tax that would otherwise be collected from the eligible business by a dealer when a payment is made under the rental or license fee arrangement. However, payments by an eligible business to a dealer may not be reduced before October 1, 2018.

(a) If the total amount of credits an eligible business may take cannot be fully used within any period that a payment is due under the rental or license fee arrangement because of an insufficient amount of tax that the dealer would collect from the eligible business during that period, the unused amount may be carried forward for a period not to exceed 10 years.

(b) A tax credit may not be claimed on an amended return or through a refund.

(c) A dealer that claims a tax credit must file returns and pay taxes by electronic means under s. 213.755.

(d) An eligible business may not convey, assign, or transfer an approved tax credit or a carryforward tax credit to another entity unless all of the assets of the eligible business are conveyed, assigned, or transferred in the same transaction and the successor business continues the same lease with the dealer.

(e) Within any state fiscal year, an eligible business may rescind all or part of a tax credit approved under this section. The amount rescinded shall become available for that state fiscal year to another eligible business as approved by the department if the business receives notice from the department that the rescindment has been accepted by the department. Any amount rescinded under this subsection shall become available to an eligible business on a first-come, first-served basis based on tax credit applications received after the date the rescindment is accepted by the department.

(f) Within 10 days after the rescindment of a tax credit under paragraph (e) of this subsection is accepted by the department, the department shall notify the eligible nonprofit scholarship-funding organization specified by the eligible business. The department shall also include the eligible nonprofit scholarship-funding organization specified by the eligible business on all letters or correspondence of acknowledgment for tax credits under this section.

(6) An organization shall report to the department, on or before the 20th day of each month, the total amount of contributions received pursuant to subsection (4) in the preceding calendar month on a form provided by the department. Such report shall include the amount of contributions received during that reporting period and the federal employer identification number of each dealer associated with the contribution.

(7)(a) Eligible contributions may be used to fund the program established under s. 1002.385 if funds appropriated in a state fiscal year for the program are insufficient to fund eligible students.

(b) If the conditions in paragraph (a) are met, the organization shall first use eligible contributions received during a state fiscal year to fund scholarships for students in the priority set forth in s. 1002.385(12)(d). Remaining contributions may be used to fund scholarships for students eligible pursuant to s. 1002.395(3)(b)1. or 2.

(c) The organization shall separately account for each scholarship funded pursuant to this section.

(d) Notwithstanding s. 1002.385(6)(b), any funds remaining from a closed scholarship account funded pursuant to this section shall be used to fund other scholarships pursuant to s. 1002.385.

(e) The organization may, subject to the limitations of s. 1002.395(6)(j)1., use up to 3 percent of eligible contributions received during the state fiscal year in which such contributions are collected for administrative expenses.

(8) The sum of tax credits that may be approved by the department in any state fiscal year is \$57.5 million.

(9) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to

ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund.

(10) The department may adopt rules to administer this section.

Section 2. Section 212.1831, Florida Statutes, is amended to read:

212.1831 Credit for contributions to eligible nonprofit scholarship-funding organizations.—There is allowed a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.395 against any tax imposed by the state and due under this chapter from a direct pay permit holder as a result of the direct pay permit held pursuant to s. 212.183. For purposes of the dealer's credit granted for keeping prescribed records, filing timely tax returns, and properly accounting and remitting taxes under s. 212.12, the amount of tax due used to calculate the credit shall include any eligible contribution made to an eligible nonprofit scholarship-funding organization from a direct pay permit holder. For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 1002.395 apply to the credit authorized by this section.

Section 3. Effective upon this act becoming a law, section 212.1832, Florida Statutes, is created to read:

212.1832 Credit for contributions to the Hope Scholarship Program.—

(1) The purchaser of a motor vehicle shall be granted a credit of 100 percent of an eligible contribution made to an eligible nonprofit scholarship-funding organization under s. 1002.40 against any tax imposed by the state under this chapter and collected from the purchaser by a dealer, designated agent, or private tag agent as a result of the purchase or acquisition of a motor vehicle on or after October 1, 2018, except that a credit may not exceed the tax that would otherwise be collected from the purchaser by a dealer, designated agent, or private tag agent. For purposes of this subsection, the term "purchase" does not include the lease or rental of a motor vehicle.

(2) A dealer shall take a credit against any tax imposed by the state under this chapter on the purchase of a motor vehicle in an amount equal to the credit granted to the purchaser under subsection (1).

(3) For purposes of the distributions of tax revenue under s. 212.20, the department shall disregard any tax credits allowed under this section to ensure that any reduction in tax revenue received that is attributable to the tax credits results only in a reduction in distributions to the General Revenue Fund. The provisions of s. 1002.40 apply to the credit authorized by this section.