

CHAPTER 2022-97

Committee Substitute for House Bill No. 7071

An act relating to taxation; amending s. 125.0167, F.S.; prohibiting counties from imposing requirements on borrowers other than requiring proof of the borrower's income; providing that borrowers are subject to loan qualifications of lenders licensed to provide mortgage financing; prohibiting counties from creating requirements that restrict participation by eligible borrowers; creating s. 193.4613, F.S.; defining terms; providing for the assessment of land used in the production of aquaculture to be based solely on its agricultural use; providing assessment methodology; requiring property to be assessed for a certain period of time using a specified assessment methodology; authorizing the property appraiser to require audited financial statements; providing applicability; amending s. 194.032, F.S.; conforming provisions to changes made by the act; amending s. 196.031, F.S.; providing that real property includes certain portions; providing construction; amending s. 196.173, F.S.; revising the military operations that qualify certain servicemembers for an additional ad valorem tax exemption; providing applicability; revising the deadlines for applying for additional ad valorem tax exemptions for certain servicemembers for a specified tax roll; authorizing a property appraiser to grant a tax exemption for an untimely filed application if certain conditions are met; providing procedures for an applicant to file a petition with the value adjustment board if an application is denied; providing applicability; amending s. 196.1978, F.S.; revising the events that initiate the 15-year period for certain property to qualify for the affordable housing ad valorem tax exemption; providing applicability; amending s. 196.202, F.S.; increasing the property tax exemption for residents who are widows, widowers, blind persons, or totally and permanently disabled persons; providing applicability; creating s. 197.319, F.S.; defining terms; specifying conditions under which persons whose residential improvements are rendered uninhabitable may receive a refund of taxes originally levied and paid; specifying a formula for determining the amount of the tax refund; providing directives to property appraisers in issuing written statements to the tax collector when granting refunds; providing directives to tax collectors in calculating damage differentials and processing refunds; providing a mechanism for persons to file late applications for a refund of taxes; requiring tax collectors to provide specified information to the Department of Revenue and the governing boards of each affected local government annually; providing applicability; creating s. 197.3195, F.S.; defining the term "residential improvement"; providing for an abatement of ad valorem taxes and non-ad valorem assessments for certain residential improvements destroyed due to a sudden and unforeseen collapse; requiring property appraisers to provide specified statements to tax collectors; providing that owners of parcels meeting certain requirements are not required to remit payments; prohibiting property appraisers and tax collectors from issuing specified notices for parcels meeting

certain requirements; requiring property appraisers to notify taxpayers of the abatement of taxes and non-ad valorem assessments under certain circumstances; requiring value adjustment boards to dismiss petitions under certain circumstances; specifying requirements for determining the assessed value of certain new homesteads; providing for a refund of taxes for parcels meeting certain requirements under certain circumstances; providing applicability; providing for future repeal; providing for retroactive application; amending s. 201.25, F.S.; exempting certain federal loans from documentary stamp taxes; amending s. 212.04, F.S.; exempting certain soccer matches held as part of a Fédération Internationale de Football Association World Cup from the sales tax on admissions; exempting certain Formula One Grand Prix race admissions from the sales tax on admissions; exempting certain Daytona 500 race admissions from the sales tax on admissions; amending s. 212.05, F.S.; specifying the sales tax rate on new mobile homes; defining the term “new mobile home”; amending s. 212.055, F.S.; authorizing school capital outlay surtax proceeds to be used for the purchase, lease-purchase, lease, and maintenance of certain school buses; requiring such use of school capital outlay surtax proceeds to be approved by referendum; amending s. 212.08, F.S.; revising an exemption from sales and use tax to include the sale of any trailer purchased by a farmer for certain uses; exempting from sales and use tax the sale of certain wire and fencing used in agricultural production; exempting from sales and use tax the sale of certain machinery and equipment that produce electric or steam energy from burning hydrogen; revising the total amount of community contribution tax credits which may be granted; defining the terms “green hydrogen” and “primarily used”; exempting from sales and use tax certain machinery and equipment involving green hydrogen, certain types of ammonia, and certain electrochemical reactions of green hydrogen and oxygen; providing guidelines for purchasers to use in obtaining an exemption; providing penalties; authorizing the department to adopt rules; amending s. 213.053, F.S.; authorizing the Department of Revenue to make certain information available to the Department of Transportation to administer the credit for qualified railroad reconstruction or replacement expenditures; amending s. 220.02, F.S.; specifying the method for applying certain railroad reconstruction or replacement expenditure credits against the corporate income tax or franchise tax; amending s. 220.03, F.S.; adopting the Internal Revenue Code in effect on January 1, 2022; providing an effective date; providing for retroactive operation; amending s. 220.13, F.S.; revising the definition of the term “adjusted federal income” to adjust for certain railroad reconstruction or replacement expenditure credits; amending s. 220.183, F.S.; revising the total amount of community contribution tax credits that may be granted; amending s. 220.1876, F.S.; revising backward by 1 year the taxable years for which the New Worlds Reading Initiative tax credits are authorized; amending s. 220.1877, F.S.; revising backward by 1 year the taxable years for which credits for contributions to eligible charitable organizations are authorized; creating s. 220.1915, F.S.; defining the terms “qualified expenditures” and “qualifying railroad”; providing a specified tax credit for

qualifying railroads against the corporate income tax if specified criteria are met; providing procedures for receiving such tax credit; authorizing the carryforward and transfer of such tax credit; providing procedures for the transfer of such tax credits; providing for the recovery of tax deficiencies related to the credit; authorizing the department to adopt rules; amending s. 402.62, F.S.; increasing the Strong Families tax credit cap; amending s. 624.5105, F.S.; revising the total amount of community contribution tax credits which may be granted; amending s. 624.51056, F.S.; revising backward by 1 year the taxable years for which the New Worlds Reading Initiative tax credits are authorized; amending s. 624.51057, F.S.; revising backward by 1 year the taxable years for which Strong Families tax credits for contributions to eligible charitable organizations are authorized; amending s. 1003.485, F.S.; increasing the allowable carryforward of unused eligible contributions from one state fiscal year to the next for the New Worlds Reading Initiative; increasing the New Worlds Reading Initiative tax credit cap beginning in fiscal year 2023-2024; amending s. 1011.71, F.S.; increasing the amount of revenue from district school taxes a school district may expend per unweighted full-time equivalent student for specified expenses; providing legislative intent; providing for a retroactive refund of certain taxes paid; specifying the treatment of specified contributions under the Strong Families tax credit program and the New Worlds Reading Initiative tax credit program for a specified taxable year; providing directives for receiving a refund of previously paid taxes; prohibiting such refund from exceeding a specified amount; providing a carryforward period; prohibiting refund payments after a specified date; authorizing the department to adopt emergency rules related to the Strong Families tax credit program and the New Worlds Reading Initiative tax credit program; providing for retroactive operation; exempting from sales and use tax the retail sale of certain clothing, wallets, bags, school supplies, learning aids and jigsaw puzzles, and personal computers and personal computer-related accessories during a specified timeframe; defining terms; specifying locations where the tax exemptions do not apply; authorizing certain dealers to opt out of participating in the tax holiday, subject to certain requirements; authorizing the department to adopt emergency rules; exempting from sales and use tax specified disaster preparedness supplies during a specified timeframe; defining terms; specifying locations where the tax exemptions do not apply; authorizing the department to adopt emergency rules; exempting from sales and use tax admissions to certain events, performances, and facilities, certain season tickets, and the retail sale of certain boating and water activity, camping, fishing, general outdoor, and residential pool supplies and sporting equipment during specified timeframes; defining terms; specifying locations where the tax exemptions do not apply; authorizing the department to adopt emergency rules; exempting from the sales and use tax the retail sale of tools used by skilled trade workers during a specified timeframe; specifying locations where the tax exemptions do not apply; authorizing the department to adopt emergency rules; providing for a reduction in certain fuel taxes during a specified timeframe; providing a short title; providing dealer

requirements; providing legislative intent; authorizing motor fuel dealers to manage motor fuel inventory to maximize tax reduction benefits; providing criteria; providing for a reduction in certain refunds during the same timeframe; authorizing the executive director of the Department of Revenue to adopt emergency rules for certain purposes; making unlawful certain activities of certain entities relating to the tax reduction; authorizing specified transfers from the General Revenue Fund; providing for expiration; exempting from sales and use tax the retail sale of children's books during a specified timeframe; defining the term "children's books"; exempting from sales and use tax the retail sale of new ENERGY STAR appliances during a specified timeframe; defining the term "ENERGY STAR appliance"; exempting from sales and use tax the retail sale of children's diapers during a specified timeframe; exempting from sales and use tax the retail sale of baby and toddler clothing, apparel, and shoes during a specified timeframe; exempting from sales and use tax the retail sale of impact-resistant windows, impact-resistant doors, and impact-resistant garage doors during a specified timeframe; authorizing the department to adopt emergency rules; reenacting s. 377.809(4)(a), F.S., relating to the Energy Economic Zone Pilot Program, to incorporate the amendment made to s. 212.08, F.S., in a reference thereto; providing effective dates.

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

Section 1. Subsection (5) of section 125.0167, Florida Statutes, is amended to read:

125.0167 Discretionary surtax on documents; adoption; application of revenue.—

(5)(a) Notwithstanding the provisions of subsection (3), of the discretionary surtax revenues collected by the Department of Revenue remaining after any deduction for administrative costs as provided in subsection (4), no less than 35 percent shall be used to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be used for construction, rehabilitation, and purchase of rental housing units. The remaining amount may be allocated to provide for homeownership assistance or rental housing units, at the discretion of the county. Any funds allocated for homeownership assistance or rental housing units that are not committed at the end of the fiscal year shall be reallocated in subsequent years consistent with the provisions of this subsection, in that no less than 35 percent shall be reallocated to provide homeownership assistance for low-income and moderate-income families, and no less than 35 percent shall be reallocated for construction, rehabilitation, and purchase of rental housing units. The remaining amount of uncommitted funds may be reallocated at the discretion of the county within any of the categories established in this subsection.

(b) For purposes of this subsection, the term "homeownership assistance" means assisting low-income and moderate-income families in

purchasing a home as their primary residence, including, but not limited to, reducing the cost of the home with below-market construction financing, the amount of down payment and closing costs paid by the borrower, or the mortgage payment to an affordable amount for the purchaser or using any other financial assistance measure set forth in s. 420.5088.

(c) A county may not impose any requirement as a condition to receiving any financial assistance on a borrower other than requiring proof that the borrower's income does not exceed 140 percent of the area median income. In addition to the income eligibility requirement, borrowers may only be subject to loan qualifications of lenders licensed to provide mortgage financing as to the amount of the loan. A county may not create requirements that restrict participation by eligible borrowers.

Section 2. Effective January 1, 2023, section 193.4613, Florida Statutes, is created to read:

193.4613 Agricultural lands used in production of aquaculture; assessment.—

(1) For purposes of this section, the terms “aquaculture” and “aquaculture products” have the same meanings as in s. 597.0015.

(2)(a) When proper application for agricultural assessment has been made and granted pursuant to s. 193.461, and the property owner requests assessment pursuant to this section, the assessment of land used in the production of aquaculture products shall be based solely on its agricultural use, consistent with the use factors specified in s. 193.461(6)(a), and assessed pursuant to paragraph (c).

(b) Notwithstanding any provision relating to annual assessments found in s. 192.042, the property appraiser shall rely on 5-year moving average data when utilizing the income methodology approach in an assessment of property used for agricultural purposes.

(c) For purposes of the income methodology approach to the assessment of land used in the production of aquaculture products, structures and equipment located on the property used for producing aquaculture products are considered a part of the average yield per acre and have no separately assessable contributory value.

(d) If a request for assessment under this section is granted, the property must be assessed as provided in this section for 10 years unless the ownership or use of the property changes. The property appraiser may not require annual application. The property appraiser may require the property owner to annually submit audited financial statements.

(e) In years in which proper application for agricultural assessment has not been made, the land shall be assessed under the provisions of s. 193.011.

Section 3. Section 193.4613, Florida Statutes, as created by this act, first applies to the 2023 ad valorem tax roll and applies to assessments made on or after January 1, 2023.

Section 4. Effective upon this act becoming a law, paragraph (b) of subsection (1) of section 194.032, Florida Statutes, is amended to read:

194.032 Hearing purposes; timetable.—

(1)

(b) Notwithstanding the provisions of paragraph (a), the value adjustment board may meet prior to the approval of the assessment rolls by the Department of Revenue, but not earlier than July 1, to hear appeals pertaining to the denial by the property appraiser of exemptions, tax abatements under s. 197.318 and s. 197.3195, tax refunds under s. 197.319, agricultural and high-water recharge classifications, classifications as historic property used for commercial or certain nonprofit purposes, and deferrals under subparagraphs (a)2., 3., and 4. In such event, however, the board may not certify any assessments under s. 193.122 until the Department of Revenue has approved the assessments in accordance with s. 193.1142 and all hearings have been held with respect to the particular parcel under appeal.

Section 5. Subsections (5), (6), and (7) of section 196.031, Florida Statutes, are renumbered as subsections (6), (7), and (8), respectively, and a new subsection (5) is added to that section to read:

196.031 Exemption of homesteads.—

(5) For the purpose of applying the exemptions in this section, the real property includes portions of the real property and contiguous real property assessed solely on the basis of character or use pursuant to s. 193.461 or s. 193.501, or assessed pursuant to s. 193.505.

Section 6. The amendments made by this act to s. 196.031, Florida Statutes, are intended to be remedial and clarifying in nature and apply retroactively, but do not provide a basis for an assessment of any tax or create a right to a refund of any tax paid before the effective date of this act. The amendments do not affect the provisions set forth in s. 193.155, Florida Statutes, limiting the application of that section only to the residence and curtilage.

Section 7. Paragraphs (k) through (q) of subsection (2) of section 196.173, Florida Statutes, are redesignated as paragraphs (j) through (p), respectively, present paragraph (j) of that subsection is amended, and new paragraphs (q) and (r) are added to that subsection, to read:

196.173 Exemption for deployed servicemembers.—

(2) The exemption is available to servicemembers who were deployed during the preceding calendar year on active duty outside the continental United States, Alaska, or Hawaii in support of any of the following military operations:

~~(j) Operation Observant Compass, which began in October 2011.~~

(q) Operation Enduring Freedom – Horn of Africa, which began in January 2015.

(r) European Reassurance Initiative/European Deterrence Initiative, which began in 2014.

The Department of Revenue shall notify all property appraisers and tax collectors in this state of the designated military operations.

Section 8. The amendments made by this act to s. 196.173(2), Florida Statutes, first apply to the 2022 ad valorem tax roll.

Section 9. Application deadline for additional ad valorem tax exemption for specified deployments.—

(1) Notwithstanding the filing deadline specified in s. 196.173(6), Florida Statutes, for the 2022 ad valorem tax roll, the deadline for an applicant to file an application with the property appraiser for an additional ad valorem tax exemption under s. 196.173, Florida Statutes, is June 1, 2022.

(2) If an application is not timely filed under subsection (1), a property appraiser may grant the exemption if:

(a) The applicant files an application for the exemption on or before the 25th day after the property appraiser mails the notice required under s. 194.011(1), Florida Statutes;

(b) The applicant is qualified for the exemption; and

(c) The applicant produces sufficient evidence, as determined by the property appraiser, which demonstrates that the applicant was unable to apply for the exemption in a timely manner or otherwise demonstrates extenuating circumstances that warrant granting the exemption.

(3) If the property appraiser denies an application under subsection (2), the applicant may file, pursuant to s. 194.011(3), Florida Statutes, a petition with the value adjustment board which requests that the exemption be granted. Such petition must be filed on or before the 25th day after the property appraiser mails the notice required under s. 194.011(1), Florida Statutes. Notwithstanding s. 194.013, Florida Statutes, the eligible servicemember is not required to pay a filing fee for such petition. Upon reviewing the petition, the value adjustment board may grant the exemption if the applicant is qualified for the exemption and demonstrates extenuating

circumstances, as determined by the board, which warrant granting the exemption.

(4) This section shall take effect upon this act becoming a law and applies to the 2022 ad valorem tax roll.

Section 10. Subsection (2) of section 196.1978, Florida Statutes, is amended to read:

196.1978 Affordable housing property exemption.—

(2)(a) Notwithstanding ss. 196.195 and 196.196, property in a multi-family project that meets the requirements of this ~~subsection~~ paragraph is considered property used for a charitable purpose and is exempt from ad valorem tax beginning with the January 1 assessment after the 15th completed year ~~from of the term of the~~ earliest of:

1. The effective date of the recorded agreement on those portions of the affordable housing property that provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004;

2. The first day of the first taxable year in which the property was placed in service as an affordable housing property that provides housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004; or

3. The date the property received a certificate of occupancy or a certificate of substantial completion, as applicable, allowing the property to be used as an affordable housing property that provides housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

(b) The multifamily project must:

1. Contain more than 70 units that are used to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004; and

2. Be subject to an agreement with the Florida Housing Finance Corporation recorded in the official records of the county in which the property is located to provide affordable housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004.

This exemption terminates if the property no longer serves extremely-low-income, very-low-income, or low-income persons pursuant to the recorded agreement.

(c)(b) To receive the exemption under paragraph (a), a qualified applicant must submit an application to the county property appraiser by March 1.

(d)(e) The property appraiser shall apply the exemption to those portions of the affordable housing property that provide housing to natural persons or families meeting the extremely-low-income, very-low-income, or low-income limits specified in s. 420.0004 before certifying the tax roll to the tax collector.

Section 11. The amendments made by this act to s. 196.1978(2), Florida Statutes, first apply to the 2023 ad valorem tax roll.

Section 12. Effective January 1, 2023, subsection (1) of section 196.202, Florida Statutes, is amended to read:

196.202 Property of widows, widowers, blind persons, and persons totally and permanently disabled.—

(1) Property to the value of ~~\$5,000~~ \$500 of every widow, widower, blind person, or totally and permanently disabled person who is a bona fide resident of this state is exempt from taxation. As used in this section, the term “totally and permanently disabled person” means a person who is currently certified by a physician licensed in this state, by the United States Department of Veterans Affairs or its predecessor, or by the Social Security Administration to be totally and permanently disabled.

Section 13. The amendment made by this act to s. 196.202(1), Florida Statutes, first applies to the 2023 ad valorem tax roll.

Section 14. Effective January 1, 2023, section 197.319, Florida Statutes, is created to read:

197.319 Refund of taxes for residential improvements rendered uninhabitable by a catastrophic event.—

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

(a) “Catastrophic event” means an event of misfortune or calamity that renders one or more residential improvements uninhabitable. It does not include an event caused, directly or indirectly, by the property owner with the intent to damage or destroy the residential improvement.

(b) “Catastrophic event refund” means the product arrived at by multiplying the damage differential by the amount of timely paid taxes that were initially levied in the year in which the catastrophic event occurred.

(c) “Damage differential” means the product arrived at by multiplying the percent change in value by a ratio, the numerator of which is the number of days the residential improvement was rendered uninhabitable in the year

in which the catastrophic event occurred, and the denominator of which is 365.

(d) “Percent change in value” means the difference between a residential parcel’s just value as of January 1 of the year in which the catastrophic event occurred and its postcatastrophic event just value expressed as a percentage of the parcel’s just value as of January 1 of the year in which the catastrophic event occurred.

(e) “Postcatastrophic event just value” means the just value of the residential parcel on January 1 of the year in which a catastrophic event occurred, reduced to reflect the just value of the residential parcel after the catastrophic event that rendered the residential improvement thereon uninhabitable and before any subsequent repairs. For purposes of this paragraph, a residential improvement that is uninhabitable has no value attached to it. The catastrophic event refund is determined only for purposes of calculating tax refunds for the year or years in which the residential improvement is uninhabitable as a result of the catastrophic event and does not determine a parcel’s just value as of January 1 each year.

(f) “Residential improvement” means real estate used and owned as a homestead as defined in s. 196.012(13) or nonhomestead residential property as defined in s. 193.1554(1). A residential improvement does not include a structure that is not essential to the use and occupancy of the residential dwelling or house, including, but not limited to, a detached utility building, detached carport, detached garage, bulkhead, fence, or swimming pool, and does not include land.

(g) “Uninhabitable” means the loss of use and occupancy of a residential improvement for the purpose for which it was constructed, as evidenced by documentation, including, but not limited to, utility bills, insurance information, contractors’ statements, building permit applications, or building inspection certificates of occupancy.

(2) If a residential improvement is rendered uninhabitable for at least 30 days due to a catastrophic event, taxes originally levied and paid for the year in which the catastrophic event occurred may be refunded in the following manner:

(a) The property owner must file an application for refund with the property appraiser:

1. If the residential improvement is restored to a habitable condition before December 1 of the year in which the catastrophic event occurred, no sooner than 30 days after the residential improvement that was rendered uninhabitable has been restored to a habitable condition; or

2. No later than March 1 of the year immediately following the catastrophic event.

The application for refund must be made on a form prescribed by the department and furnished by the property appraiser. The property appraiser may request supporting documentation be submitted along with the application, including, but not limited to, utility bills, insurance information, contractors' statements, building permit applications, or building inspection certificates of occupancy, for purposes of determining conditions of uninhabitability and subsequent habitability following any repairs.

(b) The application for refund must identify the residential parcel upon which the residential improvement was rendered uninhabitable by a catastrophic event, the date on which the catastrophic event occurred, and the number of days the residential improvement was uninhabitable during the calendar year in which the catastrophic event occurred.

(c) The application for refund must be verified under oath and is subject to penalty of perjury.

(d) Upon receipt of an application for refund, the property appraiser must investigate the statements contained in the application to determine if the applicant is entitled to a refund of taxes. If the property appraiser determines that the applicant is not entitled to a refund, the applicant may file a petition with the value adjustment board, pursuant to s. 194.011(3), requesting that the refund be granted.

(e) If the property appraiser determines that the applicant is entitled to a refund, the property appraiser must issue an official written statement to the tax collector within 30 days after the determination, but no later than by April 1 of the year following the date on which the catastrophic event occurred, that provides:

1. The just value of the residential improvement as determined by the property appraiser on January 1 of the year in which the catastrophic event for which the applicant is claiming a refund occurred.

2. The number of days during the calendar year during which the residential improvement was uninhabitable.

3. The postcatastrophic event just value of the residential parcel as determined by the property appraiser.

4. The percent change in value applicable to the residential parcel.

(3) Upon receipt of the written statement from the property appraiser, the tax collector shall calculate the damage differential pursuant to this section and process a refund in an amount equal to the catastrophic event refund.

(4) Any person who is qualified to have his or her property taxes refunded under subsection (2) but fails to file an application by March 1 of the year immediately following the year in which the catastrophic event

occurred may file an application for refund under this subsection and may file a petition with the value adjustment board, pursuant to s. 194.011(3), requesting that a refund under this subsection be granted. Such petition may be filed at any time during the taxable year on or before the 25th day following the mailing of the notice of proposed property taxes and non-ad valorem assessments by the property appraiser as provided in s. 194.011(1). Upon reviewing the petition, if the person is qualified to receive the refund under this subsection and demonstrates particular extenuating circumstances determined by the property appraiser or the value adjustment board to warrant granting a late application for refund, the property appraiser or the value adjustment board may grant a refund.

(5) By September 1 of each year, the tax collector shall notify:

(a) The department of the total reduction in taxes for all properties that qualified for a refund pursuant to this section for the year.

(b) The governing board of each affected local government of the reduction in such local government's taxes that occurred pursuant to this section.

(6) This section does not affect the requirements of s. 197.333.

Section 15. Section 197.319, Florida Statutes, as created by this act, first applies to the 2023 ad valorem tax roll.

Section 16. Effective upon this act becoming a law, section 197.3195, Florida Statutes, is created to read:

197.3195 Abatement of ad valorem taxes and non-ad valorem assessments following destruction caused by a sudden and unforeseen collapse.

(1) As used in this section, the term "residential improvement" means a multistory residential building that consists of at least 50 dwelling units.

(2) Each parcel owned and assessed as homestead property under s. 193.155 or as nonhomestead residential property under s. 193.1554 which is within a residential improvement that is destroyed due to a sudden and unforeseen collapse of the residential improvement or due to the subsequent demolition of the residential improvement after such collapse is eligible for an abatement of all taxes and non-ad valorem assessments for the year in which the destruction occurred if the property appraiser determines that the condition of the residential improvement on the January 1 immediately preceding the collapse was such that the residential improvement had no value due to a latent defect of the property not readily discernable by inspection.

(a) The property appraiser shall provide to the tax collector an official written statement that provides the information necessary for the tax collector to abate the taxes and non-ad valorem assessments for each parcel owner.

(b) For parcels meeting the requirements of this subsection, a parcel owner is not required to remit a payment, the property appraiser may not issue a notice of proposed property taxes pursuant to s. 200.069, and the tax collector may not issue a tax notice pursuant to s. 197.322. In lieu of the notice of proposed property taxes, the property appraiser must notify the taxpayer that all taxes and non-ad valorem assessments have been abated for the year in which the property was destroyed. If a parcel owner files a petition to the value adjustment board concerning the value of the parcel for the year of the destruction, the value adjustment board must dismiss the petition.

(3) For purposes of determining the assessed value under s. 193.155(8) of a new homestead established by an owner of a parcel within the destroyed residential improvement, the just value and assessed value of the destroyed parcel on the January 1 of the year preceding the year of the destruction must be used.

(4) Tax payments received by the tax collector for taxes and non-ad valorem assessments levied in the year of destruction on parcels meeting the requirements of subsection (2) are eligible for a refund upon application made to the tax collector. For purposes of this subsection, the parcel owner or the parcel owner's legal representative may apply for a refund.

(5) Section 197.319 does not apply to any parcel for which an abatement of taxes and non-ad valorem assessments is provided to a parcel owner pursuant to this section.

(6) This section is repealed December 31, 2023, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 17. Section 197.3195, Florida Statutes, as created by this act, applies retroactively to January 1, 2021. This section shall take effect upon this act becoming a law.

Section 18. Subsection (2) of section 201.25, Florida Statutes, is renumbered as subsection (3), and a new subsection (2) is added to that section to read:

201.25 Tax exemptions for certain loans.—There shall be exempt from all taxes imposed by this chapter:

(2) Any federal loan that is related to a state of emergency declared by executive order or proclamation of the Governor pursuant to s. 252.36.

Section 19. Paragraph (a) of subsection (2) of section 212.04, Florida Statutes, is amended to read:

212.04 Admissions tax; rate, procedure, enforcement.—

(2)(a) A tax may not be levied on:

1. Admissions to athletic or other events sponsored by elementary schools, junior high schools, middle schools, high schools, community colleges, public or private colleges and universities, deaf and blind schools, facilities of the youth services programs of the Department of Children and Families, and state correctional institutions if only student, faculty, or inmate talent is used. However, this exemption does not apply to admission to athletic events sponsored by a state university, and the proceeds of the tax collected on such admissions shall be retained and used by each institution to support women's athletics as provided in s. 1006.71(2)(c).

2. Dues, membership fees, and admission charges imposed by not-for-profit sponsoring organizations. To receive this exemption, the sponsoring organization must qualify as a not-for-profit entity under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended.

3. Admission charges to an event sponsored by a governmental entity, sports authority, or sports commission if held in a convention hall, exhibition hall, auditorium, stadium, theater, arena, civic center, performing arts center, or publicly owned recreational facility and if 100 percent of the risk of success or failure lies with the sponsor of the event and 100 percent of the funds at risk for the event belong to the sponsor, and student or faculty talent is not exclusively used. As used in this subparagraph, the terms "sports authority" and "sports commission" mean a nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and that contracts with a county or municipal government for the purpose of promoting and attracting sports-tourism events to the community with which it contracts.

4. An admission paid by a student, or on the student's behalf, to any required place of sport or recreation if the student's participation in the sport or recreational activity is required as a part of a program or activity sponsored by, and under the jurisdiction of, the student's educational institution if his or her attendance is as a participant and not as a spectator.

5. Admissions to the National Football League championship game or Pro Bowl; admissions to any semifinal game or championship game of a national collegiate tournament; admissions to a Major League Baseball, Major League Soccer, National Basketball Association, or National Hockey League all-star game; admissions to the Major League Baseball Home Run Derby held before the Major League Baseball All-Star Game; admissions to any FIFA World Cup match sanctioned by the Fédération Internationale de Football Association (FIFA), including any qualifying match held up to 12 months before the FIFA World Cup matches; admissions to any Formula One Grand Prix race sanctioned by Fédération Internationale de l'Automobile, including any qualifying or support races held at the circuit up to 72 hours before the grand prix race; admissions to the Daytona 500 sanctioned by the National Association for Stock Car Auto Racing, including any qualifying or support races held at the same track up to 72 hours before the race; or admissions to National Basketball Association all-star events

produced by the National Basketball Association and held at a facility such as an arena, convention center, or municipal facility.

6. A participation fee or sponsorship fee imposed by a governmental entity as described in s. 212.08(6) for an athletic or recreational program if the governmental entity by itself, or in conjunction with an organization exempt under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, sponsors, administers, plans, supervises, directs, and controls the athletic or recreational program.

7. Admissions to live theater, live opera, or live ballet productions in this state which are sponsored by an organization that has received a determination from the Internal Revenue Service that the organization is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code of 1954, as amended, if the organization actively participates in planning and conducting the event, is responsible for the safety and success of the event, is organized for the purpose of sponsoring live theater, live opera, or live ballet productions in this state, has more than 10,000 subscribing members and has among the stated purposes in its charter the promotion of arts education in the communities it serves, and will receive at least 20 percent of the net profits, if any, of the events the organization sponsors and will bear the risk of at least 20 percent of the losses, if any, from the events it sponsors if the organization employs other persons as agents to provide services in connection with a sponsored event. Before March 1 of each year, such organization may apply to the department for a certificate of exemption for admissions to such events sponsored in this state by the organization during the immediately following state fiscal year. The application must state the total dollar amount of admissions receipts collected by the organization or its agents from such events in this state sponsored by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Such organization shall receive the exemption only to the extent of \$1.5 million multiplied by the ratio that such receipts bear to the total of such receipts of all organizations applying for the exemption in such year; however, such exemption granted to any organization may not exceed 6 percent of such admissions receipts collected by the organization or its agents in the year immediately preceding the year in which the organization applies for the exemption. Each organization receiving the exemption shall report each month to the department the total admissions receipts collected from such events sponsored by the organization during the preceding month and shall remit to the department an amount equal to 6 percent of such receipts reduced by any amount remaining under the exemption. Tickets for such events sold by such organizations may not reflect the tax otherwise imposed under this section.

8. Entry fees for participation in freshwater fishing tournaments.

9. Participation or entry fees charged to participants in a game, race, or other sport or recreational event if spectators are charged a taxable admission to such event.

10. Admissions to any postseason collegiate football game sanctioned by the National Collegiate Athletic Association.

11. Admissions to and membership fees for gun clubs. For purposes of this subparagraph, the term “gun club” means an organization whose primary purpose is to offer its members access to one or more shooting ranges for target or skeet shooting.

Section 20. Paragraph (n) is added to subsection (1) of section 212.05, Florida Statutes, to read:

212.05 Sales, storage, use tax.—It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, including the business of making or facilitating remote sales; who rents or furnishes any of the things or services taxable under this chapter; or who stores for use or consumption in this state any item or article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(n) At the rate of 3 percent of the sales price on the retail sale of a new mobile home. As used in this paragraph, the term “new mobile home” has the same meaning as in s. 319.001.

Section 21. Paragraph (c) of subsection (6) of section 212.055, Florida Statutes, is amended to read:

212.055 Discretionary sales surtaxes; legislative intent; authorization and use of proceeds.—It is the legislative intent that any authorization for imposition of a discretionary sales surtax shall be published in the Florida Statutes as a subsection of this section, irrespective of the duration of the levy. Each enactment shall specify the types of counties authorized to levy; the rate or rates which may be imposed; the maximum length of time the surtax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide. Taxable transactions and administrative procedures shall be as provided in s. 212.054.

(6) SCHOOL CAPITAL OUTLAY SURTAX.—

(c) The resolution providing for the imposition of the surtax must set forth a plan for use of the surtax proceeds for fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of 5 or more years, and any land acquisition, land improvement, design, and engineering costs related thereto, or any purchase, lease-purchase, lease, or maintenance of school buses, as defined in s. 1006.25,

which have a life expectancy of 5 years or more. Additionally, the plan shall include the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. Surtax revenues may be used to service bond indebtedness to finance projects authorized by this subsection, and any interest accrued thereto may be held in trust to finance such projects. Neither the proceeds of the surtax nor any interest accrued thereto shall be used for operational expenses. Surtax revenues shared with charter schools shall be expended by the charter school in a manner consistent with the allowable uses set forth in s. 1013.62(4). All revenues and expenditures shall be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9). The eligibility of a charter school to receive funds under this subsection shall be determined in accordance with s. 1013.62(1). If a school's charter is not renewed or is terminated and the school is dissolved under the provisions of law under which the school was organized, any unencumbered funds received under this subsection shall revert to the sponsor.

Section 22. The additional uses of surtax proceeds authorized by the amendments made by this act to s. 212.055(6)(c), Florida Statutes, may apply to a surtax in effect on the date this act becomes a law only to the extent such use was authorized in the original referendum adopting the surtax or is authorized pursuant to a subsequent resolution conditioned to take effect only upon approval of a majority vote of the electors of the county voting in a referendum.

Section 23. Paragraph (b) of subsection (3), paragraphs (a), (c), and (p) of subsection (5), and paragraph (b) of subsection (7) of section 212.08, Florida Statutes, are amended, and paragraph (ppp) is added to subsection (7) of that section, to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.—The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by this chapter.

(3) EXEMPTIONS; CERTAIN FARM EQUIPMENT.—

(b) The tax may not be imposed on ~~that portion of the sales price below \$20,000 for a trailer weighing 12,000 pounds or less and purchased by a farmer for exclusive use in agricultural production or to transport farm products from his or her farm to the place where the farmer transfers ownership of the farm products to another.~~ This exemption is not forfeited by using a trailer to transport the farmer's farm equipment. The exemption provided under this paragraph does not apply to the lease or rental of a trailer.

(5) EXEMPTIONS; ACCOUNT OF USE.—

(a) *Items in agricultural use and certain nets.*—There are exempt from the tax imposed by this chapter nets designed and used exclusively by commercial fisheries; disinfectants, fertilizers, insecticides, pesticides, herbicides, fungicides, and weed killers used for application on crops or groves, including commercial nurseries and home vegetable gardens, used in dairy barns or on poultry farms for the purpose of protecting poultry or livestock, or used directly on poultry or livestock; animal health products that are administered to, applied to, or consumed by livestock or poultry to alleviate pain or cure or prevent sickness, disease, or suffering, including, but not limited to, antiseptics, absorbent cotton, gauze for bandages, lotions, vaccines, vitamins, and worm remedies; aquaculture health products that are used by aquaculture producers, as defined in s. 597.0015, to prevent or treat fungi, bacteria, and parasitic diseases; portable containers or movable receptacles in which portable containers are placed, used for processing farm products; field and garden seeds, including flower seeds; nursery stock, seedlings, cuttings, or other propagative material purchased for growing stock; seeds, seedlings, cuttings, and plants used to produce food for human consumption; cloth, plastic, and other similar materials used for shade, mulch, or protection from frost or insects on a farm; hog wire and barbed wire fencing, including gates and materials used to construct or repair such fencing, used in agricultural production on lands classified as agricultural lands under s. 193.461; stakes used by a farmer to support plants during agricultural production; generators used on poultry farms; and liquefied petroleum gas or other fuel used to heat a structure in which started pullets or broilers are raised; however, such exemption is not allowed unless the purchaser or lessee signs a certificate stating that the item to be exempted is for the exclusive use designated herein. Also exempt are cellophane wrappers, glue for tin and glass (apiarists), mailing cases for honey, shipping cases, window cartons, and baling wire and twine used for baling hay, when used by a farmer to contain, produce, or process an agricultural commodity.

(c) Machinery and equipment used in production of electrical or steam energy.—

1. The purchase of machinery and equipment for use at a fixed location which machinery and equipment are necessary in the production of electrical or steam energy resulting from the burning of hydrogen or boiler fuels other than residual oil is exempt from the tax imposed by this chapter. Such electrical or steam energy must be primarily for use in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. Use of a de minimis amount of residual fuel to facilitate the burning of nonresidual fuel shall not reduce the exemption otherwise available under this paragraph.

2. In facilities where machinery and equipment are necessary to burn hydrogen, or both residual and nonresidual fuels, the exemption shall be prorated. Such proration shall be based upon the production of electrical or steam energy from nonresidual fuels and hydrogen as a percentage of electrical or steam energy from all fuels. If it is determined that 15 percent or

less of all electrical or steam energy generated was produced by burning residual fuel, the full exemption shall apply. Purchasers claiming a partial exemption shall obtain such exemption by refund of taxes paid, or as otherwise provided in the department's rules.

3. The department may adopt rules that provide for implementation of this exemption. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the vendor with an affidavit stating that the item or items to be exempted are for the use designated herein. Any person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law. Purchasers with self-accrual authority shall maintain all documentation necessary to prove the exempt status of purchases.

(p) *Community contribution tax credit for donations.*—

1. Authorization.—Persons who are registered with the department under s. 212.18 to collect or remit sales or use tax and who make donations to eligible sponsors are eligible for tax credits against their state sales and use tax liabilities as provided in this paragraph:

a. The credit shall be computed as 50 percent of the person's approved annual community contribution.

b. The credit shall be granted as a refund against state sales and use taxes reported on returns and remitted in the 12 months preceding the date of application to the department for the credit as required in sub-subparagraph 3.c. If the annual credit is not fully used through such refund because of insufficient tax payments during the applicable 12-month period, the unused amount may be included in an application for a refund made pursuant to sub-subparagraph 3.c. in subsequent years against the total tax payments made for such year. Carryover credits may be applied for a 3-year period without regard to any time limitation that would otherwise apply under s. 215.26.

c. A person may not receive more than \$200,000 in annual tax credits for all approved community contributions made in any one year.

d. All proposals for the granting of the tax credit require the prior approval of the Department of Economic Opportunity.

e. The total amount of tax credits which may be granted for all programs approved under this paragraph and ss. 220.183 and 624.5105 is \$14.5 million in the 2022-2023 fiscal year and \$12.5 million in the 2018-2019 fiscal year, \$13.5 million in the 2019-2020 fiscal year, and \$10.5 million in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households and \$4.5 ~~\$3.5~~ million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects. As

used in this paragraph, the term “person with special needs” has the same meaning as in s. 420.0004 and the terms “low-income person,” “low-income household,” “very-low-income person,” and “very-low-income household” have the same meanings as in s. 420.9071.

f. A person who is eligible to receive the credit provided in this paragraph, s. 220.183, or s. 624.5105 may receive the credit only under one section of the person’s choice.

2. Eligibility requirements.—

a. A community contribution by a person must be in the following form:

(I) Cash or other liquid assets;

(II) Real property, including 100 percent ownership of a real property holding company;

(III) Goods or inventory; or

(IV) Other physical resources identified by the Department of Economic Opportunity.

For purposes of this sub-subparagraph, the term “real property holding company” means a Florida entity, such as a Florida limited liability company, that is wholly owned by the person; is the sole owner of real property, as defined in s. 192.001(12), located in the state; is disregarded as an entity for federal income tax purposes pursuant to 26 C.F.R. s. 301.7701-3(b)(1)(ii); and at the time of contribution to an eligible sponsor, has no material assets other than the real property and any other property that qualifies as a community contribution.

b. All community contributions must be reserved exclusively for use in a project. As used in this sub-subparagraph, the term “project” means activity undertaken by an eligible sponsor which is designed to construct, improve, or substantially rehabilitate housing that is affordable to low-income households or very-low-income households; designed to provide housing opportunities for persons with special needs; designed to provide commercial, industrial, or public resources and facilities; or designed to improve entrepreneurial and job-development opportunities for low-income persons. A project may be the investment necessary to increase access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, including projects that result in improvements to communications assets that are owned by a business. A project may include the provision of museum educational programs and materials that are directly related to a project approved between January 1, 1996, and December 31, 1999, and located in an area which was in an enterprise zone designated pursuant to s. 290.0065 as of May 1, 2015. This paragraph does not preclude projects that propose to construct or rehabilitate housing for low-income households or very-low-income households on scattered sites or housing opportunities for persons

with special needs. With respect to housing, contributions may be used to pay the following eligible special needs, low-income, and very-low-income housing-related activities:

(I) Project development impact and management fees for special needs, low-income, or very-low-income housing projects;

(II) Down payment and closing costs for persons with special needs, low-income persons, and very-low-income persons;

(III) Administrative costs, including housing counseling and marketing fees, not to exceed 10 percent of the community contribution, directly related to special needs, low-income, or very-low-income projects; and

(IV) Removal of liens recorded against residential property by municipal, county, or special district local governments if satisfaction of the lien is a necessary precedent to the transfer of the property to a low-income person or very-low-income person for the purpose of promoting home ownership. Contributions for lien removal must be received from a nonrelated third party.

c. The project must be undertaken by an “eligible sponsor,” which includes:

(I) A community action program;

(II) A nonprofit community-based development organization whose mission is the provision of housing for persons with special needs, low-income households, or very-low-income households or increasing entrepreneurial and job-development opportunities for low-income persons;

(III) A neighborhood housing services corporation;

(IV) A local housing authority created under chapter 421;

(V) A community redevelopment agency created under s. 163.356;

(VI) A historic preservation district agency or organization;

(VII) A local workforce development board;

(VIII) A direct-support organization as provided in s. 1009.983;

(IX) An enterprise zone development agency created under s. 290.0056;

(X) A community-based organization incorporated under chapter 617 which is recognized as educational, charitable, or scientific pursuant to s. 501(c)(3) of the Internal Revenue Code and whose bylaws and articles of incorporation include affordable housing, economic development, or community development as the primary mission of the corporation;

(XI) Units of local government;

(XII) Units of state government; or

(XIII) Any other agency that the Department of Economic Opportunity designates by rule.

A contributing person may not have a financial interest in the eligible sponsor.

d. The project must be located in an area which was in an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, or a Front Porch Florida Community, unless the project increases access to high-speed broadband capability in a rural community that had an enterprise zone designated pursuant to chapter 290 as of May 1, 2015, but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income households or very-low-income households or housing opportunities for persons with special needs is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

(A) If tax credit applications submitted for approved projects of an eligible sponsor do not exceed \$200,000 in total, the credits shall be granted in full if the tax credit applications are approved.

(B) If tax credit applications submitted for approved projects of an eligible sponsor exceed \$200,000 in total, the amount of tax credits granted pursuant to sub-sub-sub-paragraph (A) shall be subtracted from the amount of available tax credits, and the remaining credits shall be granted to each approved tax credit application on a pro rata basis.

(II) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and shall grant remaining tax credits on a first-come, first-

served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects other than those that provide housing opportunities for persons with special needs or homeownership opportunities for low-income households or very-low-income households are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications on a pro rata basis.

3. Application requirements.—

a. An eligible sponsor seeking to participate in this program must submit a proposal to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the area in which the project is located, together with such supporting information as is prescribed by rule. The proposal must also contain a resolution from the local governmental unit in which the project is located certifying that the project is consistent with local plans and regulations.

b. A person seeking to participate in this program must submit an application for tax credit to the Department of Economic Opportunity which sets forth the name of the sponsor, a description of the project, and the type, value, and purpose of the contribution. The sponsor shall verify, in writing, the terms of the application and indicate its receipt of the contribution, and such verification must accompany the application for tax credit. The person must submit a separate tax credit application to the Department of Economic Opportunity for each individual contribution that it makes to each individual project.

c. A person who has received notification from the Department of Economic Opportunity that a tax credit has been approved must apply to the department to receive the refund. Application must be made on the form prescribed for claiming refunds of sales and use taxes and be accompanied by a copy of the notification. A person may submit only one application for refund to the department within a 12-month period.

4. Administration.—

a. The Department of Economic Opportunity may adopt rules necessary to administer this paragraph, including rules for the approval or disapproval of proposals by a person.

b. The decision of the Department of Economic Opportunity must be in writing, and, if approved, the notification shall state the maximum credit allowable to the person. Upon approval, the Department of Economic Opportunity shall transmit a copy of the decision to the department.

c. The Department of Economic Opportunity shall periodically monitor all projects in a manner consistent with available resources to ensure that

resources are used in accordance with this paragraph; however, each project must be reviewed at least once every 2 years.

d. The Department of Economic Opportunity shall, in consultation with the statewide and regional housing and financial intermediaries, market the availability of the community contribution tax credit program to community-based organizations.

(7) MISCELLANEOUS EXEMPTIONS.—Exemptions provided to any entity by this chapter do not inure to any transaction that is otherwise taxable under this chapter when payment is made by a representative or employee of the entity by any means, including, but not limited to, cash, check, or credit card, even when that representative or employee is subsequently reimbursed by the entity. In addition, exemptions provided to any entity by this subsection do not inure to any transaction that is otherwise taxable under this chapter unless the entity has obtained a sales tax exemption certificate from the department or the entity obtains or provides other documentation as required by the department. Eligible purchases or leases made with such a certificate must be in strict compliance with this subsection and departmental rules, and any person who makes an exempt purchase with a certificate that is not in strict compliance with this subsection and the rules is liable for and shall pay the tax. The department may adopt rules to administer this subsection.

(b) Boiler fuels.—When purchased for use as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material, coal, sulfur, hydrogen, wood, wood residues or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein. This exemption does not apply to the use of boiler fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business and Professional Regulation.

(ppp) Green hydrogen.—

1. As used this paragraph, the term:

a. “Green hydrogen” means hydrogen created using biomass or an electrolytic process powered from renewable energy sources, including solar energy, wind energy, biomass, and geothermal energy. The term also includes hydrogen created using the pyrolytic decomposition of methane gas.

b. “Primarily used” means a use of at least 50 percent.

2. The following are exempt from the tax imposed by this chapter:

a. The purchase of machinery and equipment primarily used in the production, storage, transportation, compression, or blending of green hydrogen. The machinery and equipment must be used at a fixed location.

b. The purchase of machinery and equipment primarily used in the production, storage, transportation, compression, or blending of ammonia derived from green hydrogen, if the ammonia will be converted back to green hydrogen before its use or sale. The machinery and equipment must be used at a fixed location.

c. The purchase of machinery and equipment that are necessary to produce electrical energy resulting from the electrochemical reaction of green hydrogen and oxygen in a fuel cell. The electrical energy must be primarily used in manufacturing, processing, compounding, or producing for sale items of tangible personal property in this state. The machinery and equipment must be used at a fixed location.

3. Purchasers of machinery and equipment qualifying for the exemption provided in this paragraph shall furnish the vendor with an affidavit stating that the item or items to be exempted are for the use designated herein. Purchasers with self-accrual authority pursuant to s. 212.183 are not required to provide this affidavit but shall maintain all documentation necessary to prove the exempt status of purchases.

4. A person furnishing a false affidavit to the vendor for the purpose of evading payment of any tax imposed under this chapter shall be subject to the penalty set forth in s. 212.085 and as otherwise provided by law.

5. The department may adopt rules to implement the exemptions in this paragraph.

Section 24. Subsection (23) is added to section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

(23) The department may make available to the Department of Transportation, exclusively for official purposes, information for the purpose of administering the credit for qualified railroad reconstruction or replacement expenditures in s. 220.1915.

Section 25. Subsection (8) of section 220.02, Florida Statutes, is amended to read:

220.02 Legislative intent.—

(8) It is the intent of the Legislature that credits against either the corporate income tax or the franchise tax be applied in the following order: those enumerated in s. 631.828, those enumerated in s. 220.191, those enumerated in s. 220.181, those enumerated in s. 220.183, those enumerated in s. 220.182, those enumerated in s. 220.1895, those enumerated in s.

220.195, those enumerated in s. 220.184, those enumerated in s. 220.186, those enumerated in s. 220.1845, those enumerated in s. 220.19, those enumerated in s. 220.185, those enumerated in s. 220.1875, those enumerated in s. 220.1876, those enumerated in s. 220.1877, those enumerated in s. 220.193, those enumerated in s. 288.9916, those enumerated in s. 220.1899, those enumerated in s. 220.194, those enumerated in s. 220.196, ~~and those enumerated in s. 220.198, and those enumerated in s. 220.1915.~~

Section 26. Paragraph (n) of subsection (1) and paragraph (c) of subsection (2) of section 220.03, Florida Statutes, are amended to read:

220.03 Definitions.—

(1) SPECIFIC TERMS.—When used in this code, and when not otherwise distinctly expressed or manifestly incompatible with the intent thereof, the following terms shall have the following meanings:

(n) “Internal Revenue Code” means the United States Internal Revenue Code of 1986, as amended and in effect on January 1, ~~2022~~ 2021, except as provided in subsection (3).

(2) DEFINITIONAL RULES.—When used in this code and neither otherwise distinctly expressed nor manifestly incompatible with the intent thereof:

(c) Any term used in this code has the same meaning as when used in a comparable context in the Internal Revenue Code and other statutes of the United States relating to federal income taxes, as such code and statutes are in effect on January 1, ~~2022~~ 2021. However, if subsection (3) is implemented, the meaning of a term shall be taken at the time the term is applied under this code.

Section 27. The amendments made by this act to s. 220.03(1), Florida Statutes, shall take effect upon this act becoming a law and operate retroactively to January 1, 2022.

Section 28. Paragraph (a) of subsection (1) of section 220.13, Florida Statutes, is amended to read:

220.13 “Adjusted federal income” defined.—

(1) The term “adjusted federal income” means an amount equal to the taxpayer’s taxable income as defined in subsection (2), or such taxable income of more than one taxpayer as provided in s. 220.131, for the taxable year, adjusted as follows:

(a) Additions.—There shall be added to such taxable income:

1.a. The amount of any tax upon or measured by income, excluding taxes based on gross receipts or revenues, paid or accrued as a liability to the

District of Columbia or any state of the United States which is deductible from gross income in the computation of taxable income for the taxable year.

b. Notwithstanding sub-subparagraph a., if a credit taken under s. 220.1875, s. 220.1876, or s. 220.1877 is added to taxable income in a previous taxable year under subparagraph 11. and is taken as a deduction for federal tax purposes in the current taxable year, the amount of the deduction allowed shall not be added to taxable income in the current year. The exception in this sub-subparagraph is intended to ensure that the credit under s. 220.1875, s. 220.1876, or s. 220.1877 is added in the applicable taxable year and does not result in a duplicate addition in a subsequent year.

2. The amount of interest which is excluded from taxable income under s. 103(a) of the Internal Revenue Code or any other federal law, less the associated expenses disallowed in the computation of taxable income under s. 265 of the Internal Revenue Code or any other law, excluding 60 percent of any amounts included in alternative minimum taxable income, as defined in s. 55(b)(2) of the Internal Revenue Code, if the taxpayer pays tax under s. 220.11(3).

3. In the case of a regulated investment company or real estate investment trust, an amount equal to the excess of the net long-term capital gain for the taxable year over the amount of the capital gain dividends attributable to the taxable year.

4. That portion of the wages or salaries paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.181. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

5. That portion of the ad valorem school taxes paid or incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year under s. 220.182. This subparagraph shall expire on the date specified in s. 290.016 for the expiration of the Florida Enterprise Zone Act.

6. The amount taken as a credit under s. 220.195 which is deductible from gross income in the computation of taxable income for the taxable year.

7. That portion of assessments to fund a guaranty association incurred for the taxable year which is equal to the amount of the credit allowable for the taxable year.

8. In the case of a nonprofit corporation which holds a pari-mutuel permit and which is exempt from federal income tax as a farmers' cooperative, an amount equal to the excess of the gross income attributable to the pari-mutuel operations over the attributable expenses for the taxable year.

9. The amount taken as a credit for the taxable year under s. 220.1895.

10. Up to nine percent of the eligible basis of any designated project which is equal to the credit allowable for the taxable year under s. 220.185.

11. Any amount taken as a credit for the taxable year under s. 220.1875, s. 220.1876, or s. 220.1877. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. This addition is not intended to result in adding the same expense back to income more than once.

12. The amount taken as a credit for the taxable year under s. 220.193.

13. Any portion of a qualified investment, as defined in s. 288.9913, which is claimed as a deduction by the taxpayer and taken as a credit against income tax pursuant to s. 288.9916.

14. The costs to acquire a tax credit pursuant to s. 288.1254(5) that are deducted from or otherwise reduce federal taxable income for the taxable year.

15. The amount taken as a credit for the taxable year pursuant to s. 220.194.

16. The amount taken as a credit for the taxable year under s. 220.196. The addition in this subparagraph is intended to ensure that the same amount is not allowed for the tax purposes of this state as both a deduction from income and a credit against the tax. The addition is not intended to result in adding the same expense back to income more than once.

17. The amount taken as a credit for the taxable year pursuant to s. 220.198.

18. The amount taken as a credit for the taxable year pursuant to s. 220.1915.

Section 29. Paragraph (c) of subsection (1) of section 220.183, Florida Statutes, is amended to read:

220.183 Community contribution tax credit.—

(1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM SPENDING.—

(c) The total amount of tax credit which may be granted for all programs approved under this section, s. 212.08(5)(p), and s. 624.5105 is \$14.5 million in the 2022-2023 fiscal year and \$12.5 million in the 2018-2019 fiscal year, \$13.5 million in the 2019-2020 fiscal year, and \$10.5 million in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 and homeownership opportunities for low-income households or very-low-income households as defined

in s. 420.9071 and ~~\$4.5~~ \$3.5 million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects.

Section 30. Subsection (1) of section 220.1876, Florida Statutes, is amended to read:

220.1876 Credit for contributions to the New Worlds Reading Initiative.

(1) For taxable years beginning on or after January 1, ~~2021~~ 2022, there is allowed a credit of 100 percent of an eligible contribution made to the New Worlds Reading Initiative under s. 1003.485 against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer. An eligible contribution must be made to the New Worlds Reading Initiative on or before the date the taxpayer is required to file a return pursuant to s. 220.222. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax, taking into account the credit granted by this section, and the amount of federal corporate income tax without application of the credit granted by this section.

Section 31. Subsection (1) of section 220.1877, Florida Statutes, is amended to read:

220.1877 Credit for contributions to eligible charitable organizations.

(1) For taxable years beginning on or after January 1, ~~2021~~ 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax due for a taxable year under this chapter after the application of any other allowable credits by the taxpayer. An eligible contribution must be made to an eligible charitable organization on or before the date the taxpayer is required to file a return pursuant to s. 220.222. The credit granted by this section shall be reduced by the difference between the amount of federal corporate income tax, taking into account the credit granted by this section, and the amount of federal corporate income tax without application of the credit granted by this section.

Section 32. Section 220.1915, Florida Statutes, is created to read:

220.1915 Credit for qualified railroad reconstruction or replacement expenditures.—

(1) For purposes of this section:

(a) “Qualified expenditures” means gross expenditures made in this state by a qualifying railroad during the taxable year in which the credit is claimed, provided such expenditures were made on track that was owned or leased by a qualifying railroad, and were:

1. For the maintenance, reconstruction, or replacement of railroad infrastructure, including track, roadbed, bridges, industrial leads and

sidings, or track-related structures which were owned or leased by the qualifying railroad; or

2. For new construction by the qualifying railroad of industrial leads, switches, spurs and sidings, and extensions of existing sidings located in this state.

(b) “Qualifying railroad” means any taxpayer that was a Class II or Class III railroad operating in this state on the last day of the taxable year for which the credit is claimed, pursuant to the classifications in effect for that year as set by the United States Surface Transportation Board or its successor.

(2)(a) For taxable years beginning on or after January 1, 2023, a qualifying railroad is eligible for a credit against the tax imposed by this chapter if it has qualified expenditures in this state in the taxable year.

(b) The credit allowed under this section is equal to 50 percent of a qualifying railroad’s qualified expenditures incurred in this state in the taxable year, as limited by paragraph (c).

(c) The amount of the credit may not exceed the product of \$3,500 and the number of miles of railroad track owned or leased within this state by the qualifying railroad as of the end of the taxable year in which the qualified expenditures were incurred.

(3)(a) A qualifying railroad must submit to the department with its return an application including any documentation or information required by the department to demonstrate eligibility for the credit allowed under this section.

(b) If the qualifying railroad is not a taxpayer under this chapter, the qualifying railroad must submit the required application including any documentation or information required by the department directly to the department no later than May 1 of the calendar year following the year in which the qualified expenditures were made, in accordance with rules adopted by the department.

(c) The qualifying railroad must include an affidavit certifying that all information contained in the application is true and correct, and supporting documentation must include a copy of any Internal Revenue Service Form 8900, or its equivalent, if such documentation was filed with the Internal Revenue Service for any credit under 26 U.S.C. s. 45G for which the federal credit related in whole or in part to the qualified expenditures in this state for which the credit is sought.

(d) If the qualifying railroad is a taxpayer under this chapter and the credit earned exceeds the taxpayer’s liability under this chapter for that year, or if the qualifying railroad is not a taxpayer under this chapter, the department must issue a letter to the qualifying railroad within 30 days after receipt of the completed application indicating the amount of the

approved credit available for carryover or transfer in accordance with subsection (4).

(e) The department may consult with the Department of Transportation regarding the qualifications, ownership, or classification of any qualifying railroad applying for a credit under this section. The Department of Transportation shall provide technical assistance, when requested by the department, on any technical audits performed pursuant to this section.

(4)(a) If the credit granted under this section is not fully used in any one taxable year because of insufficient tax liability on the part of the qualifying railroad, or because the qualifying railroad is not subject to tax under this chapter, the unused amount may be carried forward for a period not to exceed 5 taxable years or may be transferred in accordance with paragraph (b). The carryover or transferred credit may be used in any of the 5 subsequent taxable years, when the tax imposed by this chapter for that taxable year exceeds the credit for which the qualifying railroad or transferee under paragraph (b) is eligible in that taxable year under this subsection, after applying the other credits and unused carryovers in the order provided by s. 220.02(8).

(b)1. The credit under this section may be transferred:

a. By written agreement to a taxpayer subject to the tax under this chapter and that either transports property using the rail facilities of the qualifying railroad or furnishes railroad-related property or services to any railroad operating in this state, or is a railroad, as those terms are defined in 26 C.F.R. s. 1.45G-1(b); and

b. At any time during the 5 taxable years following the taxable year the credit was originally earned by the qualifying railroad.

2. The written agreement required for transfer under this paragraph shall:

a. Be filed jointly by the qualifying railroad and the transferee with the department within 30 days after the transfer, in accordance with rules adopted by the department; and

b. Contain all of the following information: the name, address, and taxpayer identification number for the qualifying railroad and the transferee; the amount of the credit being transferred; the taxable year in which the credit was originally earned by the qualifying railroad; and the remaining taxable years for which the credit may be claimed.

(5) Notification of a transfer of credit under this section must be submitted to the department on a form adopted by rule of the department. Within 30 days after the transfer, the department shall provide a letter acknowledging the transfer, after which time the transferee may claim the transferred credit on its return due on or after the date of the letter. The

transferee shall attach a copy of the letter to its return when claiming the credit.

(6) In the event the credit provided under this section is reduced as a result of an examination or audit by the department, such tax deficiency shall be recovered from the first entity to have claimed such credit up to the amount of credit taken. Any subsequent deficiency shall be assessed against any entity acquiring and claiming such credit or, in the case of multiple succeeding entities, in the order of credit succession.

(7) The department may adopt rules to implement this section.

Section 33. Paragraph (a) of subsection (5) of section 402.62, Florida Statutes, is amended to read:

402.62 Strong Families Tax Credit.—

(5) STRONG FAMILIES TAX CREDITS; APPLICATIONS, TRANSFERS, AND LIMITATIONS.—

(a) Beginning in fiscal year 2022-2023 ~~2021-2022~~, the tax credit cap amount is \$10 ~~\$5~~ million in each state fiscal year.

Section 34. Paragraph (c) of subsection (1) of section 624.5105, Florida Statutes, is amended to read:

624.5105 Community contribution tax credit; authorization; limitations; eligibility and application requirements; administration; definitions; expiration.—

(1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

(c) The total amount of tax credit which may be granted for all programs approved under this section and ss. 212.08(5)(p) and 220.183 is \$14.5 million in the 2022-2023 fiscal year and \$12.5 million in the 2018-2019 fiscal year, \$13.5 million in the 2019-2020 fiscal year, and \$10.5 million in each fiscal year thereafter for projects that provide housing opportunities for persons with special needs as defined in s. 420.0004 or homeownership opportunities for low-income or very-low-income households as defined in s. 420.9071 and \$4.5 ~~\$3.5~~ million in the 2022-2023 fiscal year and in each fiscal year thereafter for all other projects.

Section 35. Subsection (1) of section 624.51056, Florida Statutes, is amended to read:

624.51056 Credit for contributions to the New Worlds Reading Initiative.—

(1) For taxable years beginning on or after January 1, 2021 ~~2022~~, there is allowed a credit of 100 percent of an eligible contribution made to the New Worlds Reading Initiative under s. 1003.485 against any tax due for a

taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An eligible contribution must be made to the New Worlds Reading Initiative on or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092. An insurer claiming a credit against premium tax liability under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

Section 36. Subsection (1) of section 624.51057, Florida Statutes, is amended to read:

624.51057 Credit for contributions to eligible charitable organizations.

(1) For taxable years beginning on or after January 1, 2021 2022, there is allowed a credit of 100 percent of an eligible contribution made to an eligible charitable organization under s. 402.62 against any tax due for a taxable year under s. 624.509(1) after deducting from such tax deductions for assessments made pursuant to s. 440.51; credits for taxes paid under ss. 175.101 and 185.08; credits for income taxes paid under chapter 220; and the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6). An eligible contribution must be made to an eligible charitable organization on or before the date the taxpayer is required to file a return pursuant to ss. 624.509 and 624.5092. An insurer claiming a credit against premium tax liability under this section is not required to pay any additional retaliatory tax levied under s. 624.5091 as a result of claiming such credit. Section 624.5091 does not limit such credit in any manner.

Section 37. Paragraph (b) of subsection (2) and paragraph (a) of subsection (3) of section 1003.485, Florida Statutes, are amended to read:

1003.485 The New Worlds Reading Initiative.—

(2) NEW WORLDS READING INITIATIVE; ADMINISTRATION.—The New Worlds Reading Initiative is established under the department to improve literacy skills and instill a love of reading by providing high-quality, free books to students in kindergarten through grade 5 who are reading below grade level.

(b) The administrator shall:

1. Develop, in consultation with the Just Read, Florida! Office under s. 1001.215, a selection of high-quality books encompassing diverse subjects and genres for each grade level to be mailed to students in the initiative.

2. Distribute books at no cost to students as provided in paragraph (4)(c) either directly or through an agreement with a book distribution company.

3. Assist local implementation of the initiative by providing marketing materials to school districts and any partnering nonprofit organizations to assist with public awareness campaigns and other activities designed to increase family engagement and instill a love of reading in students.

4. Maintain a clearinghouse for information on national, state, and local nonprofit organizations that support efforts to improve literacy and provide books to children.

5. Develop training materials for parents of students in the initiative, including brief video training modules, which engage families in reading and assist with improving student literacy skills. The administrator shall periodically send, via text message and e-mail, tips for facilitating reading at home and hyperlinks to the video training modules.

6. Annually submit to the department an annual financial report that includes, at a minimum, the amount of eligible contributions received by the administrator; the amount spent on each activity required by this paragraph, including administrative expenses; and the number of students and households served under the initiative.

7. Maintain separate accounts for operating funds and funds for the purchase and delivery of books.

8. Expend eligible contributions received only for the purchase and delivery of books and to implement the requirements of this section, as well as for administrative expenses not to exceed 2 percent of total eligible contributions. Notwithstanding s. 1002.395(6)(j)2., the administrator may carry forward up to 25 percent of eligible contributions made before January 1 of each state fiscal year and 100 percent of eligible contributions made on or after January 1 of each state fiscal year to the following state fiscal year for purposes authorized by this subsection. Any eligible contributions in excess of the allowable ~~25 percent~~ carry forward not used to provide additional books throughout the year to eligible students shall revert to the state treasury.

9. Upon receipt of a contribution, provide the taxpayer that made the contribution with a certificate of contribution. A certificate of contribution must include the taxpayer's name and, if available, its federal employer identification number; the amount contributed; the date of contribution; and the name of the administrator.

(3) NEW WORLDS READING INITIATIVE TAX CREDITS; APPLICATIONS, TRANSFERS, AND LIMITATIONS.—

(a) The tax credit cap amount is \$10 million for the 2021-2022 state fiscal year, \$30 million for the 2022-2023 state fiscal year, and ~~\$60~~ \$50 million in each state fiscal year thereafter.

Section 38. Subsection (5) of section 1011.71, Florida Statutes, is amended to read:

1011.71 District school tax.—

(5) A school district may expend, subject to s. 200.065, up to ~~\$175~~ \$150 per unweighted full-time equivalent student from the revenue generated by the millage levy authorized by subsection (2) to fund, in addition to expenditures authorized in paragraphs (2)(a)-(j), expenses for the following:

(a) The purchase, lease-purchase, or lease of driver's education vehicles; motor vehicles used for the maintenance or operation of plants and equipment; security vehicles; or vehicles used in storing or distributing materials and equipment.

(b) Payment of the cost of premiums, as defined in s. 627.403, for property and casualty insurance necessary to insure school district educational and ancillary plants. As used in this paragraph, casualty insurance has the same meaning as in s. 624.605(1)(d), (f), (g), (h), and (m). Operating revenues that are made available through the payment of property and casualty insurance premiums from revenues generated under this subsection may be expended only for nonrecurring operational expenditures of the school district.

Section 39. It is the intent of the Legislature for any contributions made pursuant to earning a tax credit to be used against the tax due under chapter 220, Florida Statutes, or under s. 624.509(1), Florida Statutes, for taxable years beginning January 1, 2021, through and including March 1, 2021, in accordance with s. 402.62, Florida Statutes, or s. 1003.485, Florida Statutes, to be available to the contributing taxpayer as a credit against the requested tax immediately upon receipt of a certificate of contribution from the administrator of the New Worlds Reading Initiative tax credit program or the applicable charitable organization under the Strong Families tax credit program. The taxpayer may use such credit against any payment of estimated tax or installment payment for the taxable year indicated on the approval letter from the Department of Revenue in accordance with this act and s. 402.62, Florida Statutes, or s. 1003.485, Florida Statutes, as applicable.

Section 40. Treatment of specified contributions under the Strong Families tax credit program and the New Worlds Reading Initiative tax credit program.—

(1) For purposes of any tax due under s. 624.509(1), Florida Statutes, for the 2021 taxable year, for which a return was due March 1, 2022, a taxpayer may apply for an allocation from the Department of Revenue under s. 402.62(5), Florida Statutes, or s. 1003.485(3), Florida Statutes, on or before May 1, 2022.

(a) Once the taxpayer has received an approval letter from the Department of Revenue, the taxpayer must make the designated contribution to the applicable charitable organization or administrator within 14 days, or on or before June 1, 2022, whichever is later.

(b) Once the taxpayer has received a certificate of contribution from the charitable organization or administrator, the taxpayer has 14 days to file an application with the Department of Revenue for a refund of tax paid pursuant to s. 624.509(1), Florida Statutes, for the 2021 taxable year, not to exceed the amount indicated on the certificate of contribution.

(2) Any contribution amount on a certificate of contribution that is not refunded in accordance with this section shall be carried forward for the period specified in s. 402.62(5)(c), Florida Statutes, or s. 1003.485(3)(c), Florida Statutes, as applicable.

(3) The Department of Revenue may not issue refund payments under this section after June 30, 2023.

Section 41. The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules under s. 120.54(4), Florida Statutes, for the purpose of implementing changes related to the Strong Families tax credit program and the New Worlds Reading Initiative tax credit program made by this act. Notwithstanding any other law, emergency rules adopted under this section are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

Section 42. This section and sections 39, 40, and 41 of this act, and the sections amending ss. 220.1876, 220.1877, 624.51056, 624.51057, and 1003.485, Florida Statutes, shall take effect upon this act becoming a law and operate retroactively to July 1, 2021.

Section 43. Clothing, wallets, and bags; school supplies; learning aids and jigsaw puzzles; personal computers and personal computer-related accessories; sales tax holiday.—

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 25, 2022, through August 7, 2022, on the retail sale of:

(a) Clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$100 or less per item. As used in this paragraph, the term “clothing” means:

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

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

(b) School supplies having a sales price of \$50 or less per item. As used in this paragraph, the term “school supplies” means pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books,

poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, staplers and staples used to secure paper products, protractors, compasses, and calculators.

(c) Learning aids and jigsaw puzzles having a sales price of \$30 or less. As used in this paragraph, the term “learning aids” means flashcards or other learning cards, matching or other memory games, puzzle books and search-and-find books, interactive or electronic books and toys intended to teach reading or math skills, and stacking or nesting blocks or sets.

(2) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 25, 2022, through August 7, 2022, on personal computers or personal computer-related accessories purchased for noncommercial home or personal use having a sales price of \$1,500 or less. As used in this subsection, the term:

(a) “Personal computers” includes electronic book readers, laptops, desktops, handhelds, tablets, or tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

(b) “Personal computer-related accessories” includes keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, monitors with a television tuner, or peripherals that are designed or intended primarily for recreational use.

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

(4) The tax exemptions provided in this section apply at the option of the dealer if less than 5 percent of the dealer’s gross sales of tangible personal property in the prior calendar year consisted of items that would be exempt under this section. If a qualifying dealer chooses not to participate in the tax holiday, by July 18, 2022, the dealer must notify the Department of Revenue in writing of its election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at its place of business.

(5) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section.

(6) This section shall take effect upon this act becoming a law.

Section 44. Disaster preparedness supplies; sales tax holiday.—

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from May 28, 2022, through June 10, 2022, on the sale of:

- (a) A portable self-powered light source selling for \$40 or less.
- (b) A portable self-powered radio, two-way radio, or weather-band radio selling for \$50 or less.
- (c) A tarpaulin or other flexible waterproof sheeting selling for \$100 or less.
- (d) An item normally sold as, or generally advertised as, a ground anchor system or tie-down kit selling for \$100 or less.
- (e) A gas or diesel fuel tank selling for \$50 or less.
- (f) A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$50 or less.
- (g) A nonelectric food storage cooler selling for \$60 or less.
- (h) A portable generator used to provide light or communications or preserve food in the event of a power outage selling for \$1,000 or less.
- (i) Reusable ice selling for \$20 or less.
- (j) A portable power bank selling for \$60 or less.
- (k) A smoke detector or smoke alarm selling for \$70 or less.
- (l) A fire extinguisher selling for \$70 or less.
- (m) A carbon monoxide detector selling for \$70 or less.
- (n) Supplies necessary for the evacuation of household pets. For purposes of this exemption, necessary supplies means the noncommercial purchase of:
 1. Portable kennels or pet carriers selling for \$100 or less per item.
 2. Bags of dry pet food weighing 15 or fewer pounds and selling for \$30 or less per item.
 3. Cans or pouches of wet pet food selling for \$2 or less per can or pouch or the equivalent if sold in a box or case.
 4. Manual can openers selling for \$15 or less per item.
 5. Leashes, collars, and muzzles selling for \$20 or less per item.
 6. Collapsible or travel-sized food or water bowls selling for \$15 or less per item.

7. Cat litter weighing 25 or fewer pounds and selling for \$25 or less per item.

8. Cat litter pans selling for \$15 or less per item.

9. Pet waste disposal bags selling for \$15 or less per package.

10. Pet pads selling for \$20 or less per box or package.

11. Hamster or rabbit substrate selling for \$15 or less per package.

12. Pet beds selling for \$40 or less per item.

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

(3) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section.

(4) This section shall take effect upon this act becoming a law.

Section 45. Freedom Week; sales tax holiday.—

(1) The taxes levied under chapter 212, Florida Statutes, may not be collected on purchases made during the period from July 1, 2022, through July 7, 2022, on:

(a) The sale by way of admissions, as defined in s. 212.02(1), Florida Statutes, for:

1. A live music event scheduled to be held on any date or dates from July 1, 2022, through December 31, 2022;

2. A live sporting event scheduled to be held on any date or dates from July 1, 2022, through December 31, 2022;

3. A movie to be shown in a movie theater on any date or dates from July 1, 2022, through December 31, 2022;

4. Entry to a museum, including any annual passes;

5. Entry to a state park, including any annual passes;

6. Entry to a ballet, play, or musical theatre performance scheduled to be held on any date or dates from July 1, 2022, through December 31, 2022;

7. Season tickets for ballets, plays, music events, or musical theatre performances;

8. Entry to a fair, festival, or cultural event scheduled to be held on any date or dates from July 1, 2022, through December 31, 2022; or

9. Use of or access to private and membership clubs providing physical fitness facilities from July 1, 2022, through December 31, 2022.

(b) The retail sale of boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, residential pool supplies, and sporting equipment. As used in this section, the term:

1. “Boating and water activity supplies” means the first \$75 of the sales price of life jackets and coolers; the first \$35 of the sales price of recreational pool tubes, pool floats, inflatable chairs, and pool toys; the first \$50 of the sales price of safety flares; the first \$150 of the sales price of water skis, wakeboards, kneeboards, and recreational inflatable water tubes or floats capable of being towed; the first \$300 of the sales price of paddleboards and surfboards; the first \$500 of the sales price of canoes and kayaks; the first \$75 of the sales price of paddles and oars; and the first \$25 of the sales price of snorkels, goggles, and swimming masks.

2. “Camping supplies” means the first \$200 of the sales price of tents; the first \$50 of the sales price of sleeping bags, portable hammocks, camping stoves, and collapsible camping chairs; and the first \$30 of the sales price of camping lanterns and flashlights.

3. “Fishing supplies” means the first \$75 of the sales price of rods and reels, if sold individually, or the first \$150 of the sales price if sold as a set; the first \$30 of the sales price of tackle boxes or bags; and the first \$5 of the sale price of bait or fishing tackle, if sold individually, or the first \$10 of the sales price if multiple items are sold together. The term does not include supplies used for commercial fishing purposes.

4. “General outdoor supplies” means the first \$15 of the sales price of sunscreen or insect repellent; the first \$100 of the sales price of sunglasses; the first \$200 of the sales price of binoculars; the first \$30 of the sales price of water bottles; the first \$50 of the sales price of hydration packs; the first \$250 of the sales price of outdoor gas or charcoal grills; the first \$50 of the sales price of bicycle helmets; and the first \$250 of the sales price of bicycles.

5. “Residential pool supplies” means the first \$100 of the sales price of individual residential pool and spa replacement parts, nets, filters, lights, and covers; and the first \$150 of the combined sales price of all residential pool and spa chemicals purchased by an individual.

6. “Sports equipment” means any item used in individual or team sports, not including clothing or footwear, selling for \$40 or less per item.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as defined in s. 509.013(9), Florida Statutes, within a public lodging establishment as defined in s.

509.013(4), Florida Statutes, or within an airport as defined in s. 330.27(2), Florida Statutes.

(3) If a purchaser of an admission purchases the admission exempt from tax pursuant to this section and subsequently resells the admission, the purchaser shall collect tax on the full sales price of the resold admission.

(4) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section.

(5) This section shall take effect upon this act becoming a law.

Section 46. Tools commonly used by skilled trade workers; Tool Time sales tax holiday.—

(1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from September 3, 2022, through September 9, 2022, on the retail sale of:

(a) Hand tools selling for \$50 or less per item.

(b) Power tools selling for \$300 or less per item.

(c) Power tool batteries selling for \$150 or less per item.

(d) Work gloves selling for \$25 or less per pair.

(e) Safety glasses selling for \$50 or less per pair, or the equivalent if sold in sets of more than one pair.

(f) Protective coveralls selling for \$50 or less per item.

(g) Work boots selling for \$175 or less per pair.

(h) Tool belts selling for \$100 or less per item.

(i) Duffle bags or tote bags selling for \$50 or less per item.

(j) Tool boxes selling for \$75 or less per item.

(k) Tool boxes for vehicles selling for \$300 or less per item.

(l) Industry textbooks and code books selling for \$125 or less per item.

(m) Electrical voltage and testing equipment selling for \$100 or less per item.

(n) LED flashlights selling for \$50 or less per item.

(o) Shop lights selling for \$100 or less per item.

(p) Handheld pipe cutters, drain opening tools, and plumbing inspection equipment selling for \$150 or less per item.

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

(3) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section.

Section 47. Florida Motor Fuel Tax Relief Act of 2022.—

(1) This section of this act may be referred to by the popular name the “Florida Motor Fuel Tax Relief Act of 2022.”

(2) From October 1, 2022, through October 31, 2022, the tax levied pursuant to s. 206.41(1)(b), Florida Statutes, shall be reduced by 1 cent per gallon, the tax levied pursuant to s. 206.41(1)(c), Florida Statutes, shall be reduced by 1 cent per gallon, the tax levied pursuant to s. 206.41(1)(f), Florida Statutes, shall be reduced by 8.3 cents per gallon, and the tax levied pursuant to s. 206.41(1)(g), Florida Statutes, shall be reduced by 15 cents per gallon. During this period, licensed terminal suppliers, wholesalers, and importers of motor fuel shall charge and collect the reduced rate of tax on sales of motor fuel to retail dealers located in this state.

(3)(a) It is the intent of the Legislature that the tax reduction set forth in this section be passed on to the ultimate consumer.

(b) A retail dealer of motor fuel, at the dealer’s option, may manage its motor fuel inventory in such a way that the benefit to residents of this state of the tax reduction is maximized during the month. A retail dealer of motor fuel may sell motor fuel purchased without the tax reduction at an amount determined as if the tax reduction applied and may sell motor fuel purchased with the tax reduction at an amount determined as if the tax reduction did not apply, if the retail dealer can show that the number of gallons purchased with the reduced tax equals the number of gallons sold at a price reflecting the reduced tax.

(c) The Attorney General may investigate violations of this act.

(4) Refunds authorized pursuant to s. 206.41(4), Florida Statutes, for fuel purchased during the period described in subsection (2) shall be reduced by the amount of the tax reduction set forth in that subsection.

(5) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, for the purpose of implementing this section. Notwithstanding any

other law, the emergency rules shall remain effective for 6 months after the date of adoption of the rules.

(6) It is unlawful for a terminal supplier, wholesaler, importer, reseller, or retail dealer of motor fuel to retain any part of the tax reduction set forth in this act or to interfere with providing the full benefit of the tax reduction to the retail purchaser of motor fuel.

(7) Contingent upon the Department of Financial Services receiving and depositing into the General Revenue Fund the second distribution of the state's allocation from the federal Coronavirus State Fiscal Recovery Fund created in Public Law No. 117-2, entitled American Rescue Plan Act of 2021, the following nonoperating transfers from the General Revenue Fund are authorized in the 2022-2023 fiscal year, to be made in December 2022:

(a) One hundred eighteen million and six hundred thousand dollars shall be transferred into the State Transportation Trust Fund;

(b) Seven million and nine hundred thousand dollars shall be transferred into the Fuel Tax Collection Trust Fund for distribution as provided in s. 206.60;

(c) Seven million and nine hundred thousand dollars shall be transferred into the Fuel Tax Collection Trust Fund for distribution as provided in s. 206.605; and

(d) Sixty-five million and six hundred thousand dollars shall be transferred into the Fuel Tax Collection Trust Fund for distribution as provided in s. 206.608.

(8) This section expires July 1, 2023.

Section 48. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from May 14, 2022, through August 14, 2022, on the retail sale of children's books.

(2) As used in this section, the term "children's books" means any fiction or nonfiction book primarily intended for children age 12 or younger, including any board book, picture book, beginning reader book, juvenile chapter book, or middle grade book. It does not include books intended for, or primarily marketed to, adults.

(3) This section shall take effect upon this act becoming a law.

Section 49. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 1, 2022, through June 30, 2023, on the retail sale of a new ENERGY STAR appliance for noncommercial use.

(2) As used in this section, the term "ENERGY STAR appliance" means one of the following products, if such product is designated by the United States Environmental Protection Agency and the United States Department

of Energy as meeting or exceeding each agency's requirements under the ENERGY STAR program, and is affixed with an ENERGY STAR label:

- (a) A washing machine selling for \$1,500 or less;
 - (b) A clothes dryer selling for \$1,500 or less;
 - (c) A water heater selling for \$1,500 or less; or
 - (d) A refrigerator or combination refrigerator/freezer selling for \$3,000 or less.
- (3) This section shall take effect upon this act becoming a law.

Section 50. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 1, 2022, through June 30, 2023, on the retail sale of children's diapers, including single-use diapers, reusable diapers, and reusable diaper inserts.

- (2) This section shall take effect upon this act becoming a law.

Section 51. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 1, 2022, through June 30, 2023, on the retail sale of baby and toddler clothing, apparel, and shoes, primarily intended for children age 5 or younger. The terms "clothing" and "apparel" exclude watches, watchbands, jewelry, umbrellas, and handkerchiefs.

- (2) This section shall take effect upon this act becoming a law.

Section 52. (1) The tax levied under chapter 212, Florida Statutes, may not be collected during the period from July 1, 2022, through June 30, 2024, on the retail sale of impact-resistant windows, impact-resistant doors, and impact-resistant garage doors.

- (2) This section shall take effect upon this act becoming a law.

Section 53. (1) The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to implement the amendments made by this act to s. 212.08; the creation by this act of ss. 197.319, 197.3195, and 220.1915, Florida Statutes; and the creation by this act of the temporary tax exemptions for ENERGY STAR appliances, children's books, children's diapers, baby and toddler clothing and shoes, and impact-resistant windows, doors, and garage doors. Notwithstanding any other provision of law, emergency rules adopted pursuant to this subsection are effective for 6 months after adoption and may be renewed during the pendency of procedures to adopt permanent rules addressing the subject of the emergency rules.

- (2) This section shall take effect upon this act becoming a law and expires July 1, 2025.

Section 54. For the purpose of incorporating the amendment made by this act to section 212.08, Florida Statutes, in a reference thereto, paragraph (a) of subsection (4) of section 377.809, Florida Statutes, is reenacted to read:

377.809 Energy Economic Zone Pilot Program.—

(4)(a) Beginning July 1, 2012, all the incentives and benefits provided for enterprise zones pursuant to state law shall be available to the energy economic zones designated pursuant to this section on or before July 1, 2010. In order to provide incentives, by March 1, 2012, each local governing body that has jurisdiction over an energy economic zone must, by local ordinance, establish the boundary of the energy economic zone, specify applicable energy-efficiency standards, and determine eligibility criteria for the application of state and local incentives and benefits in the energy economic zone. However, in order to receive benefits provided under s. 288.106, a business must be a qualified target industry business under s. 288.106 for state purposes. An energy economic zone's boundary may be revised by local ordinance. Such incentives and benefits include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183, 288.106, and 624.5105 and the public utility discounts provided in s. 290.007(8). The exemption provided in s. 212.08(5)(c) shall be for renewable energy as defined in s. 377.803. For purposes of this section, any applicable requirements for employee residency for higher refund or credit thresholds must be based on employee residency in the energy economic zone or an enterprise zone. A business in an energy economic zone may also be eligible for funding under ss. 288.047 and 445.003, and a transportation project in an energy economic zone shall be provided priority in funding under s. 339.2821. Other projects shall be given priority ranking to the extent practicable for grants administered under state energy programs.

Section 55. Except as otherwise expressly provided in this act and except for this section, which shall take effect upon this act becoming a law, this act shall take effect July 1, 2022.

Approved by the Governor May 6, 2022.

Filed in Office Secretary of State May 6, 2022.