A bill to be entitled

An act relating to resilient buildings; creating s. 220.197, F.S.; defining the term "resilient building"; specifying that owners of resilient buildings are eligible to receive a specified tax credit; specifying that a resilient building may qualify for such tax credit only once; requiring building owners to file a specified application with the Department of Business and Professional Regulation by a specified date in order to claim such tax credit; authorizing the department to accept such applications electronically; specifying requirements for such applications; authorizing the department to publish certain data in a specified manner; requiring the department to take certain actions; requiring a building owner to attach a specified letter to certain tax returns; providing that a building owner may file only one application with the department; providing exceptions; specifying the amounts of the tax credit; authorizing a building owner to carry forward the unused amount of a tax credit to a subsequent tax year; authorizing the transfer of all or part of the tax credits under certain conditions; specifying requirements for transfer agreements; requiring the department to rescind eligibility for the tax credit under certain

circumstances; providing the maximum value of credits authorized in a fiscal year; requiring tax credits to be allocated in a specified manner; requiring tax credits to be processed in a specified manner in certain circumstances; requiring the Department of Revenue and the Department of Business and Professional Regulation to adopt rules; creating s. 553.972, F.S.; creating the Florida Resilient Building Advisory Council adjunct to the Department of Business and Professional Regulation; providing the purpose of the advisory council; requiring the department to post certain policies on its website; providing for the membership and meetings of the advisory council; requiring the council to create a report beginning on a specified date reviewing the effectiveness and implementation of a certain tax credit and making recommendations; requiring the department to provide the advisory council with staffing and administrative assistance; providing for expiration of the advisory council; amending ss. 213.053, 220.02, and 220.13, F.S.; conforming provisions to changes made by the act; providing an effective date.

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

Section 1. Section 220.197, Florida Statutes, is created to read:

220.197 Resilient building tax credit program.—

(1) As used in this section, the term "resilient building" means any of the following:

(a) A building that has a Leadership in Energy and Environmental Design (LEED) certificate of silver, gold, or platinum in building design and construction (BD+C), which certificate meets the requirements for the LEED resilience pathway.

(b) A building that has a LEED certificate of silver, gold, or platinum in operations and maintenance (O+M), which certificate meets the requirements for the LEED resilience pathway.

(2) For taxable years beginning on or after January 1, 2027, the owner of a resilient building is eligible to receive a credit against the tax imposed by this chapter as specified in subsection (3). A resilient building may qualify for the tax credit under this section only once.

(a) To claim a credit under this section, a building owner must file an application for a tax credit with the Department of Business and Professional Regulation on a form prescribed by the Department of Business and Professional Regulation no later than March 1 of the year immediately following the year of the building's LEED certification. The Department of Business and

Professional Regulation may allow applications to be filed electronically. The building owner must verify the application under oath, under the penalty of perjury, and the application must contain all of the following:

1. Documentation evidencing the type of LEED certification that was granted for the building that is the subject of the application.

2. The date on which LEED certification was granted.

3. A statement by the building owner that, for the purpose of research, the resilient building's energy use information will be reported every year of the 5-year credit period to the Department of Business and Professional Regulation using the ENERGY STAR Portfolio Manager. The Department of Business and Professional Regulation may publish the reported energy use information but may disclose such data only in the aggregate or individually without identifying information.

4. Other information the Department of Business and Professional Regulation deems necessary to make a proper review and determine eligibility.

(b) No later than 30 days after a building owner submits a completed application for the tax credit, the Department of Business and Professional Regulation shall do one of the following:

1. If the building owner is not eligible for a tax credit, notify the building owner in writing of the reasons the building

owner is not entitled to a tax credit.

2. If the building owner is eligible for a tax credit, issue a letter to the building owner which includes the name of the taxpayer, the address of the resilient building, the amount of the tax credit as specified in subsection (3), and the tax years for which the building owner is eligible for the tax credit. The building owner must attach the letter from the Department of Business and Professional Regulation to the tax return on which the credit is claimed.

(c) A building owner may file only one application with the Department of Business and Professional Regulation for each resilient building, except that a building owner may file a subsequent application if the building owner's first application was denied or withdrawn because of errors or omissions in the application, and the building owner corrected such errors or omissions in the subsequent application.

(3) If the resilient building that is the subject of an application filed under subsection (2) has:

(a) A gold or silver BD+C LEED certification that fulfills the LEED resilience pathway, the building owner may receive a tax credit equal to 50 cents per square foot of the building every year for 5 years.

(b) A platinum BD+C LEED certification that fulfills the LEED resilience pathway, the building owner may receive a tax credit equal to $1 per square foot of the building every year

for 5 years.

(c) A gold or silver O+M LEED certification that fulfills the LEED resilience pathway, the building owner may receive a tax credit equal to $1 per square foot of the building every year for 5 years.

(d) A platinum O+M LEED certification that fulfills the LEED resilience pathway, the building owner may receive a tax credit equal to $2 per square foot of the building every year for 5 years.

(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 building owner, or because the building owner 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 the year approved or any of the 5 subsequent taxable years when the tax imposed by this chapter for that taxable year exceeds the credit for which the building owner or transferee under paragraph (b) is eligible in that taxable year under this subsection and 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, in whole or in part:

a. By written agreement to a taxpayer subject to the tax

under this chapter; and

b. At any time after receipt of the letter of eligibility specified in subparagraph (2)(b)2., or during the 5 taxable years following the taxable year the credit was originally earned by the building owner.

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

a. Be filed jointly by the building owner 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:

(I) The name, address, and taxpayer identification number for the building owner and the transferee.

(II) The amount of the credit being transferred.

(III) The taxable year in which the credit was originally earned by the building owner.

(IV) The remaining taxable years for which the credit may be claimed.

(5) If the recipient of the credit granted under this section in any year fails to provide the energy use information required under subparagraph (2)(a)3., the Department of Business and Professional Regulation must rescind the authorization for the credit. Within 10 days after the date on which the building owner was required to report the information, the Department of

Business and Professional Regulation shall send a notice informing the recipient of the credit of the Department of Business and Professional Regulation's intent to rescind the credit. If the recipient does not provide the information within 20 days after the date the notice was sent, the Department of Business and Professional Regulation must notify the department of the rescindment of the recipient's tax credit, and the department may not allow the credit to be taken.

(6)(a) Except as provided in paragraph (b), the total amount of the tax credits which may be granted under this section is $50 million in each fiscal year. The Department of Business and Professional Regulation shall approve tax credits on a first-come, first-served basis. For tax credits that span multiple tax years, priority is based on the date the first application was received.

(b) If the $50 million dollar cap is met in any fiscal year, the Department of Business and Professional Regulation shall approve new applications with a deferred date of the next fiscal year when tax credits are available.

(7) The department and the Department of Business and Professional Regulation shall adopt rules to implement this section.

Section 2. Section 553.972, Florida Statutes, is created to read:

553.972 Florida Resilient Building Advisory Council.—

(1) The Florida Resilient Building Advisory Council, an advisory council as defined in s. 20.03(7), is created adjunct to the department. The purpose of the advisory council is to provide the department and the Legislature with recommendations on policies to foster and enhance resilient buildings and hurricane resiliency in this state.

(2) The department shall post on its website any proposed policies from the advisory council.

(3) The advisory council shall be composed of the following members, who shall serve at the pleasure of their appointing authorities:

(a) A representative of the Florida State University, who shall serve as co-chair and be appointed by the Governor.

(b) A representative of the Florida Gulf Coast University U.A. Whitaker College of Engineering, who shall serve as co-chair and be appointed by the President of the Senate.

(c) A representative of the University of Florida College of Design, Construction, and Planning's Sustainability and the Built Environment program, who shall serve as co-chair and be appointed by the Speaker of the House of Representatives.

(d) A representative of the University of Miami, who shall be appointed by the President of the Senate.

(e) A representative of the University of South Florida, who shall be appointed by the Speaker of the House of Representatives.

(f) A representative of the Florida International University International Hurricane Research Center, who shall be appointed by the President of the Senate.

(g) A representative of the University of Central Florida, who shall be appointed by the Speaker of the House of Representatives.

(h) Five members appointed by the Governor.

(i) Five additional members appointed by the President of the Senate.

(j) Five additional members appointed by the Speaker of the House of Representatives.

The members appointed must have specialized knowledge regarding resilient building design and construction, resilient building operations and maintenance, policy innovation and incentives, and building and community challenges.

(4) When appointing members under paragraphs (3)(h), (i), and (j), the Governor, the President of the Senate, and the Speaker of the House of Representatives, respectively, shall make reasonable efforts to appoint persons to the advisory council who include the following:

(a) Five members who are representatives of local government.

(b) Two members who are representatives of building codes and standards organizations.

(c) Two members who are representatives of sustainable or resilient building certification organizations.

(d) One member who is an architect licensed in this state.

(e) One member who is an engineer licensed in this state.

(f) One member who is a representative of the commercial and residential property insurance industry.

(g) Two members who have expertise in renewable energy and energy storage systems.

(h) One member who has expertise in building-power grid integration.

(5) Advisory council members must be appointed no later than August 1, 2026. Members shall serve 4-year terms, except that the initial terms must be staggered. The Governor shall initially appoint two members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years. The President of the Senate shall initially appoint three members for a term of 4 years, three members for a term of 3 years, and two members for a term of 2 years. The Speaker of the House of Representatives shall initially appoint three members for a term of 4 years, two members for a term of 3 years, and two members for a term of 2 years. Members of the advisory council shall serve without compensation but are entitled to reimbursement for per diem and travel expenses pursuant to s. 112.061.

(6) The advisory council shall meet at the call of the co-

chairs at a time and location in this state designated by the co-chairs, provided that the first meeting must occur no later than November 1, 2026, and that subsequent meetings must occur no less than semiannually thereafter.

(7) On or before December 31, 2032, and each 4 years thereafter, the council shall create a report reviewing the effectiveness and implementation of s. 220.197 on enhancing state resiliency and recommending improvements.

(8) The department shall provide staffing and administrative assistance to the advisory council in performing its duties.

(9) In accordance with s. 20.052(8), this section is repealed October 2, 2029, unless reviewed and saved from repeal through reenactment by the Legislature.

Section 3. Paragraph (cc) is added to subsection (8) of section 213.053, Florida Statutes, to read:

213.053 Confidentiality and information sharing.—

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

(cc) Information related to the resilient building tax credit program under s. 220.197 to the Department of Business and Professional Regulation in the conduct of its official business.

Disclosure of information under this subsection shall be

pursuant to a written agreement between the executive director and the agency. Such agencies, governmental or nongovernmental, shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by s. 775.082 or s. 775.083.

Section 4. 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. 220.18775, those enumerated in s. 220.1878, those enumerated in s. 288.062, those enumerated in former s. 288.9916, those enumerated in former s. 220.1899, those enumerated in former s. 220.194, those enumerated in s. 220.196, those enumerated in s. 220.198, those enumerated in s. 220.1915, those enumerated in s. 220.199, those enumerated in s.

220.1991, ~~and~~ those enumerated in s. 220.1992, and those enumerated in s. 220.197.

Section 5. 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, s. 220.1877, or s. 220.1878 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, s.

220.1877, or s. 220.1878 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, s. 220.1877, or s. 220.1878. 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. 220.196. 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.

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

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

15. The amount taken as a credit for the taxable year pursuant to s. 220.199.

16. The amount taken as a credit for the taxable year pursuant to s. 220.1991.

17. The amount taken as a credit for the taxable year pursuant to s. 220.197.

Section 6. This act shall take effect July 1, 2026.