



**Application for Tax Credit Allocation for Contributions to  
Nonprofit Scholarship Funding Organizations (SFOs)**  
(Under sections [ss.] 211.0251, 212.1831, 220.1875, 561.1211, 624.51055,  
and 1002.395, Florida Statutes, [F.S.]

**DR-116000**  
**R. 01/11**  
Rule 12ER11-01  
Florida Administrative Code  
Effective 01/11

Business name \_\_\_\_\_

Federal Employer Identification Number (FEIN)   -

Mailing address \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ ZIP \_\_\_\_\_

Contact person \_\_\_\_\_ Contact's telephone number \_\_\_\_\_

Choose one of the two options below. You must complete a separate application for each SFO and for each separate beverage license for which a separate return is filed. For credit carry forward purposes, a separate application for each SFO is not required.

1. \_\_\_\_\_ Contribution to SFO  
Enter the name of the Department of Education approved Non-Profit Scholarship Funding Organization you are planning to contribute to: \_\_\_\_\_

2. \_\_\_\_\_ Credit Carry Forward  
Total amount of planned contribution or credit carry forward: \$ \_\_\_\_\_

Amount to be credited against each tax (The sum of the amounts by tax cannot exceed the total planned contribution or credit carry forward above.):

- \_\_\_\_\_ Corporate Income Tax (Chapter 220, F.S.)  
Beginning Date of Tax Year: \_\_\_\_\_ Ending Date of Tax Year: \_\_\_\_\_
- \_\_\_\_\_ Insurance Premium Tax (s. 624.509, F.S.)  
(For the 2010 Calendar Year)
- \_\_\_\_\_ Excise Tax on Malt Beverages (s. 563.05, F.S.)  
For the current Fiscal Year (July 1, 2010 through June 30, 2011)  
Please provide your Malt Beverage License Number: \_\_\_\_\_
- \_\_\_\_\_ Excise Tax on Wine Beverages (s. 564.06, F.S.)  
For the current Fiscal Year (July 1, 2010 through June 30, 2011)  
Please provide your Wine Beverage License Number: \_\_\_\_\_
- \_\_\_\_\_ Excise Tax on Liquor Beverages (s. 565.12, F.S.)  
For the current Fiscal Year (July 1, 2010 through June 30, 2011)  
Please provide your Liquor Beverage License Number: \_\_\_\_\_
- \_\_\_\_\_ Sales and Use Tax due from a Direct Pay Permit Holder (s. 212.183, F.S.)  
Beginning January 1, 2011 for the current Fiscal Year (July 1, 2010 through June 30, 2011)

Direct pay permit holders must provide their sales tax certificate number below:

-           -

Sales Tax Certificate Number

- \_\_\_\_\_ Tax on Oil Production (s. 211.02, F.S.)  
Beginning January 1, 2011 for the current Fiscal Year (July 1, 2010 through June 30, 2011)
- \_\_\_\_\_ Tax on Gas Production (s. 211.025, F.S.)  
Beginning January 1, 2011 for the current Fiscal Year (July 1, 2010 through June 30, 2011)

If you file a consolidated Florida corporate income tax return, you must provide the parent corporation's name and FEIN.  
Parent corporation \_\_\_\_\_

Parent corporation's FEIN   -

Under penalty of perjury, I declare that I have read this application form and that the facts stated in it are true.

\_\_\_\_\_  
Signature of officer, owner, or partner

\_\_\_\_\_  
Date

## Instructions for Completing Form

You may apply for this credit allocation using the Department's Internet site at [www.myflorida.com/dor](http://www.myflorida.com/dor). Once you complete the online application you will receive a confirmation number that you can print out. The screen will display the information entered and confirm receipt of the electronic application for credit allocation or credit carry forward.

The Department will send you written correspondence within 10 working days of receiving your application. We will either approve an amount of tax credit allocation or explain why a credit allocation could not be approved.

### Who May Apply?

The following taxpayers may participate in the Florida Tax Credit Scholarship Program for contributions to non-profit Scholarship Funding Organizations (SFOs):

- Florida oil and gas production taxpayers (ss. 211.02 and 211.025, F.S.).
- Taxpayers who pay sales tax under a direct pay permit (s. 212.183, F.S.).
- Corporate income taxpayers (chapter 220, F.S.).
- Taxpayers who pay excise tax on liquor, wine, and malt beverages (ss. 563.05, 564.06, and 565.12, F.S.).
- Insurance premium taxpayers (s. 624.509, F.S.).

### Oil and Gas Production Tax

Effective January 1, 2011, one hundred percent of an eligible contribution is allowed as a credit, but the amount of the credit taken may not exceed fifty percent of the tax due on the return. A copy of the certificate of contribution from each non-profit SFO must be attached to the return when claiming the credit.

### Sales and Use Tax Due From a Direct Pay Permit Holder

Effective January 1, 2011, one hundred percent of an eligible contribution is allowed as a credit. Before a credit can be claimed on a sales and use tax return, the taxpayer must submit a copy of the certificate of contribution from each non-profit SFO to:

Florida Department of Revenue  
Revenue Accounting  
PO Box 6609  
Tallahassee, FL 32314-6609

Within 10 working days, the Department of Revenue will respond with specific instructions about how to claim the credit on your return.

### Corporate Income Tax

One hundred percent of an eligible contribution is allowed as a credit, but the amount of the credit taken may not exceed seventy-five percent of the tax due after applying any other allowable credits against the tax due. The credit granted must be reduced by the resulting decrease in federal income tax when considering this credit and the overall impact it has on the federal income tax due. The amount taken as a credit for the taxable year must be added back to taxable income. A copy of the certificate of contribution from each non-profit SFO must be attached to the return when claiming the credit.

### Excise Tax on Liquor, Wine, and Malt Beverages

One hundred percent of an eligible contribution is allowed as a credit against any tax due under ss. 563.05, 564.06, or 565.12, F.S., except excise taxes imposed on wine produced by manufacturers in this state from products grown in this state. The amount of the credit taken may not exceed ninety percent of the tax due on the return. A copy of the certificate of contribution from each non-profit SFO must be attached to the return when claiming the credit.

### Insurance Premium Tax

One hundred percent of an eligible contribution is allowed as a credit against any tax due under s. 624.509, F.S., but the credit may not exceed seventy-five percent of the tax due under s. 624.509(1), F.S., after deducting from such tax:

1. Deductions for assessments made pursuant to s. 440.51, F.S. (workers compensation administrative assessments),
2. Credits for taxes paid under ss. 175.101 and 185.08, F.S. (firefighters' and police officers' pension trust funds), and
3. Credits for income taxes and emergency excise taxes paid under Chapters 220 and 221, F.S., and the salary credit allowed under s. 624.509(5), F.S., as these are limited by s. 624.509(6), F.S. (the sixty-five percent limitation).

A copy of the certificate of contribution from each non-profit SFO must be attached to the return when claiming the credit.

### Program Information

If the credit is not fully used in any applicable tax year (for corporate income or insurance premium tax) or state fiscal year (for excise tax on malt beverages, wine, and liquor; oil and gas production tax; or sales tax), application may be made to obtain approval to carry forward the unused credit in a subsequent year. An unused credit cannot be carried forward more than 3 years. The credit cannot be conveyed, assigned, or transferred to another entity unless all of the assets of the taxpayer are conveyed, assigned, or transferred in the same transaction.

Contributions must be monetary and must be made to eligible SFOs. The Department of Education establishes the eligibility of the SFOs. A list of SFOs is available from the Department of Education's Internet site at [www.floridaschoolchoice.org/](http://www.floridaschoolchoice.org/). Their phone number is 800-447-1636.

You must complete a separate application for each SFO and for each separate beverage license for which a separate return is filed. For credit carry forward purposes, a separate application for each SFO is not required. You must specify in the application each tax for which you request a credit and include the applicable tax year for corporate income tax.

Once you receive written confirmation and approval for the credit allocation from the Department, you are expected to make such contribution within the tax year or state fiscal year for which the credit allocation was approved.

Upon receiving a contribution, an SFO will issue a certificate of contribution to the taxpayer, when requested. This certificate will contain the following information:

- Contributor's name
- Contributor's FEIN
- Contributor's license number issued by the Division of Alcoholic Beverages and Tobacco
- Amount of contribution
- Date of contribution
- Name of SFO

An officer or authorized representative of the SFO will sign the certificate. You must attach a copy of the certificate(s) of contribution to your tax return when filed; or for sales tax, submit a copy of the certificate to the Department before claiming the credit.

All other requirements of s. 1002.395, F.S. must be met to claim this credit.

The letter granting approval of the credit allocation will indicate the time frame in which the contribution must be made, and express that the credit is contingent upon an eligible contribution being made and accepted by the SFO.

If the SFO listed on the approval letter is unable to accept a contribution or part of a contribution because of its obligations under s. 1002.395, F.S., and it provides a written statement declining the contribution, the taxpayer may make the contribution or partial contribution to another eligible SFO. The taxpayer should keep the written statement for its records to support the credit claimed. Contributions must be made during the year specified in the approval letter.

Contributions to an SFO are not payments of estimated tax or installment payments of tax. Taxpayers must make installment payments to the Department of Revenue in accordance with s. 220.34, F.S., and Rule 12C-1.034, F.A.C., for corporate income tax, and s. 624.5092, F.S., Rule 12B-8.001, F.A.C., for insurance premium tax; and s. 212.11 F.S., and Rule 12A-1.056, F.A.C., for sales and use tax.

#### **Program Guidelines.**

**For corporate income tax and insurance premium tax,** applications can be submitted beginning on the first business day in January for contributions to be made and credits to be taken in tax years that begin in the same calendar year.

**For the excise tax on liquor, wine, and malt beverages,** applications can be submitted beginning on July 1, 2010 for contributions to be made and credits taken in the state fiscal year beginning July 1, 2010 and ending June 30, 2011.

**For the oil and gas production tax and sales tax paid under a direct pay permit,** applications can be submitted beginning on January 3, 2011 for contributions to be made and credits to be taken for the periods from January 2011 through June 2011.

The allocation of each state fiscal year's allotted amount begins on the first business day in January for corporate income tax and insurance premium tax and the first business day in July for all the other taxes that are part of the Florida Tax Credit Scholarship Program.

We will accept applications until the allotted amount is reached or until the end of the state fiscal year or tax year (for corporate income and insurance premium tax), whichever occurs first.

**Example 1** – A corporate income taxpayer or insurance premium taxpayer applying for a credit allocation for its tax year beginning on January 1, 2011, could submit an application between January 3, 2011 and December 31, 2011, assuming the annual allocation is not exhausted before the time of application. In this example, you must contribute to the SFO between January 1, 2011 and December 31, 2011.

**Example 2** – A corporate income taxpayer applying for a credit allocation for its tax year beginning on July 1, 2011, could submit an application between January 3, 2011 and June 30, 2012, assuming the annual allocation is not exhausted before the time of application. In this example, you must contribute to the SFO between July 1, 2011 and June 30, 2012.

**Example 3** – A sales taxpayer or oil and gas production taxpayer applying for a credit allocation, could submit an application between January 3, 2011 and June 30, 2011, assuming the annual allocation is not exhausted before the time of application. In this example, you must contribute to the SFO between January 1, 2011 and June 30, 2011, and the credit can be claimed after the contribution is made and before June 30, 2011. For any credit amount that is not used before June 30, 2011, an application can be submitted beginning July 1, 2011 for approval to carry forward the unused credit to be used in the new state fiscal year. An unused credit cannot be carried forward more than 3 years.

**Example 4** – A taxpayer who pays excise tax on liquor, wine, and malt beverages applying for a credit allocation could submit an application between July 1, 2010 and June 30, 2011, assuming the annual allocation is not exhausted before the time of application. In this example, you must contribute to the SFO between July 1, 2010 and June 30, 2011, and the credit can be claimed after the contribution is made and before June 30, 2011. For any credit amount that is not used before June 30, 2011, an application can be submitted beginning July 1, 2011 for approval to carry forward the unused credit to be used in the new state fiscal year. An unused credit cannot be carried forward more than 3 years.