

Florida State Tax Reporter, Florida, Sec. 220.151, Apportionment; methods for special industries

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FLORIDA STATUTES, TITLE XIV TAXATION AND FINANCE, CHAPTER 220 INCOME TAX CODE, Part II Tax Imposed; Apportionment

220.151(1)

220.151(1)(a) Except as provided in paragraph (b), the tax base of an insurance company for a taxable year or period shall be apportioned to this state by multiplying such base by a fraction the numerator of which is the direct premiums written for insurance upon properties and risks in this state and the denominator of which is the direct premiums written for insurance upon properties and risks everywhere. For purposes of this paragraph, the term "direct premiums written" means the total amount of direct premiums written, assessments, and annuity considerations, as reported for the taxable year or period on the annual statement filed by the company with the Office of Insurance Regulation of the Financial Services Commission in the form approved by the National Convention of Insurance Commissioners or such other form as may be prescribed in lieu thereof.

220.151(1)(b) If the principal source of premiums written by an insurance company consists of premiums for reinsurance accepted by it, the tax base of such company shall be apportioned to this state by multiplying such base by a fraction the numerator of which is the sum of:

220.151(1)(b)1. Direct premiums written for insurance upon properties and risks in this state, plus

220.151(1)(b)2. Premiums written for reinsurance, accepted in respect to properties and risks in this state, and the denominator of which is the sum of direct premiums written for insurance upon properties and risks everywhere plus premiums written for reinsurance accepted in respect to properties and risks everywhere. For purposes of this paragraph, premiums written for reinsurance accepted in respect to properties and risks in this state, whether or not otherwise determinable, shall be determined on the basis of the proportion which premiums written for reinsurance accepted from companies resident in or having a regional home office in the state bears to premiums written for reinsurance accepted from all sources.

220.151(2) The tax base for a taxpayer furnishing transportation services, for the purpose of computing a tax on those activities, shall be apportioned to this state by multiplying such base by a fraction the numerator of which is the revenue miles of the taxpayer in this state and the denominator of which is the revenue miles of the taxpayer everywhere.

220.151(2)(a) For transportation other than by pipeline, a revenue mile is the transportation of one passenger or 1 net ton of freight the distance of 1 mile for a consideration. When a taxpayer is engaged in the transportation of both passengers and freight, the fraction shall be determined by means of an average of the passenger revenue mile fraction and the freight revenue mile fraction, weighted to reflect the taxpayer's relative railway operating income from total passenger and total freight service as reported to the ¹ Interstate Commerce Commission, in the case of transportation by railroad, or weighted to reflect the taxpayer's relative gross receipts from passenger and freight transportation, in case of transportation other than by railroad.

220.151(2)(b) For transportation by pipeline, a revenue mile is the transportation by pipeline of 1 barrel of oil, 1,000 cubic feet of gas, or any specified quantity of any other substance the distance of 1 mile for a consideration.

220.151(2)(c) For purposes of paragraph (a), in computing the revenue miles of any taxpayer engaged in furnishing air or sea transportation services, the "revenue miles in this state" shall include all miles traversed within the area bounded on the west by the meridian of **longitude 87°;30' west** from Greenwich, bounded on the north by the northern land border of this state or the parallel of

latitude 31°; north from the equator, bounded on the east by the meridian of longitude 80°; west from Greenwich, and bounded on the south by the parallel of latitude 23°;30' north from the equator as the case may be. The "revenue miles in this state" shall also include all miles traversed between points in this state, even though the route of travel is not wholly over the land mass of the state. The department may prescribe standard mileage tables for the purpose of determining revenue miles in the state under this paragraph, rather than requiring taxpayers to compute from their records the actual number of miles traversed within such boundaries or points from time to time.

220.151(2)(d) For purposes of this subsection, the term "taxpayer furnishing transportation services" includes taxpayers engaged exclusively in interstate commerce.

220.151(3) For any taxable year beginning on or after January 1, 1999, a citrus processing company may, if required to apportion its taxable net income pursuant to the three-factor apportionment method set forth in [s. 220.15\(1\)](#), elect to have such apportionment determined for that taxable year solely by use of the sales factor, as set forth in [s. 220.15\(5\)](#). The election shall be made by the filing of a return for the taxable year utilizing this method.

(As added by Ch. 71-359, Laws 1971; as amended by Ch. 73-333, Laws 1973; Ch. 86-121, Laws 1986; Ch. 91-112, Laws 1991; Ch. 99-208, Laws 1999; Ch. 2003-261 (S.B. 1712), Laws 2003, effective June 26, 2003.)

Footnotes

- 1 Abolished by s. 101, Pub. L. No. 104-88. CCH.