TaxNewsFlash

United States

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KPMG reports: Colorado (retail delivery fee); Florida (federal conformity, sales and use tax); Indiana (corporate income tax, sales and use tax)

KPMG This Week in State Tax—produced weekly by the KPMG State and Local Tax practice—focuses on recent state and local tax developments.

- **Colorado:** Recently signed Senate Bill 23-143 allows a retailer to pay the retail delivery fee on behalf of a purchaser effective July 1, 2023, and exempts "qualified businesses" from the retail delivery fee. A qualified business is a retailer that made retail sales into the state totaling $500,000 or less in the prior calendar year.

- **Florida:** House Bill 7063, a comprehensive tax relief package initially proposed by Governor DeSantis, has passed both chambers of the Florida legislature and is expected to be signed into law. The bill does not make any major corporate income tax changes, but does update the state's conformity statute by adopting the Internal Revenue Code as in effect on January 1, 2023. The most significant sales and use tax changes are the adoption of several new, permanent sales tax exemptions and numerous temporary sales tax holidays. The bill also reduces the business rent tax from 5.5% to 4.5% effective December 1, 2023.

- **Indiana:** Indiana Senate Bill 419, an omnibus tax bill that includes a potpourri of tax changes, was recently signed into law. The bill makes a number of corporate income tax changes, including but not limited to allowing a deduction for the amount of specified research and experimental (R&E) expenditures charged to capital account for the tax year. Another section of the bill adopts a new 30-day safe harbor provision for when an employer must begin withholding income taxes on a nonresident employee. On the sales and use tax side, the bill applies a new exemption to transactions involving tangible personal property that (1) is a component of a solar energy system

or wind energy system and (2) is acquired by a public utility or certain businesses that sell electrical energy to a public utility. The bill also adopts new successor liability provisions.

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