

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

FINANCE AND TAX
Senator Gainer, Chair
Senator Gruters, Vice Chair

MEETING DATE: Thursday, April 4, 2019**TIME:** 12:30—2:00 p.m.**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Building**MEMBERS:** Senator Gainer, Chair; Senator Gruters, Vice Chair; Senators Baxley, Bracy, Bradley, Pizzo, Powell, and Stargel

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 60 Book	Tax Exemption for Diapers and Incontinence Products; Exempting the sale for human use of diapers, incontinence undergarments, incontinence pads, or incontinence liners from the sales and use tax, etc. CM 01/07/2019 Favorable FT 04/04/2019 Favorable AP	Favorable Yeas 8 Nays 0
2	SB 298 Montford (Similar CS/H 739)	Rural Businesses; Creating the "Florida Rural Job and Business Recovery Act"; requiring the Department of Economic Opportunity to accept applications for certification as a growth fund beginning on a specified date; requiring the department to certify approved applicants as growth funds and to specify their required investment authority and investor contributions; providing that an investor who makes an investor contribution is vested with a credit against state premium tax liability; authorizing growth funds to request a written opinion from the department as to whether a business qualifies as a growth business, etc. CM 02/11/2019 Favorable FT 04/04/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0
3	SJR 326 Brandes (Identical HJR 1389, Compare H 1391, Linked CS/S 324)	Homestead Property Tax Assessments/Increased Portability Period; Proposing amendments to the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead and to provide an effective date, etc. CA 03/12/2019 Favorable FT 04/04/2019 Favorable AP	Favorable Yeas 8 Nays 0

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Finance and Tax

Thursday, April 4, 2019, 12:30—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	CS/SB 324 Community Affairs / Brandes (Identical H 1391, Compare HJR 1389, Linked SJR 326)	Limitations on Homestead Assessments; Revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; revising the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election, etc. CA 03/12/2019 Fav/CS FT 04/04/2019 Favorable AP	Favorable Yeas 8 Nays 0
5	SB 576 Perry	Back-to-school Sales Tax Holiday; Providing exemptions from the sales and use tax on the retail sale of certain clothing, school supplies, personal computers, and personal computer-related accessories during a specified timeframe; specifying locations where the exemptions do not apply, etc. FT 04/04/2019 Fav/CS AP	Fav/CS Yeas 8 Nays 0
6	SB 856 Gruters	Homestead Exemptions; Specifying that a person must knowingly and intentionally receive or claim a certain ad valorem tax exemption or credit in another state to be disqualified from a certain homestead exemption; providing that certain property is not subject to the assessment of exempted taxes, penalties, and interest under certain circumstances, etc. CA 03/12/2019 Favorable FT 04/04/2019 Fav/CS AP	Fav/CS Yeas 7 Nays 1
7	SJR 886 Brandes (Similar CS/HJR 717, Compare CS/H 719, Linked CS/S 888)	Homestead Tax Exemption/Surviving Spouse of a Veteran; Proposing amendments to the State Constitution to provide that the homestead property tax discount for certain veterans who had permanent, combat-related disabilities carries over to the benefit of the veteran's surviving spouse under certain circumstances until he or she remarries or sells or otherwise disposes of the property, to provide that the discount for the surviving spouse is transferrable to another homestead under certain circumstances, and to provide an effective date, etc. MS 03/13/2019 Favorable FT 04/04/2019 Favorable AP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Finance and Tax

Thursday, April 4, 2019, 12:30—2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
8	CS/SB 888 Military and Veterans Affairs and Space / Brandes (Similar CS/H 719, Compare CS/HJR 717, Linked SJR 886)	Homestead Property Tax Discount; Providing that if certain conditions are met, the homestead property tax discount for certain disabled veterans carries over to the benefit of the veteran's surviving spouse until the surviving spouse remarries or sells or otherwise disposes of the homestead property; providing that if the surviving spouse sells the property, the discount may be transferred to his or her new primary residence, subject to certain conditions, etc. MS 03/13/2019 Fav/CS FT 04/04/2019 Favorable AP	Favorable Yeas 7 Nays 0
Consideration of proposed bill:			
9	SPB 7104	Taxation Transparency; Renaming certain fees as taxes; requiring counties to rename certain levies as specified taxes; requiring special districts to rename certain assessments as specified taxes; authorizing the Department of Revenue to adopt emergency rules; providing for expiration of such authority, etc.	Temporarily Postponed
Other Related Meeting Documents			

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: SB 60

INTRODUCER: Senators Book, Hutson, Stewart, and others

SUBJECT: Tax Exemption for Diapers and Incontinence Products

DATE: April 3, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Little	McKay	CM	Favorable
2. Colton	Diez-Arguelles	FT	Favorable
3. _____	_____	AP	_____

I. Summary:

SB 60 exempts the sale of diapers and certain incontinence products from state sales and use tax.

The Revenue Estimating Conference has determined that the bill will reduce General Revenue Fund receipts by \$20 million in Fiscal Year 2019-2020, with a \$48.2 million recurring reduction.

The bill takes effect January 1, 2020.

II. Present Situation:

Florida Sales and Use Tax

Florida levies a six percent state sales and use tax on the sale or rental of most tangible personal property, admissions, rentals of transient accommodations, rental of commercial real estate, and a limited number of services.¹ In addition to the six percent state sales tax, Florida law authorizes counties to levy discretionary sales surtaxes.² Sales tax is added to the price of taxable goods or services and the tax is collected from the purchaser at the time of sale.

Chapter 212, F.S., contains statutory provisions that authorize the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. There are currently more than 270 different exemptions, exclusions, deductions, and credits from sales and use tax.³

¹ See Chapter 212, F.S.

² Sections 212.054 and 212.055, F.S.

³ Florida Revenue Estimating Conference, *Florida Tax Handbook*, (2019), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2019.pdf> (last visited Mar. 31, 2019).

Certain medical products and supplies are among the items exempt from sales and use tax.⁴ Such products and supplies include ostomy pouches, catheters, and mastectomy pads. Common household remedies used in the cure, mitigation, treatment, or prevention of illness or disease are also exempt from sales and use tax. Alcohol wipes, bandages, and gauze are examples of common household remedies. Certain products relating to infants are also exempt, including baby food, formulas, and teething lotion.⁵

Diapers are not currently exempt from sales and use tax in Florida.⁶

Other States

Currently, thirteen states do not collect sales tax on diapers or incontinence products, five states do not levy a state sales tax,⁷ and eight states specifically exempt the sale of diapers from sales tax.⁸ Two states provide a tax exemption for disposable pads used for incontinency, but not baby diapers.⁹

III. Effect of Proposed Changes:

The bill exempts from state sales tax the sale of the following items:

- Diapers;
- Incontinence undergarments;
- Incontinence pads; and
- Incontinence liners.

The bill takes effect January 1, 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, s. 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenue.

⁴ See s. 212.08(2)(a), F.S.

⁵ The Department of Business and Professional Regulation is responsible for prescribing and approving a list of common household remedies, which is then certified by the Department of Revenue, *available at* http://floridarevenue.com/Forms_library/current/dr46nt.pdf (last visited Mar. 31, 2019).

⁶ However, diapers for children and adults, diaper bags, and diaper inserts have been temporarily exempt from sales tax during sales tax holidays, most recently in 2018. See Rule 12AER18-04, F.A.C.

⁷ Alaska, Delaware, Montana, New Hampshire, and Oregon do not levy a state sales tax. See Tax Foundation, *State and Local Sales Tax Rates Midyear 2018*, *available at* <https://taxfoundation.org/state-local-sales-tax-rates-midyear-2018/> (last visited Mar. 31, 2019).

⁸ The National Diaper Bank Association lists Connecticut, Massachusetts, Minnesota, New Jersey, New York, Pennsylvania, Rhode Island, and Vermont as having specifically exempted diapers and incontinence products from state sales taxation. See National Diaper Bank Network, *State Issues State Sales Tax*, *available at* <https://nationaldiaperbanknetwork.org/state-issues/> (last visited Mar. 31, 2019).

⁹ Maryland and North Dakota. See National Diaper Bank Network, *State Issues State Sales Tax*, *available at* <https://nationaldiaperbanknetwork.org/state-issues/> (last visited Mar. 31, 2019).

Subsection (b) of Article VII, s. 18 of the Florida Constitution provides that, except upon approval by each house of the Legislature by two-thirds vote of its membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate.¹⁰ However, these requirements do not apply to laws that have an insignificant fiscal impact on local governments, which for Fiscal Year 2019-2020, is approximately \$2.1 million or less.¹¹

The Revenue Estimating Conference has determined the bill will reduce local option surtax revenue by \$3.7 million in Fiscal Year 2019-2020, with an \$8.8 million recurring reduction.¹² Therefore, the bill has a significant impact on local governments and the mandate provision may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined the bill will reduce General Revenue Fund receipts by \$20 million in Fiscal Year 2019-2020, with a \$48.2 million recurring reduction.

¹⁰ See FLA. CONST. art. VII, s. 18(d).

¹¹ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year multiplied by ten cents. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (Sept. 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 31, 2019).

¹² Florida Legislature, Office of Economic and Demographic Research, Revenue Estimating Conference, *Sales Tax Exemption for Diapers and Incontinence Products, SB 60*, Jan. 18, 2019, available at: <http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2019/pdf/page11-13.pdf> (last visited Mar. 31, 2019).

B. Private Sector Impact:

Individuals will see a reduction in the cost of purchasing diapers and incontinence products. Daycare providers, diaper service providers, hospitals, and other businesses will also see a reduction in the cost of diapers and incontinence products.

C. Government Sector Impact:

The Department of Revenue estimated it will cost \$56,680 to print and mail a Tax Information Publication, which notifies businesses of the sales tax exemption. The bill does not include an appropriation.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates section 212.08(7)(ppp) of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Book

32-00068-19

201960__

A bill to be entitled

An act relating to a tax exemption for diapers and incontinence products; amending s. 212.08, F.S.; exempting the sale for human use of diapers, incontinence undergarments, incontinence pads, or incontinence liners from the sales and use tax; providing an effective date.

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

Section 1. Paragraph (ppp) is added to subsection (7) of section 212.08, Florida Statutes, 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.

(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

Page 1 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

32-00068-19

201960__

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.

(ppp) Diapers and incontinence products.—The sale for human use of diapers, incontinence undergarments, incontinence pads, or incontinence liners is exempt from the tax imposed by this chapter.

Section 2. This act shall take effect January 1, 2020.

Page 2 of 2

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

COMMITTEE: Finance and Tax
ITEM: SB 60
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

[illegible]

FINAL ACTION: Favorable

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Children, Families, and Elder Affairs, *Chair*
Appropriations
Appropriations Subcommittee on Education
Appropriations Subcommittee on Health and Human
Services
Health Policy
Rules

JOINT COMMITTEE:

Joint Legislative Budget Commission

SENATOR LAUREN BOOK

32nd District

April 1, 2019

Chair George Gainer
Committee on Finance and Tax
215 Knott Building
404 S. Monroe Street
Tallahassee, FL 32399-1100

Chair Gainer:

I respectfully request that **SB 60—Tax Exemption for Diapers and Incontinence Products** be placed on the agenda for the next Committee on Finance and Tax meeting.

Should you have any questions or concerns, please feel free to contact my office or me. Thank you in advance for your consideration.

Thank you,

A handwritten signature in cursive script that reads "Lauren Book".

Senator Lauren Book
Senate District 32

Cc: Jose Diez-Arguelles, Staff Director
Lynn Wells, Administrative Assistant

REPLY TO:

- ☐ 967 Nob Hill Road, Plantation, Florida 33324 (954) 424-6674
- ☐ 202 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5032

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/2019

Meeting Date

Topic _____

Bill Number 60
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: CS/SB 298

INTRODUCER: Finance and Tax Committee and Senators Montford, Torres, Baxley, and others

SUBJECT: Rural Businesses

DATE: April 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Harmsen</u>	<u>McKay</u>	<u>CM</u>	Favorable
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 298 creates s. 288.062, F.S., the Florida Rural Jobs and Business Recovery Act. The bill allows investors to earn state insurance premium tax credits equal to their investment in certified growth funds. In turn, the growth funds will invest in certain businesses located in Florida's non-urbanized areas. The bill caps investment at a level that will result in no more than \$5 million in tax credits cumulatively claimed each year and no more than \$25 million in total credits under the program.

The Department of Economic Opportunity (DEO) will administer the program by certifying growth funds, granting tax credits to investors, and if necessary, revoking the fund's tax credits and authority.

The bill provides ongoing requirements for the growth funds to meet while participating in the program, allows growth funds to reinvest their rural growth investments, and outlines steps for a growth fund to withdraw from the program.

The Revenue Estimating Conference has determined that the bill will reduce General Revenue Fund receipts by \$5 million beginning in Fiscal Year 2021-2022, with a \$5 million recurring reduction.

The bill takes effect July 1, 2019, and applies to tax returns due on or after January 1, 2020.

II. Present Situation:

The U.S. Census Bureau defines urban areas as urbanized areas of 50,000 or more population and urban clusters of at least 2,500 and less than 50,000 population.¹ The U.S. Census Bureau considers anything that is not an urban area to be rural.² Geographically, 86.2 percent of Florida's land lies in rural areas but only 8.8 percent of Florida's population lives in those rural areas.³ Higher population density in Florida's urban areas drives a more robust jobs market and overall economic development.⁴

Economic Development Incentives Targeted to Florida's Rural Communities

Rural Economic Development Initiative

The Rural Economic Development Initiative (REDI) encourages and facilitates the location and expansion of economic development projects of significant scale in Florida's rural communities.⁵ The REDI, which is administered by the DEO, coordinates the efforts and resources of state and regional agencies on the problems that affect the fiscal, economic, and community viability of Florida's economically distressed rural communities.⁶ In particular, the REDI acts in rural areas of opportunity⁷ (RAO) to promote the location or expansion of businesses to the RAO to serve as economic generators.⁸

Regional Rural Development Grants Program⁹

The Regional Rural Development Grants Program provides matching grants to build the professional capacity of Florida's regional economic development organizations (EDO).¹⁰ A grant to an EDO is capped at \$50,000, or \$150,000 if located in an RAO, per year; the EDO must match the state's grant with non-state resources.¹¹ In Fiscal Year 2017-2018, the DEO allocated \$586,000 to EDOs.¹²

¹ U.S. Census Bureau, *Defining Rural at the U.S. Census Bureau: American Community Survey and Geography Brief*, (Dec. 2016), available at https://www2.census.gov/geo/pdfs/reference/ua/Defining_Rural.pdf (last visited Mar. 22, 2019).

² *Id.* at 1.

³ Florida Legislature Office of Economic and Demographic Research, *Florida: An Economic Overview Focusing on County Differences*, 10 (Jan. 8, 2019), available at

<http://edr.state.fl.us/Content/presentations/economic/EconomicOverviewFocusingonCounty%20Differences.pdf> (last visited Mar. 22, 2019).

⁴ *Id.* at 8-13.

⁵ Section 288.0656, F.S.

⁶ Section 288.0656(3), F.S.

⁷ Section 288.0656(2)(d), F.S., defines a "rural area of opportunity" as a rural community, or a region composed of rural communities, designated by the Governor, which has been adversely affected by an extraordinary economic event, severe or chronic distress, or a natural disaster or that presents a unique economic development opportunity of regional impact.

⁸ See ss. 288.0656(7)(c), (2)(a) F.S.

⁹ Section 288.018, F.S.

¹⁰ Section 288.018(1), F.S.

¹¹ Florida Dep't of Economic Opportunity, *Regional Rural Development Grants*, available at <http://www.floridajobs.org/community-planning-and-development/rural-community-programs/regional-rural-development-grants> (last visited Mar. 22, 2019).

¹² Florida Dep't of Economic Opportunity, *2018 Incentives Report*, p. 19 (Dec. 28, 2018) (on file with the Senate Committee on Finance and Tax). The DEO may allocate up to \$750,000 from the Rural Community Development Revolving Loan Fund to the Regional Rural Development Grants Program. *Id.*

Rural Infrastructure Fund¹³

The Florida Rural Infrastructure Fund (Fund) provides grants and loans to local governments and businesses to facilitate the planning, preparation, and financing of traditional economic development or nature-based tourism infrastructure projects that encourage job creation and capital investment in rural communities.¹⁴ The amount awarded and any required local government match vary based on whether the project is located in an RAO, a catalyst site, or rural community.¹⁵

Federal Rural Business Investment Company and Small Business Investment Programs^{16,17}

Rural Business Investment Companies (RBIC) and Small Business Investment Companies (SBIC) are privately owned and managed investment funds that are licensed and regulated by the U.S. Department of Agriculture and Rural Development¹⁸ and Small Business Administration (SBA)¹⁹ respectively, that make capital investments in small businesses located in rural communities or other qualifying businesses.

An RBIC or SBIC program offers incentives for private capital to invest in small businesses, startups, low-income areas, or regions otherwise under economic distress. These programs often include special criteria for a certain quantity of the credit to focus on rural or underdeveloped areas.

Economic Development Incentives that use Tax Credits***Rural Job Tax Credit Program***²⁰

The Florida Rural Job Tax Credit Program offers a tax credit incentive for eligible businesses that are located within a designated qualified rural area to create new jobs. The tax credit ranges from \$1,000 to \$1,500 per qualified employee and can be taken against either the businesses' corporate income tax or sales and use tax liabilities. A business is limited to no more than \$500,000 of tax credits per year.²¹ The DEO administers this program, and may approve up to \$5 million in tax credits per year; in 2018, the DEO approved \$229,000 in rural job tax credits.²²

¹³ Section 288.0655, F.S.

¹⁴ Section 288.0655(2)(b), F.S.

¹⁵ See Florida Dep't of Economic Opportunity, *Rural Infrastructure Fund*, available at <http://www.floridajobs.org/community-planning-and-development/rural-community-programs/rural-infrastructure-fund> (last visited Mar. 22, 2019).

¹⁶ 7 U.S.C. s. 2009cc *et seq.*; 7 C.F.R. s. 4290 *et seq.* (2009).

¹⁷ 15 U.S.C. s. 681-688.

¹⁸ United States Department of Agriculture and Rural Development, *Rural Business Investment Program*, available at <https://www.rd.usda.gov/programs-services/rural-business-investment-program> (last visited Mar. 24, 2019).

¹⁹ U.S. Small Business Administration, *Become an SBIC*, available at <https://www.sba.gov/partners/sbics/apply-be-sbic> (last visited Mar. 24, 2019).

²⁰ Sections 212.098, and 220.1895, F.S.

²¹ Section 212.098(6)(d), F.S.

²² Florida Dep't of Economic Opportunity, *2018 Incentives Report*, 20 (Dec. 28, 2018) (on file with the Senate Committee on Finance and Tax).

Florida New Markets Development Program²³

The Florida New Markets Development Program (NMDP), similar to the program created in this bill, uses tax credits to spur economic development. The NMDP allows Florida taxpayers to earn tax credits against corporate income tax and insurance premium tax by investing in qualified community development entities (CDEs) that make investments in qualified low-income community businesses. CDEs are domestic corporations or partnerships that have a primary role in administering the tax credit program and act as intermediaries between the investors, financiers, and low-income community businesses. The NMDP is modeled after the federal New Markets Tax Credit program.²⁴ The NMDP is capped at a cumulative investment that would result in no more than \$216.34 million in tax credits, and an annual investment that would result in no more than \$36.6 million in a single fiscal year.²⁵ The NMDP has exhausted its credit allocation. It has not issued tax credits since Fiscal Year 2014-2015.²⁶

Examples of Similar Rural Jobs Acts in Other States

Utah passed a substantially similar bill, the Utah Rural Jobs Act, which authorizes up to \$42 million in tax credits, and caps the total contributions one entity may make under the program at \$24.36 million. Additionally, Utah assesses a \$50,000 annual fee that is split between all the certified growth fund entities.²⁷

In 2017, Georgia created the Georgia Agribusiness and Rural Jobs Act, which is designed to spur \$100 million in capital investments in rural businesses in the state. Investors may redeem up to \$15 million in tax credits annually for four years (for a total of \$60 million tax credits) against their corporate income tax and premium tax liabilities.²⁸

Similar legislation has been proposed in several other states, including Washington. Additionally, New Markets Tax Credit Programs, which are structurally similar to the program created by the bill, are active in several other states, including Florida.²⁹

III. Effect of Proposed Changes:

The bill creates s. 288.062, F.S., the “Florida Rural Job and Business Recovery Act.” The bill uses tax credits against the state insurance premium tax to incentivize investors to give funds to certified growth fund entities that, in turn, will make capital or equity investments, or loans with a maturity date of at least one year, in growth businesses located in non-urbanized areas of the state or in an urbanized area within a county designated by Federal Emergency Management Agency declaration FEMA-4399-DR if the urbanized area had sustained winds in excess of 100

²³ Sections 288.991-.9922, F.S.

²⁴ Florida Legislature Office of Economic and Demographic Research, *Economic Evaluation for Select State Economic Development Incentive Programs*, 32-36 (Mar. 2017), available at <http://edr.state.fl.us/content/returnoninvestment/ROISELECTPROGRAMS2017final.pdf> (last visited Mar. 24, 2019).

²⁵ Section 288.9914(3)(c), F.S.

²⁶ Florida Dep’t of Economic Opportunity, *2017 Incentives Report*, 11 available at <http://www.floridajobs.org/docs/default-source/reports-and-legislation/2017-annual-incentives-report.pdf?sfvrsn=4> (last visited Mar. 30, 2019).

²⁷ Utah Code Annotated s. 63N-4-301, et seq. (2017).

²⁸ Ga. Code Annotated s. 33-1-25, et seq. (2017).

²⁹ Doug Farquhar, *Jump-Starting Rural Economies* (Apr. 2018), available at <http://www.ncsl.org/research/environment-and-natural-resources/jump-starting-rural-economies.aspx> (last visited Mar. 24, 2019).

miles per hour during Hurricane Michael. The bill caps the amount of investments at a level that will result in no more than \$5 million in tax credits claimed under the program each year and \$25 million in tax credits claimed under the program in total.

A growth business is one that:

- Has fewer than 200 employees
- Has its principal place of business operations in an area of Florida that is defined as not urbanized by the U.S. Census Bureau; and
- Participates in approved agriculture, forestry, fishing, hunting; mining, oil, and gas extraction; utilities; construction; manufacturing; transportation and warehousing; professional, scientific, or technical services; healthcare and social assistance; or any industry determined by the DEO to be beneficial to the area.

The DEO will administer the program and monitor jobs created or retained as a result of the growth fund entities' investments in growth businesses.

Tax Credit Application, Approval, and Allocation

Beginning September 1, 2019, the DEO must accept applications for approval as a growth fund. The application must include the following:

- Total investment authority sought by the applicant;
- Evidence that the applicant or an affiliate of the applicant is licensed as a rural business investment company or small business investment company, as defined in federal law;³⁰
- Evidence that at least one principal in the rural business investment company or small business investment company is, and has been for at least four years, an officer or employee of the applicant or an affiliate of the applicant on the date the application is submitted;
- Evidence that the applicant or its affiliates have invested at least \$100 million in private companies that are located in nonmetropolitan counties;
- An estimate of the total number of new annual jobs that will be created and jobs retained in the state as a result of the applicant's growth investments;
- A business plan that includes a 10-year revenue impact estimate of the proposed growth investments, including the investment's effect on state and local tax revenues, and state expenditures. This business plan must be prepared by an independent third-party economic forecasting firm that uses a dynamic economic forecasting model;
- A signed affidavit from the applicant's investors stating the investment each commits to make; and
- A commitment by the growth fund applicant to give first priority to growth investments located in those counties designated by Federal Emergency Management Agency declaration FEMA-4399-DR.

³⁰ See 7 U.S.C. s. 2009cc *et seq.* and 15 U.S.C. s. 681 *et seq.*

The DEO must grant or deny an application within 45 days of its receipt. The DEO must deny an application if:

- The application is incomplete;
- The applicant does not qualify as a growth fund;
- The business plan does not evidence that the positive revenue impact on this state over a 10-year period will be greater than the cumulative amount of tax credits that would be issued to the applicant's investors;
- The growth fund has failed to commit investor contributions equal to at least 75 percent of the investment authority it seeks; or
- The DEO has already approved the investment authority permitted.

If the DEO denies an application on certain grounds, the applicant has 15 days to cure the defect. The DEO must review the additional filing and issue an ultimate decision within 30 days of the application's initial submission. Additionally, the DEO may not approve or deny an application that is submitted after another for which additional information was needed until it approves or denies the "first" or "initial" application with additional information.

Upon approval of an application, the DEO must provide a notice to the applicant that certifies it as a growth fund, states the fund's investment authority, and specifies the investor contributions required. Ten percent of the fund's investment authority must consist of equity investments contributed by the fund's affiliates.

The DEO may not reduce the growth fund's investment authority from that requested on its application unless such an allocation would cause the DEO to exceed the year's permitted tax credits. If the DEO approves applications received on the same day that seek investment authorities that would collectively exceed the permitted annual tax credits, the DEO must approve both applicants, but proportionally reduce each applicant's investment authority and investor contributions to comply with the tax credit limit.

Within 60 days of its certification, a growth fund must collect all of its committed investor contributions and any additional cash investments. The fund must provide proof to the DEO that it collected all required contributions and investments within 65 days of certification. A fund's certification will lapse if it fails to perform these duties.

The DEO must provide tax credit certificates to investors upon notice from a certified fund that it collected the investor's contribution.

Tax Credit Established

An investor in a fund is vested with an earned credit against its state premium tax liability equal to the value of its contribution to the fund. The investor may not sell, transfer, or allocate the credit to any entity other than an affiliate of the fund.

An investor may claim 20 percent of its credit each taxable year from the year that the fund collects the investor contributions and any additional investments (defined in the bill as the "closing date") through the fourth anniversary of such date. If an investor's annual tax credit portion exceeds its state premium tax liability for the year, the investor may carry forward the

excess for up to 10 years. In order to claim a credit, the investor must submit a copy of the tax credit certificate with its tax return for each taxable year it claims the credit.

The DEO must provide the Department of Revenue (DOR) with the names and Federal Employment Identification Numbers of insurance companies that are allocated tax credits under the program and the amount of credit awarded to each company.

Revocation of Tax Credit Certificates and Exit From the Program

The DEO must revoke a tax credit certificate if:

- The fund fails to collect all of its investor contributions and any other required investments;
- The fund does not invest 100 percent of its investment authority in state growth investments within two years after the closing date;
- The fund fails to maintain investments equal to 100 percent of its investment authority until the sixth anniversary of its closing date (with a permitted 12 months between receipt of capital and reinvestment of that capital);
- The fund makes a distribution or payment that results in the fund having less than 100 percent of its investment authority invested in Florida growth investments, or available for state growth investments and held in cash or other securities; or
- The fund invests in a growth business that directly, or indirectly through an affiliate, owns, has the right to acquire an ownership interest in, makes a loan to, or makes an investment in the fund, an affiliate of the fund, or an investor of the fund.

The DEO must give a growth fund notice of a pending revocation and the fund has 90 days to cure any violation. If tax credits are revoked, the DEO must re-allocate the investment authority and investor contributions on a pro rata basis to each fund that was awarded less than its requested investment authority, and any balance to new applicants.

On or after the seventh anniversary of the closing date, a growth fund may apply to the DEO to exit the program. The DEO must approve the request within 30 days if no tax credit certificates issued to the fund's investors have been revoked, and the fund's certification has not been revoked or is not currently subject to revocation.

The DEO may not revoke a tax credit certificate after a fund exits the program.

Growth Fund's Reporting Obligations

Each fund must submit an annual report to the DEO on or before the fifth business day after each anniversary of its closing date. The report must include:

- A bank statement evidencing each of the fund's investments;
- The name, location, and industry of each growth business that receives a growth investment or evidence that a growth business qualified as such at the time the fund made the investment;
- The number of employment positions at the growth business on the date of the fund's initial investment;
- The number of new and retained annual jobs and their average salary at each growth business;

- The cumulative amount of growth investments made in the growth business;
- Any other information required by the DEO; and
- If available, a report on redeemed or repaid growth investments.

Distributions to the Growth Fund's Equity Holders

If a growth fund seeks to pay its equity holders an amount greater than its investment authority, the fund must also make a payment to the DEO equal to the proposed distribution multiplied by the difference between one and a fraction the numerator of which is the aggregate number of new and retained annual jobs reported in the fund's annual report and the denominator of which is the projected number of new and retained annual jobs reported on the fund's application. No payment is due if the aggregate number of new and retained jobs equals or exceeds the number of new or retained jobs that were initially projected.

Additionally, after it exits the program, the fund may not make a payment to its equity holders unless it has invested at least 150 percent of its investment authority in growth investments. The fund must annually report its growth investments to the DEO until it has made the required growth investments.

Miscellaneous

A fund may request the DEO to issue a written opinion advising whether a potential investment business qualifies as a growth business; if the DEO does not respond within 15 days of the request, the business is deemed a growth business.

The bill grants the DEO rulemaking authority to implement this program.

The bill applies only to tax returns or reports originally due on or after January 1, 2020.

The bill takes effect July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined that the bill will reduce General Revenue Fund receipts by \$5 million beginning in Fiscal Year 2021-2022, with a \$5 million recurring reduction.

B. Private Sector Impact:

Businesses in non-urbanized areas may be able to access funding that would not have otherwise been available to them through traditional financing institutions, e.g., bank loans. However, these investments will still likely have fees and interest attached to them.

A certified growth fund will likely see a positive financial impact as the result of its activity under the program. Similarly, growth fund investors will see a positive impact on their tax liabilities as a result of their use of tax credits issued under the program.

C. Government Sector Impact:

The DEO may incur administrative costs to implement the program.

The DOR reports that it will be required to modify the Unified Tax (SUNTAX) System and other necessary updates. The total estimated cost of these updates is \$82,618.³¹

VI. Technical Deficiencies:

The bill allows an insurance company that receives a tax credit under the program to claim the credit against its liabilities for insurance premium tax or retaliatory tax. The credits are allowed after deducting certain assessments and other credits (these assessments and credits are listed in s. 288.062(1)(e), F.S., which is created by the bill). After these reductions, few taxpayers may have any retaliatory tax liability remaining, and thus, they would never be able to use the credits granted under the program against retaliatory tax. If this is not the intent of the bill, the sponsor may wish to require the tax credits granted under the program to be used against retaliatory tax first, without any reduction for the reductions described above.

VII. Related Issues:

None.

³¹ Florida Dep't of Revenue, *SB 298 Agency Analysis*, 5-6 (Jan. 24, 2019) (on file with the Senate Committee on Finance and Tax).

VIII. Statutes Affected:

This bill creates section 288.062 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Finance and Tax on April 5, 2019:

The CS:

- Reduces the amount of tax credit that can be taken in a single year from \$15 million to \$5 million.
- Limits the amount of total tax credits under the program to \$25 million.
- Requires growth funds to give priority to businesses within counties included in the FEMA emergency declaration for Hurricane Michael.
- Defines “growth zone” to include urbanized areas within counties included in the FEMA emergency declaration for Hurricane Michael, but only if the area was subjected to sustained winds in excess of 100 mph during Hurricane Michael.
- Moves the time period for claiming tax credits from beginning the second year after the year of the closing date to the year of the closing date.
- Allows the DEO to revoke a growth fund if it invests in a related growth business.

B. Amendments:

None.



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
	.	
	.	
	.	

The Committee on Finance and Tax (Montford) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Section 288.062, Florida Statutes, is created to
read:

288.062 Florida Rural Jobs and Business Recovery Act.—

(1) This section may be cited as the "Florida Rural Jobs
and Business Recovery Act."

(2) The following terms when used in this section shall



766474

11 have the following meanings except where the context clearly
12 indicates a different meaning:

13 (a) "Affiliate" means an entity that directly, or
14 indirectly through one or more intermediaries, controls, is
15 controlled by, or is under common control with another entity.
16 For the purposes of this paragraph, an entity is "controlled by"
17 another entity if the controlling entity holds, directly or
18 indirectly, the majority voting or ownership interest in the
19 controlled entity or has control over the day-to-day operations
20 of the controlled entity.

21 (b) "Closing date" means the date on which a growth fund
22 has collected all amounts specified by paragraph (8)(a).

23 (c) "Department" means the Department of Economic
24 Opportunity.

25 (d) "Full-time high wage employment position" means an
26 employment position that is filled, pays a high wage and
27 requires at least 35 hours of work per week or any other period
28 of time generally accepted by custom, industry, or practice as
29 full-time employment.

30 (e) "Growth business" means a business that, at the time a
31 growth fund initially invests in the business:

32 1. Has fewer than 200 employees;
33 2. Has its principal business operations in at least one
34 growth zone in the state; and

35 3. Is engaged in North American Industry Classification
36 System sectors: 11, 21, 22, 23, 31-33, 48-49, 54, or 62.

37 However, if the business is not engaged in such industries, the
38 department shall determine whether the investment will create
39 new jobs or retain jobs.



766474

40 (f) "Growth fund" means an entity certified by the
41 department under subsection (7).

42 (g) "Growth investment" means any capital or equity
43 investment in a growth business or any loan to a growth business
44 with a stated maturity at least 1 year after the date of
45 issuance.

46 (h) "Growth zone" means:

47 1. All locations outside an urbanized area with a
48 population equal to or greater than 50,000, as identified by the
49 United States Census Bureau; or

50 2. Any urbanized area within a county designated by Federal
51 Emergency management Agency declaration FEMA-4399-DR if the
52 urbanized area had sustained winds in excess of 100 miles per
53 hour during Hurricane Michael.

54 (i) "High wage" means a wage in any county that is greater
55 than 100 percent of the county average.

56 (j) "Investment authority" means the amount certified by
57 the department under subsection (7). At least 75 percent of a
58 growth fund's investment authority must consist of investor
59 contributions.

60 (k) "Investor contribution" means a cash investment in a
61 growth fund by an entity that is subject to the state premium
62 tax under ss. 624.509 and 624.5091. The cash investment must
63 equal the amount specified for that entity in the department's
64 approval of a growth fund's application under subsection (4).
65 The cash investment shall purchase an equity interest in the
66 growth fund or purchase, at par value or premium, a debt
67 instrument that has a maturity date at least 5 years from the
68 closing date and a repayment schedule that is no greater than



766474

level principal amortization over 5 years.

(l) "Jobs retained" means the number of full-time high wage employment positions that existed before the initial growth investment in a growth business and for which the growth business's chief executive officer or similar officer certifies that the employment positions would have been eliminated but for the initial growth investment.

(m) "New annual jobs" means the difference between:

1.a. The average monthly number of full-time high wage employment positions at a growth business in the preceding calendar year; or

b. If the initial growth investment occurred during the preceding calendar year, the average monthly number of full-time high wage employment positions for the months during which the initial growth investment was made through the end of the preceding calendar year; and

2. The number of full-time high wage employment positions at the growth business on the date of the initial growth investment.

If the resulting total is less than zero, the new annual jobs amount is equal to zero.

(n) "Principal business operation" of a business is the location or locations where at least 60 percent of the business's employees work or where the employees who are paid at least 60 percent of the business's payroll are located. A business that agrees to relocate or hire new employees using the proceeds of a growth investment to establish its principal business operation in a growth zone in the state is deemed to



766474

98 have its principal business operations in the new location
99 provided it satisfies this definition within 180 days after
100 receiving the growth investment, unless the department agrees to
101 a later date.

102 (o) "State premium tax" means the tax identified in s.
103 624.509 or s. 624.5091.

104 (3) Beginning September 1, 2019, the department shall
105 accept applications for approval as a growth fund on a form
106 adopted by the department. The application shall include the
107 following:

108 (a) The total investment authority sought by the applicant.

109 (b) Evidence that:

110 1. The applicant or an affiliate of the applicant is
111 licensed as a rural business investment company under 7 U.S.C.
112 s. 2009cc or as a small business investment company under 15
113 U.S.C. s. 681. The applicant or the affiliate must include a
114 certificate executed by an executive officer of the applicant
115 attesting that such license remains in effect and has not been
116 revoked; and

117 2. At least one principal in a rural business investment
118 company or a small business investment company is, and has been
119 for at least 4 years, an officer or employee of the applicant or
120 an affiliate of the applicant on the date the application is
121 submitted.

122 (c) Evidence that as of the date the application is
123 submitted, the applicant or affiliates of the applicant have
124 invested at least \$100 million in nonpublic companies located in
125 nonmetropolitan counties as defined by the Office of Management
126 and Budget within the Office of the President of the United



766474

States on the basis of county or county-equivalent units.

(d) An estimate of the total number of new annual jobs that will be created and jobs retained over the life of the program in this state because of the applicant's growth investments.

(e) A business plan that includes a revenue impact assessment projecting state and local tax revenues to be generated, as well as state expenditures to be reduced, by the applicant's proposed growth investments, prepared by a nationally recognized third-party independent economic forecasting firm using a dynamic economic forecasting model that analyzes the applicant's business plan over the 10 years following the date the application is submitted to the department.

(f) A signed affidavit from each investor stating the amount of investor contribution the investor will make.

(g) A commitment by the growth fund applicant to give first priority to growth investments located in those counties designated by Federal Emergency Management Agency declaration FEMA-4399-DR.

(4) (a) Within 45 days after receipt of a completed application containing the information set forth in subsection (3), the department shall approve or deny the application.

(b) The department shall deem applications that are received on the same day as having been received simultaneously.

(c) The department shall approve investment authority up to an amount that would allow no more than \$5 million in tax credits to be taken in any one year, excluding any credits that are carried forward pursuant to paragraph (10) (c). No more than a total of \$25 million in tax credits may be approved by the



766474

department under the program. If requests for investment
authority exceed this tax credit limitation, the department
shall proportionally reduce the investment authority and the
investor contributions for each approved application as
necessary to avoid exceeding the limit.

(5) The department shall deny an application if:

(a) The application is incomplete;

(b) The applicant does not satisfy the criteria set forth
in subsection (3);

(c) The revenue impact assessment submitted under paragraph
(3)(e) does not demonstrate that the applicant's business plan
will result in a positive revenue impact on this state over a
10-year period that exceeds the cumulative amount of tax credits
that would be issued to the applicant's investors;

(d) The investor contributions described in affidavits
submitted under paragraph (3)(f) do not equal at least 75
percent of the total amount of investment authority sought under
the applicant's business plan; or

(e) The department has already approved the maximum amount
of investment authority and investor contributions allowed under
subsection (4).

(6) If the department denies an application, the applicant,
within 15 days after the denial, may provide additional
information to the department to cure any defects in the
application identified by the department, except for failure to
comply with paragraph (5)(c), paragraph (5)(d), or paragraph
(5)(e). The department shall review and reconsider such
applications within 30 days after receipt and before approving
any pending applications submitted after the original submission



766474

date of the reconsidered application.

(7) The department shall not reduce the requested investment authority or deny a growth fund application for reasons other than those described in subsection (4) or subsection (5). After the department approves an application, it shall certify:

(a) The applicant as a growth fund;

(b) The amount of the applicant's investment authority;

(c) The investor contributions required from each investor that submitted an affidavit with the growth fund's application; and

(d) The number of new annual jobs and jobs retained that will be required of the growth fund, as prorated, based on the investment authority awarded to the growth fund.

(8) (a) Within 60 days after receiving the certification issued under subsection (7), a growth fund shall collect all investor contributions and collect additional investments of cash that, when added to the investor contributions, at least equal the growth fund's investment authority. Within 65 days after receiving the certification issued under subsection (7), a growth fund shall send to the department documentation that it has collected the amounts described in this subsection. At least 10 percent of the growth fund's investment authority must consist of equity investments contributed by affiliates of the growth fund. The growth fund shall report to the department the date on which the investor contributions and additional investments of cash were collected.

(b) Upon receipt of the documentation required by paragraph (a), the department shall provide a tax credit certificate to



766474

each taxpayer who has made an investor contribution in the amount of the investor contribution.

(9) If the growth fund fails to fully comply with subsection (8), the department shall revoke the growth fund's certification and the corresponding investment authority and investor contributions will not count toward the limits on the program size set forth in subsection (4). The department shall first award revoked investment authority pro rata to each growth fund that was awarded less than the investment authority for which it applied, and a growth fund may allocate the associated investor contribution authority to any taxpayer with state premium tax liability in its discretion. Any remaining investment authority may be awarded by the department to new applicants.

(10) (a) Any taxpayer that makes an investor contribution is vested with an earned credit against state premium tax liability equal to that investor's investor contribution. The credit may be used over 5 years such that 20 percent of the credit is applied in each of the taxable years that includes the year of the closing date through the fourth anniversary of the closing date, unless a specific request is made to carry them forward for a period not to exceed 10 years.

(b) The credit is nonrefundable and may not be sold, transferred, or allocated to any other entity other than an affiliate that was an affiliate at the time of the submission of the investor's affidavit included in the growth fund's application.

(c) The amount of the credit claimed by a taxpayer may not exceed the amount of such taxpayer's state premium tax liability



766474

for the tax year for which the credit is claimed.

(d) A taxpayer claiming a credit under this section shall submit a copy of the tax credit certificate with the taxpayer's return for each taxable year for which the credit is claimed.

(e) The credit shall be allowed after deducting from the tax the deductions for assessments made pursuant to s. 440.51; the credits for taxes paid under ss. 175.101 and 185.08; the credits for income taxes paid under chapter 220; the credit allowed under s. 624.509(5), as such credit is limited by s. 624.509(6); and the credit allowed under s. 624.51055.

(11) The department must revoke the tax credit certificates issued under paragraph (8)(b) if any of the following occur with respect to a growth fund before the growth fund exits the program in accordance with paragraph (16)(a):

(a) The growth fund does not invest 100 percent of its investment authority in growth investments in this state within 2 years of the closing date;

(b) The growth fund, after initially satisfying paragraph (a), fails to maintain growth investments equal to 100 percent of its investment authority until the sixth anniversary of the closing date. For purposes of this paragraph, an investment is "maintained" even if it is sold or repaid, so long as the growth fund reinvests an amount equal to the capital returned or recovered from the original investment, exclusive of any profits realized, in other growth investments in this state within 12 months of the receipt of such capital. Amounts received periodically by a growth fund shall be treated as continuously invested in growth investments if the amounts are reinvested in one or more growth investments by the end of the following



766474

calendar year;

(c) The growth fund, before exiting the program in accordance with paragraph (16) (a), makes a distribution or payment that results in the growth fund having less than 100 percent of its investment authority invested in growth investments in this state or available for investment in growth investments and held in cash and other marketable securities; or

(d) The growth fund invests in a growth business that directly or indirectly through an affiliate owns, has the right to acquire an ownership interest, makes a loan to, or makes an investment in the growth fund, an affiliate of the growth fund, or an investor in the growth fund. This paragraph does not apply to investments in publicly traded securities by a growth business or an owner or affiliate of such growth business. For purposes of this paragraph, a growth fund is not considered an affiliate of a growth business solely because of its growth investment.

(12) Before making a growth investment, a growth fund may request a written opinion from the department as to whether the business in which it proposes to invest satisfies the definition of a growth business. The department, not later than the 15th business day after the date of receipt of the request, shall provide the growth fund with a determination letter providing its opinion. If the department fails to issue a determination letter by the 15th business day, the business in which the growth fund proposes to invest shall be considered a growth business.

(13) The maximum amount of growth investments in a growth business, including amounts invested in affiliates of the growth



766474

business, that a growth fund may count in satisfying the requirements of paragraphs (11)(a) and (b) is the greater of \$5 million or 20 percent of its investment authority, exclusive of repaid or redeemed growth investments.

(14) Before revoking a tax credit certificate under subsection (11), the department shall notify the growth fund of the reasons for the pending revocation. The growth fund shall have 90 days from the date the notice was received to correct any violation outlined in the notice to the satisfaction of the department and avoid revocation of the tax credit certificate.

(15) If the department revokes any tax credit certificates under subsection (11), the associated investment authority and investor contributions will not count toward the limit on total investment authority and investor contributions described in subsection (4). The department may award any remaining investment authority to new applicants.

(16)(a) On or after the seventh anniversary of the closing date, a growth fund may apply to the department to exit the program and no longer be subject to regulation except as set forth in paragraph (b). The department shall approve or deny the application within 30 days of receipt. In evaluating the application, the fact that no tax credit certificates have been revoked and that the growth fund has not received a notice of revocation that has not been cured pursuant to subsection (14) is sufficient evidence to prove that the growth fund is eligible for exit. The department shall not unreasonably deny an application submitted under this paragraph. If the application is denied, the notice shall include the reasons for the determination.



766474

(b) After its exit from the program in accordance with paragraph (a), a growth fund may not make distributions or pay any fees except as allowed under paragraph (11)(c) to its investors unless it has made growth investments equal to at least 150 percent of its investment authority. Each growth fund shall continue to report the amount of growth investments made to the department annually until it has made growth investments equal to at least 150 percent of its investment authority.

(c) After its exit from the program in accordance with paragraph (a), at any time the growth fund proposes to make a distribution to its investors that, when added to all previous distributions to its investors, exceeds its investment authority, the growth fund shall remit to the department a payment equal the product of the proposed distribution and the difference between one and a fraction, the numerator of which is the aggregate number of new annual jobs and jobs retained reported to the department pursuant to subsection (18) and the denominator of which is the number of new annual jobs and jobs retained as set forth in the growth fund's certification. No payment is due if the aggregate number of new annual jobs and jobs retained as of the date of the proposed distribution equal or exceed the number of new annual jobs and jobs retained as projected set forth in the growth fund's certificate issued under subsection (7).

(17) The department may not revoke a tax credit certificate after a growth fund exits from the program.

(18)(a) Each growth fund shall submit an annual report to the department on or before the 5th business day after each anniversary of the closing date prior to its exit from the



766474

program in accordance with paragraph (16)(a). The report shall
identify each growth investment made by the growth fund and
shall include:

1. A bank statement evidencing each growth investment, if
not previously reported;

2. The name, location, and industry of each growth business
receiving a growth investment, including either the
determination letter set forth in subsection (12) or evidence
that the business qualified as a growth business at the time the
investment was made, if not previously reported;

3. The number of full-time high wage employment positions
at each growth business and jobs retained on the date of the
growth fund's initial growth investment;

4. The number of new annual jobs and jobs retained at each
growth business, provided the number of jobs retained may not
exceed the number of jobs retained, as reported in subsection
(3) and the number of jobs retained that must be reduced if the
full-time high wage employment positions reported drops below
the jobs retained as reported in subsection (3);

5. The average annual salary of the positions described in
paragraph (3)(d);

6. The cumulative amount of growth investments made in
growth businesses; and

7. Any other information required by the department.

(b) The growth fund is not required to provide information
with respect to growth investments that have been redeemed or
repaid as part of the annual report set forth in paragraph (a)
but shall provide such information if available.

(19) The department:



766474

(a) May adopt rules to implement the provisions of this section.

(b) Shall adopt forms and notices to implement this section.

(c) Shall notify the Department of Revenue of the name and federal employer identification number of any insurance company allocated tax credits under this act and the amount of such credits.

(20) A growth fund that issues a growth investment approved by the department shall be deemed a recipient of state financial assistance under s. 215.97, the Florida Single Audit Act. However, a growth fund business that receives a growth fund investment is not a subrecipient for the purposes of s. 215.97.

(21) The provisions of this section apply only to tax returns or reports originally due on or after January 1, 2020.

(22) This section expires on December 21, 2030.

Section 2. This act shall take effect July 1, 2019.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to rural communities; creating s.
288.062, F.S.; providing a short title; defining
terms; requiring the Department of Economic
Opportunity to accept applications for approval as
growth funds in a specified manner; specifying
information required to be submitted in an



766474

application; requiring the department to approve or deny the applications within a specified timeframe; prohibiting the department from approving more than a certain amount of investment authority or investor contributions; requiring the department to deny applications under certain circumstances; authorizing an applicant whose application was denied to provide additional information within a certain timeframe to cure defects in the application; prohibiting the department from reducing the investment authority of an application or denying an application unless certain circumstances are met; requiring the department to certify approved applications; requiring the growth fund to collect contributions and investments within a certain timeframe; requiring the department to provide a tax credit certificate to certain taxpayers; requiring the department to revoke a growth fund's certification under specified conditions; granting a credit against state premium tax liability for specified investors; providing restrictions on the credit; requiring that a taxpayer claiming a credit submit a copy of the tax credit certificate with his or her tax return; requiring the department to revoke a tax credit certificate under certain circumstances; authorizing a growth fund to request certain determinations from the department; providing a formula for calculating the maximum amount of investments; specifying a timeframe within which a growth fund may correct violations to avoid revocation



766474

of a tax credit certificate; requiring the department to distribute reverted investment authority among certain growth funds; authorizing the growth fund to submit an exit application; providing procedures for use by the department in handling exit applications; prohibiting a growth fund that has exited the program from making certain distributions or paying certain fees under certain circumstances; requiring the growth fund to remit certain payments to the department under certain circumstances; requiring the growth fund to submit a report to the department at a specified time; prohibiting the department from revoking a growth fund's tax credit certificate after it exits the program; requiring the growth fund to submit an annual report to the department; requiring that the annual report include certain information; providing for rulemaking; requiring the department to notify the Department of Revenue of any insurance company that is allocated tax credits; specifying that a growth fund is deemed to be a recipient of state financial assistance under certain circumstances; providing applicability; providing for future expiration; providing an effective date.

By Senator Montford

3-00350B-19

2019298__

1 A bill to be entitled
 2 An act relating to rural businesses; creating s.
 3 288.062, F.S.; providing a short title; defining
 4 terms; requiring the Department of Economic
 5 Opportunity to accept applications for certification
 6 as a growth fund beginning on a specified date;
 7 providing requirements for the application; requiring
 8 the department to grant or deny the application within
 9 a specified timeframe; limiting the amount of
 10 investment authority that may be approved by the
 11 department; requiring the department to deny
 12 applications that do not meet certain requirements;
 13 authorizing an applicant whose application was denied
 14 to provide additional information to the department
 15 within a specified timeframe; requiring the department
 16 to reconsider an application for which additional
 17 information has been submitted and to approve or deny
 18 it within a certain timeframe; prohibiting the
 19 department from reducing the investment authority of
 20 an application or denying an application for reasons
 21 other than those specified; requiring the department
 22 to certify approved applicants as growth funds and to
 23 specify their required investment authority and
 24 investor contributions; requiring that the growth
 25 fund's investment authority consist of a certain
 26 percentage of equity investments; requiring the growth
 27 fund to collect contributions and investments and
 28 submit required documentation to the department within
 29 a specified timeframe; requiring the department to

Page 1 of 16

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3-00350B-19

2019298__

30 issue tax credit certificates as appropriate;
 31 providing circumstances under which a growth fund's
 32 certification lapses; requiring the department to
 33 redistribute lapsed investment authority in a
 34 specified manner; providing that an investor who makes
 35 an investor contribution is vested with a credit
 36 against state premium tax liability; imposing
 37 restrictions on the use of the credit; providing for
 38 the carryover of tax credits; requiring that investors
 39 claiming a credit submit a copy of the tax credit
 40 certificate with their tax returns; requiring the
 41 department to revoke tax credit certificates under
 42 specified circumstances; capping the amount of
 43 investments which growth funds can count toward
 44 satisfaction of certain requirements; requiring the
 45 department to notify growth funds of reasons for a
 46 pending revocation of a tax credit certificate;
 47 requiring growth funds to address issues identified in
 48 the notice within a specified timeframe; providing
 49 that reverted investment authority and investor
 50 contributions do not count toward the limit on total
 51 investment authority and investor contributions;
 52 requiring the department to distribute reverted
 53 investment authority to certain growth funds;
 54 authorizing growth funds to submit an exit application
 55 after a specified period of time; requiring the
 56 department to respond to an exit application within a
 57 certain timeframe; prohibiting the department from
 58 unreasonably denying an exit application; requiring

Page 2 of 16

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3-00350B-19

2019298__

59 that denial notices state the reasons for denial;
 60 prohibiting growth funds that have exited the program
 61 from making distributions to their equity holders
 62 unless they have made certain growth investments;
 63 requiring such growth funds to continue to annually
 64 report the amount of their growth investments until
 65 required investments are made; providing a formula for
 66 determining the amount a growth fund must pay the
 67 department when making certain distributions;
 68 prohibiting the department from revoking the growth
 69 fund's tax credit certificate after the growth fund
 70 has exited the program; authorizing growth funds to
 71 request a written opinion from the department as to
 72 whether a business qualifies as a growth business;
 73 requiring that the department notify the growth fund
 74 of its determination within a specified timeframe and
 75 granting growth business status to the business if the
 76 department fails to timely make its determination;
 77 specifying that out-of-state businesses relocating
 78 employees to this state must satisfy a specific
 79 definition within a certain timeframe before a new
 80 principal place of business operations is recognized;
 81 requiring growth funds to submit annual reports to the
 82 department; requiring that the reports provide certain
 83 documentation; authorizing rulemaking; requiring the
 84 department to provide certain notification to the
 85 Department of Revenue; providing applicability;
 86 providing an effective date.
 87

Page 3 of 16

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3-00350B-19

2019298__

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

89
 90 Section 1. Section 288.062, Florida Statutes, is created to
 91 read:

92 288.062 Florida Rural Job and Business Recovery Act.—

93 (1) This section may be cited as the "Florida Rural Job and
 94 Business Recovery Act."

95 (2) As used in this section, the term:

96 (a) "Affiliate" means an entity that, directly or
 97 indirectly through one or more intermediaries, controls, is
 98 controlled by, or is under common control with another entity.
 99 For purposes of this paragraph, an entity is controlled by
 100 another entity if the controlling entity directly or indirectly
 101 holds the majority voting or ownership interest in the
 102 controlled entity or has control over the day-to-day operations
 103 of the controlled entity by contract or law.

104 (b) "Closing date" means the date on which a growth fund
 105 completes the collection of all contributions and investments as
 106 required in subparagraph (3)(g)1.

107 (c) "Department" means the Department of Economic
 108 Opportunity.

109 (d) "Growth business" means a business that, at the time of
 110 the initial investment in the company by a growth fund:

111 1. Has fewer than 200 employees;

112 2. Has its principal place of business operations in one or
 113 more growth zones in the state; and

114 3.a. Is engaged in an industry classified under the North
 115 American Industry Classification System, as published in 2017 by
 116 the Office of Management and Budget, Executive Office of the

Page 4 of 16

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3-00350B-19

2019298

President, as sector 11, 21, 22, 23, 31-33, 48-49, 54, or 62; or

b. If not engaged in an industry sector identified in subparagraph a., the department has determined, in light of the investment, will be beneficial to the growth zone.

(e) "Growth fund" means an entity certified by the department pursuant to paragraph (3)(f).

(f) "Growth investment" means any capital investment or equity investment in a growth business or any loan to a growth business with a stated maturity at least 1 year after the date of issuance.

(g) "Growth zone" means all areas that are not an urbanized area as defined by the United States Bureau of the Census.

(h) "High wage" means a wage that is at least equal to the county average.

(i) "Investment authority" means the amount stated on the certification notice issued pursuant to paragraph (3)(f) certifying the growth fund.

(j) "Investor contribution" means an investment of cash, in the amount specified by the department in its approval of the growth fund's certification application, in a growth fund by a person with a state premium tax liability in exchange for:

1. An equity interest in the growth fund, or
2. A debt instrument, at par value or premium, which has a maturity date at least 5 years after the closing date and a repayment schedule that does not exceed level principal amortization over 5 years.

(k) "Jobs retained" means the number of employment positions that existed before the initial growth investment at a growth business, that pay a high wage, and that require at least

3-00350B-19

2019298

35 hours of work each week which the growth business's chief executive officer or similar officer certifies as being positions that would have been eliminated but for the initial growth investment.

(1) "New annual jobs" means the difference between:

1.a. The monthly average of employment positions at a growth business which pay a high wage and require at least 35 hours of work each week for the preceding calendar year; or

b. If the initial growth investment occurred during the preceding calendar year, the monthly average of employment positions at a growth business which pay a high wage and require at least 35 hours of work each week for the month in which the initial growth investment was made and the succeeding months before the end of that calendar year; and

2. The number of full-time high-wage employment positions at the growth business on the date of the initial growth investment.

(m) "Principal place of business operations" means the place or places at which business operations are located and at which:

1. At least 60 percent of the business's employees work, or
2. Employees that are paid at least 60 percent of the business's payroll work.

(n) "State premium tax liability" means any liability incurred by any entity under s. 624.509 or s. 624.5091.

(3)(a) Beginning September 1, 2019, the department shall accept applications for certification as a growth fund on a form prescribed by the department. The application must include:

1. The total investment authority sought by the applicant;

3-00350B-19

2019298

2. A copy of the applicant's, or an affiliate of the applicant's, license as a rural business investment company under 7 U.S.C. s. 2009cc or as a small business investment company under 15 U.S.C. s. 681;

3. Evidence that, as of the date the application is submitted, the applicant or affiliates of the applicant have invested at least \$100 million in private companies located in nonmetropolitan counties as defined by the federal Office of Management and Budget on the basis of county or county-equivalent units;

4. An estimate of the number of aggregate new annual jobs that will be created and that will be retained in this state because of the applicant's growth investments;

5. A business plan that includes a revenue impact assessment projecting state and local tax revenue and reductions in state expenditures attributable to the applicant's proposed growth investments. The business plan must be prepared by a nationally recognized independent third-party economic forecasting firm using a dynamic economic forecasting model that projects the impact of the investment over a period of 10 years following the date the application is submitted to the department; and

6. A signed affidavit from each investor stating the amount of investor contributions each investor commits to make.

(b) Within 30 days after receipt of a completed application, the department shall grant or deny the application. The department shall deem applications received on the same day as being simultaneously received.

(c) The investment authority approved by the department may

3-00350B-19

2019298

not exceed an amount that would result in more than \$15 million in tax credits being taken in any one year, excluding any credits that are carried forward as authorized in paragraph (4)(c). If approved applications that are simultaneously received for investment authority collectively would exceed that limit, the department shall proportionally reduce the investment authority and the investor contributions for each such application as necessary to comply with the limit.

(d) The department shall deny an application if:

1. The application is incomplete;

2. The revenue impact assessment submitted pursuant to subparagraph (a)5. does not demonstrate that the applicant's business plan will result in a positive economic impact on this state over a 10-year period which exceeds the cumulative amount of tax credits which would be issued to the applicant's investors;

3. The investor contributions described in affidavits submitted pursuant to subparagraph (a)6. do not total at least 75 percent of the total amount of investment authority sought under the applicant's business plan; or

4. The department has already approved the maximum amount of investment authority allowed under paragraph (c).

(e) Within 15 days after receipt of notice that the department has denied an application on grounds identified in subparagraph (d)1., subparagraph (d)2., or subparagraph (d)4., the applicant may provide additional information to the department to complete, clarify, or cure such defects. The department shall review the additional information and approve or deny the application within 30 days after the original

3-00350B-19

2019298

submission date of the application. The department may not approve any application submitted after the original submission date of the initially denied application until it approves or denies the application for which additional information was submitted.

(f) The department may not reduce the requested investment authority of a growth fund or deny a growth fund application for reasons other than those described in paragraphs (c) and (d). Upon approval of an application, the department shall send to the applicant a notice certifying the applicant as a growth fund and specifying the amount of the applicant's investment authority and the investor contributions required from each investor who submitted an affidavit with the growth fund's application. At least 10 percent of the growth fund's investment authority must consist of equity investments contributed by affiliates of the growth fund.

(g)1. Within 60 days after receiving a certification notice issued pursuant to paragraph (f), a growth fund shall collect all investor contributions and additional investments of cash which are, when added to the investor contributions, at least equal to the growth fund's investment authority.

2. Within 65 days after receiving a certification notice issued pursuant to paragraph (f), a growth fund shall provide to the department documentation that sufficiently proves that such contributions and investments have been collected.

3. Upon receipt of the documentation required by subparagraph 2., the department shall provide to each investor who made an investor contribution a tax credit certificate in an amount equal to that investor's contribution.

3-00350B-19

2019298

(h) A growth fund's certification lapses if the growth fund fails to fully comply with subparagraphs (g)1. and (g)2. If a certification lapses, the corresponding investment authority and investor contributions do not count toward the limits on program funding prescribed by paragraph (c) and the department must allocate any lapsed investment authority on a pro rata basis to each growth fund that was not awarded the full investment authority it applied for. A growth fund may allocate, at its discretion, the additional investor contribution authority to any investor that has state premium tax liability. The department may award any remaining investment authority to new applicants.

(4) (a) An investor who makes an investor contribution is vested with an earned credit against state premium tax liability which is equal to its investor contribution. Twenty percent of the credit may be used in each taxable year, beginning in the calendar year following the second anniversary of the closing date and concluding in the calendar year following the sixth anniversary of the closing date, exclusive of amounts carried forward pursuant to paragraph (c).

(b) The credit is nonrefundable and may not be sold, transferred, or allocated to any entity other than an affiliate that was an affiliate at the time of the submission of the investor's affidavit included in the approved application.

(c) The amount of the credit claimed by an investor may not exceed the amount of the investor's state premium tax liability for the tax year in which the credit is claimed. Any amount of tax credit which the entity does not claim in a taxable year may be carried forward for use in future taxable years for a period

3-00350B-19

2019298__

not to exceed 10 years.

(d) An investor claiming a credit under this section must submit a copy of the tax credit certificate with his or her tax return for each taxable year in which the credit is claimed.

(5) (a) The department shall revoke a tax credit certificate issued under subparagraph (3) (g) 3. if, before a growth fund exits the program in accordance with paragraph (e), any of the following occurs:

1. Within 2 years after the closing date, the growth fund does not invest 100 percent of its investment authority in growth investments in this state;

2. The growth fund, after investing 100 percent of its investment authority in growth investments in this state within 2 years after the closing date, fails to maintain growth investments equal to 100 percent of its investment authority at any time prior to the sixth anniversary after the closing date. For the purposes of this subparagraph, an investment is "maintained" even if it is sold or repaid, so long as the growth fund reinvests an amount equal to the capital returned or recovered from the original investment, exclusive of any profits realized, in other growth investments in this state within 12 months after the receipt of such capital. Amounts received periodically by a growth fund are deemed continuously invested in growth investments if the amounts are reinvested in one or more growth investments by the end of the following calendar year;

3. Before exiting the program in accordance with paragraph (e), the growth fund makes a distribution or payment that results in the growth fund having less than 100 percent of its

3-00350B-19

2019298__

investment authority invested in growth investments in this state or available for investment in growth investments and held in cash and other marketable securities; or

4. The growth fund makes a growth investment in a growth business that directly, or indirectly through an affiliate, owns; has the right to acquire an ownership interest in; makes a loan to; or makes an investment in the growth fund, an affiliate of the growth fund, or an investor in the growth fund. This subparagraph does not apply to investments in publicly traded securities by a growth business or an owner or an affiliate of the growth business. For purposes of this subparagraph, a growth fund is not considered an affiliate of a growth business solely because of its growth investment in that business.

(b) The maximum amount of growth investments in a growth business, including amounts invested in affiliates of the growth business, which a growth fund may count toward its satisfaction of the requirements of subparagraphs (a) 1. and 2. is 20 percent of its investment authority, up to a maximum of \$5 million.

(c) Before revoking tax credit certificates under this subsection, the department must notify the growth fund of the reasons for the pending revocation. The growth fund has 90 days after the date the notice is received to address, to the satisfaction of the department, any issue identified in the notice.

(d) If a tax credit certificate is revoked under this subsection, the associated investment authority and investor contributions do not count toward the limit on total investment authority and investor contributions imposed in paragraph (3) (c). The department shall distribute reverted investment

3-00350B-19

2019298__

authority pro rata to each growth fund awarded less than the requested investment authority for which it applied. Such a growth fund may allocate, at its discretion, the associated investor contribution authority to any investor that has state premium tax liability. The department may award any remaining investment authority to new applicants.

(e)1. On or after the seventh anniversary of the closing date, a growth fund may apply to the department to exit the program and no longer be subject to regulation under this section except as provided in this paragraph. The department shall respond to the application within 30 days after receiving the application. The department shall approve the application if none of the growth fund's tax credit certificates have been revoked and the growth fund has not received a notice of revocation that is currently pending. The department may not unreasonably deny an exit application submitted pursuant to this paragraph. If the application is denied, the notice must include the reasons for the denial.

2. After its exit from the program pursuant to subparagraph 1., a growth fund may not make distributions to its equity holders unless it has made growth investments equal to at least 150 percent of its investment authority. The growth fund must continue to annually report the amount of its growth investments to the department until it has made the required growth investments.

3. At any time the growth fund proposes to make a distribution to its equity holders which, when added to all previous distributions to its equity holders, would be in excess of its investment authority, the growth fund must remit to the

3-00350B-19

2019298__

department a payment equal to the proposed distribution multiplied by a fraction, the numerator of which is the aggregate number of new annual jobs and jobs retained reported to the department pursuant to subsection (8) and the denominator of which is the projected number of new annual jobs and jobs retained in an application made by the growth fund under subsection (3).

(f) The department may not revoke a tax credit certificate after a growth fund exits the program.

(6) Before making a growth investment, a growth fund may request that the department issue a written opinion as to whether the business in which it proposes to invest qualifies as a growth business. The department, no later than 15 business days after the receipt of the request, shall notify the growth fund of its determination. If the department fails to timely notify the growth fund of its determination, the business is considered a growth business.

(7) An out-of-state business that uses the proceeds of a growth investment to establish its principal place of business operations in a growth zone in the state and relocate or hire employees at the new location is deemed to have its principal place of business operations in this new location if it meets the definition of the term "principal place of business" provided in paragraph (2)(m) within 180 days after receiving the growth investment, unless granted an extension of time by the department.

(8)(a) Each growth fund shall submit a report to the department on or before the fifth business day after each anniversary of the closing date unless the growth fund has

3-00350B-19 2019298__

407 exited the program. The report must provide documentation as to
 408 each growth investment made by the growth fund and include:
 409 1. A bank statement evidencing each growth investment;
 410 2. The name, location, and industry of each growth business
 411 receiving a growth investment, including evidence that the
 412 business qualified as a growth business at the time the
 413 investment was made or a determination notice was issued
 414 pursuant to subsection (6);
 415 3. The number of employment positions at each growth
 416 business on the date of the growth fund's initial investment;
 417 4. The number of new annual jobs and retained jobs at each
 418 growth business. The number of retained jobs must be calculated
 419 based on the monthly average of high-wage employment positions
 420 and may not exceed the number of retained jobs on the first
 421 anniversary report. If the number of new annual jobs is less
 422 than zero, the growth fund must report the number of new annual
 423 jobs as zero;
 424 5. The average annual salary of the jobs reported under
 425 subparagraph 4.;
 426 6. The cumulative amount of growth investments made in the
 427 growth business; and
 428 7. Any other information required by the department.
 429 (b) The growth fund shall provide the department with an
 430 annual report for redeemed or repaid growth investments if the
 431 annual report for such investments is available.
 432 (9) The department may adopt rules to implement this
 433 section.
 434 (10) The department shall notify the Department of Revenue
 435 of the name of any insurance company allocated tax credits

Page 15 of 16

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3-00350B-19 2019298__

436 pursuant to this act and the amount of such credits.
 437 (11) This section applies to tax returns or reports
 438 originally due on or after January 1, 2020.
 439 Section 2. This act shall take effect October 1, 2019.

Page 16 of 16

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COMMITTEE: Finance and Tax
ITEM: SB 298
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Environment and Natural Resources, *Chair*
Education, *Vice Chair*
Agriculture
Appropriations
Appropriations Subcommittee on Education
Rules

JOINT COMMITTEE:

Joint Legislative Auditing Committee

SENATOR BILL MONTFORD

Minority Leader Pro Tempore
3rd District

February 18, 2019

Senator George Gainer, Chair
Senate Finance and Tax Committee
302 Senate Office Building
Tallahassee, Florida 32399-1100

Dear Chair,

I respectfully request that the following bills be placed on the next Finance and Tax Committee Agenda.

SB 298 – A bill relating to Rural Businesses.

Your consideration is greatly appreciated.

Sincerely,

A handwritten signature in cursive script that reads "Bill Montford".

William J. Montford III

WJM:lc

REPLY TO:

- ☐ 410 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5003
- ☐ 20 East Washington Street, Suite D, Quincy, Florida 32351 (850) 627-9100

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

Rick Scott
GOVERNOR



Cissy Proctor
EXECUTIVE DIRECTOR

December 28, 2018

The Honorable Rick Scott
Governor of Florida
Executive Office of the Governor
Plaza Level 05, The Capitol
400 South Monroe Street
Tallahassee, Florida 32399-00001

The Honorable Bill Galvano
Senate President
The Florida Senate
Room 409, The Capitol
404 South Monroe Street
Tallahassee, Florida 32399-1100

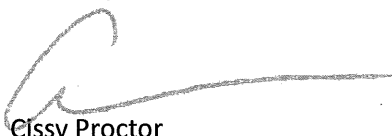
The Honorable Jose Oliva
Speaker of the House
The Florida House of Representatives
Room 420, The Capitol
402 South Monroe Street
Tallahassee, Florida 32399-1300

RECEIVED
2018 DEC 28 PM 1:40
OFFICE OF THE
SENATE PRESIDENT

Dear Governor Scott, President Galvano and Speaker Oliva:

Enclosed please find the Annual Incentives Report as required by section 288.907, Florida Statutes. The report, prepared in conjunction with Enterprise Florida, Inc., covers the timeframe from July 1, 2017 through June 30, 2018. This report provides a detailed review of the performance of the state's various economic development incentive programs.

Sincerely,



Cissy Proctor
Executive Director

cc: Mike Grissom, Interim Chief Executive Officer, Enterprise Florida, Inc.
Mark Kruse, Legislative Affairs Director, Executive Office of the Governor

Florida Department of Economic Opportunity | Caldwell Building | 107 E. Madison Street | Tallahassee, FL 32399
866.FLA.2345 | 850.245.7105 | 850.921.3223 Fax
www.floridajobs.org | www.twitter.com/FLDEO | www.facebook.com/FLDEO

2018 INCENTIVES REPORT

04/12/2018 08:00 AM
04/12/2018 08:00 AM
04/12/2018 08:00 AM



Table of Contents

Introduction and Overview	1
Programs Included in the 2017-2018 Annual Incentives Report	1
Florida's Economic Development Process	2
How It Works	2
Protecting the Taxpayer's Investment	2
Compliance and Accountability	3
Economic Development Incentives Portal	4
Types of Incentive Programs	4
Approaches for Data Analysis	6
Fiscal Year 2017-2018 Program Information	7
Fiscal Year 2017-2018 Payments	7
Program Activity and Results	8
Tax Refunds	8
Grants	9
Tax Credits	9
Economic Benefits	10
Program Trends and Utilization	10
Fiscal Year 2017-2018 Project Information	11
Fiscal Year 2017-2018 Projects	11
Executed Agreements	12
Qualified Target Industries	13
Industry Results	14
Industry Trends	15
Additional Program Reports	16
Florida Job Growth Grant Fund	16
Rural Development Programs	18
Regional Rural Development Grant Program	18
Rural Community Development Revolving Loan Fund	18
Rural Infrastructure Fund Program	18
Other Tax Credit Programs	20
Rural Job Tax Credit Program	20
Urban High Crime-Area Job Tax Credit Program	20
Appendix A: Executed Agreements	21
Appendix B: Payments	28
Appendix C: Historical Data	50

Appendix D: Glossary.....	53
Key Terms	53
Programs	55
Appendix E: Statutes, Laws and Rules.....	59

Figures and Tables

Figure 1. Economic Development Process	2
Figure 2. Target Industries	13
Table 1. Economic Development Incentive Categories.....	5
Table 2. Summary of Confirmed Performance and Payments During Fiscal Year 2017-2018	7
Table 3. Payments by Program - Three Fiscal Years	7
Table 4. Payments for DOT Programs - Three Fiscal Years.....	7
Table 5. Tax Refunds - Program Activity for Fiscal Year 2017-2018.....	8
Table 6. Tax Refunds - Program Results for Fiscal Year 2017-2018	9
Table 7. Grants - Program Activity for Fiscal Year 2017-2018.....	9
Table 8. Grants - Program Results for Fiscal Year 2017-2018.....	9
Table 9. Projects - Applications, Approvals and Agreements for Fiscal Year 2017-2018.....	11
Table 10. Summary of Executed Agreements, Commitments and Awards in Fiscal Year 2017-2018.....	12
Table 11. Maximum State Award for Agreements Executed in Fiscal Year 2017-2018.....	12
Table 12. Maximum State Award for DOT Programs in Fiscal Year 2017-2018.....	13
Table 13. Project Commitments by Industry for Fiscal Year 2017-2018.....	14
Table 14. Confirmed Performance by Industry for Completed Agreements - Three Fiscal Years.....	14
Table 15. Florida Job Growth Grant Fund - Awarded Proposals for Fiscal Year 2017-2018.....	17
Table 16. Rural Development Programs – Fiscal Year 2017-2018.....	19
Table 17. Rural Job and Urban High-Crime Tax Credit Programs – Calendar Year 2017.....	20
Table 18. Executed Agreements.....	22
Table 19. Payments.....	29
Table 20. Grant Approvals.....	50
Table 21. Tax Refund Approvals	51
Table 22. Tax Credits Approved to be Claimed by Businesses.....	52

Introduction and Overview

The 2017-2018 Annual Incentives Report has been prepared pursuant to s. 288.907, Florida Statutes. This report reflects a collaborative effort between the Florida Department of Economic Opportunity (DEO) and Enterprise Florida, Inc. (EFI).

DEO is committed to providing the Florida Legislature and Florida's taxpayers transparency in state incentive programs. This report provides taxpayers, legislators and other stakeholders with:

- ▶ Performance information for various economic development incentive programs.
- ▶ Information on the current status of previously executed agreements.
- ▶ Detailed information on executed agreements and incentive payments made during fiscal year 2017-2018.

Some of the specific project information remains confidential per s. 288.075, Florida Statutes, as of the publication of this report. However, all reasonable attempts have been made to include project details where applicable.

Programs Included in the 2017-2018 Annual Incentives Report

Various programs comprise Florida's economic development incentive toolkit. These programs are housed in several different agencies within the state. This report primarily focuses on programs managed by DEO's Division of Strategic Business Development and programs marketed by EFI.

Some programs are administered in DEO's Division of Community Development or in other state agencies such as the Florida Department of Revenue (DOR) and the Florida Department of Transportation (DOT). Descriptions and data for these economic development programs have been included throughout, showing the diverse range of assistance available to Florida's businesses. A comprehensive list of programs and their descriptions can be found in Appendix D. Historical information on programs can be found in Appendix C.

In compiling the Annual Incentives Report for fiscal year 2017-2018, data was collected from EFI, DEO's Division of Strategic Business Development and Division of Community Development, DOR and DOT.

Florida's Economic Development Process

Florida's economic development process utilizes strategic measures and partnerships to expand and diversify Florida's economy. Stimulating and promoting job creation is a vital part of this process which can ultimately bring significant benefits to the state as well as its businesses and communities.

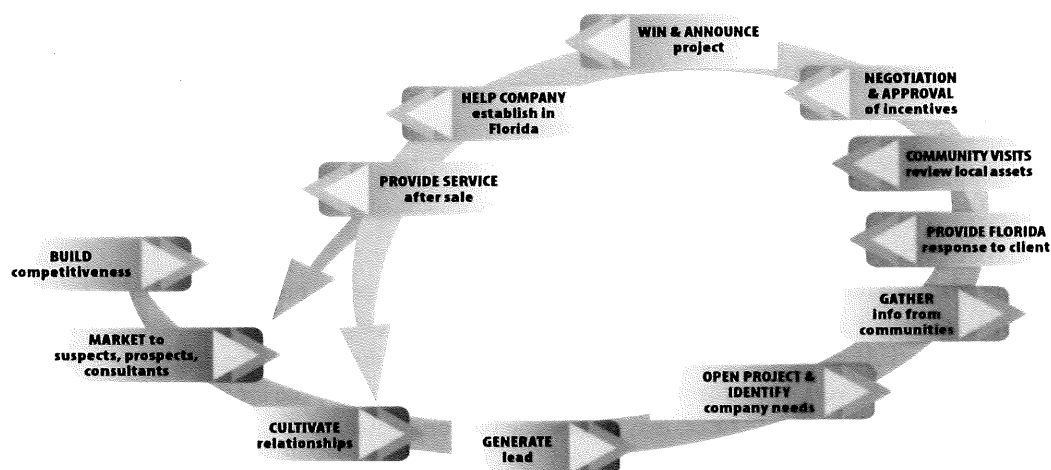
The economic development process is dynamic, involving many different groups and complex decisions. It often takes a business several months or even years to select a location for a new facility or for expansion. Many factors make up a business' site location decision, including cost, availability of a skilled workforce, necessary infrastructure, a good education system and a business-friendly climate. Because of this complex and competitive process, DEO and its partners work to provide economic development incentives to attract and retain businesses in Florida. Economic development incentives play a role in encouraging businesses to choose Florida over other states and countries that may be under consideration.

How It Works

As part of the early project development process, EFI encourages businesses to expand to or locate in Florida by marketing the value of doing business in the state. EFI then evaluates the competitive nature of the project in order to determine if any incentive programs for the particular project are needed. A strong commitment by the local community can also help to define the level of commitment on behalf of the state.

While the business is vetted, the needs of the project are evaluated and an incentive package is developed. DEO conducts due diligence, considers the scope of the proposed project, evaluates which incentive programs are suitable and negotiates the terms of an agreement. DEO's due diligence is a thorough investigation of the business being considered for an incentive program. The process involves analyzing the risk profile of the business, the particular project details and the recommended incentive package to ensure it is in the best interest of Florida's taxpayers. Adjustments are made during the incentive negotiation process to further tailor the structure of the incentive package to ensure alignment with the business' needs. Once the incentive package is finalized, DEO or DOT issues the formal approvals. Following the approval, an agreement between the business and the state is executed. Figure 1 summarizes the cooperative process involving DEO and Enterprise Florida.

Figure 1. Economic Development Process



Since 2011, significant improvements have been made to the incentive application process, the due diligence process and the agreement structures. One way the state protects the taxpayers' investment is by including performance requirements in agreements which businesses must achieve before incentive funds are paid out to businesses by the state. Performance by a business is demonstrated with verified job creation, wage figures and capital investment. All agreements include penalties or other sanctions for non-performance. For the few agreements structured where the business is set to receive incentive payments before the full scope of the project is achieved, each agreement includes sanction language for non-performance. These sanctions include requiring the business to repay all or a portion of the incentive award plus interest. Non-compliance may also result in the termination of the executed agreement between the business and DEO. Additionally, to further protect the state's investment in economic development incentive programs, funds are often placed into an escrow account managed by EFI prior to disbursement to the businesses. If any of these businesses do not meet the performance milestones required for the payments to be disbursed, the escrowed funds are returned to the state.

Finally, DEO oversees businesses' compliance of the performance deliverables set forth in each executed agreement. More specifically, the state manages and processes tax refund claims, performance reviews and state and local financial support payments associated with the executed agreements. This includes maintaining all documentation related to executed agreements and providing information to the public through the online Economic Development Incentives Portal.

DEO continues to refine and strengthen the incentives application and approval processes. These improved procedures allow EFI and DEO to protect the taxpayers' investment while helping to foster an environment that encourages job creation.

Compliance and Accountability

DEO contracts for services from an independent consulting firm to conduct comprehensive performance audits of each business that receives an economic development incentive. This process is a competitive bid process, meaning that businesses submit a proposal to the state, after which the business with the best proposal is chosen to provide the state with services. A contract between the state and the business is competitively procured on a regular basis.

In 2016, RSM US LLP (RSM), formerly McGladrey LLP, was awarded an agreement to review 100 percent of all incentive claims, including audit confirmations, procedures used to verify incentive eligibility and DEO's records for accuracy and completeness, as required by Florida Law (Ch. 2015-232, § 6, at 310-311, Laws of Fla.)

In accordance with Florida Law, RSM's primary responsibilities include:

- ▶ Verifying economic development incentive recipients' compliance with agreement requirements.
- ▶ Reviewing and developing the procedures used to verify awardees' eligibility for payments.
- ▶ Ensuring the accuracy and completeness of incentive agreement records.

Once performance claims have been reviewed and verified, RSM is required to present its findings to DEO. DEO's Bureau of Compliance and Accountability then reviews RSM's findings and determines eligibility prior to approving any payments. If all performance conditions are met, the incentive awardee will receive or retain the full amount eligible for the year. If performance conditions are not fully met, the incentive awardee may be eligible for a partial payment or, in some cases, may not be eligible for a payment.

Economic Development Incentives Portal

In 2013, DEO designed and launched a first-of-its-kind online Economic Development Incentives Portal. The interactive portal provides access to performance measurements of every non-confidential incentive project with an executed agreement since 2000 that has received or is on schedule to receive payments from the state. Confidential projects, approved projects without an executed agreement and withdrawn or vacated projects are not included. Confidential projects, as defined by s. 288.075, Florida Statutes, are included once their confidentiality from the state's public record requirements has expired.

Although only required to update verified performance results annually, DEO updates the portal as data become available. DEO's portal provides access to confirmed performance and payments, furthering the agency's commitment to accountability and transparency. The portal is accessible to the public through a link on DEO's homepage, www.FloridaJobs.org, or directly at www.FloridaJobs.org/IncentivesPortal. Real-time, complete information is available on the portal, allowing the public to access individual business data related to the incentives described in this report.

Types of Incentive Programs

Florida's economic development incentives are components of the state's toolkit, which is critical to improving Florida's economy. The toolkit includes programs designed to address specific needs of businesses as they look to expand or locate in Florida. Each program serves a different role in attracting businesses and retaining jobs, and the programs come in various forms such as tax refunds, tax credits, tax exemptions and grants. The majority of Florida's competitive economic development projects utilize tax refunds.

A thorough analysis of the project's needs compared to the eligibility requirements of various incentive programs help dictate which programs may be a good fit for each project. Table 1 summarizes several different types of incentives.

Table 1. Economic Development Incentive Categories

	Description	Overview of Claims Process	Revenue Source
Tax Refunds	Refund of taxes paid	▶ Business pays taxes ▶ State confirms tax payments and verifies performance ▶ State issues refund check	Annual appropriation
Tax Credits	Credit against taxes owed	▶ State confirms jobs and capital investment (if applicable) ▶ Business claims credits on state taxes after meeting program requirements	Foregone revenue
Tax Exemptions	Exemption from taxes owed	▶ DOR issues tax exemption permit to business ▶ Business uses permit to make tax exempt purchases	Foregone revenue
Grants	Grant with a performance-based agreement	▶ Business achieves performance milestones ▶ State validates performance ▶ State issues check	Annual appropriation

Approaches for Data Analysis

There are several ways to analyze the performance and effectiveness of economic development programs. Two evaluation approaches, the program and project approach, are utilized in this report to provide a comprehensive summary of the various economic development programs.

The program approach is based on summarizing data for individual economic development programs. This section of the report includes information for each program such as the amount of incentives approvals, a summary of the status of executed agreements and summarized performance results for currently active agreements. This approach is useful for comparing programs; however, keep in mind that summarizing data for each program can lead to duplicative job numbers due to the periodic use of multiple economic development programs for single projects.

The project approach is based on the projects and applications received for each program. This approach includes information on approvals and executed agreements as well as an overview on agreements in qualified target industries. Further details for executed agreements and projects are provided in Appendix A and B as well as the Economic Development Incentives Portal (www.FloridaJobs.org/IncentivesPortal).

The data presented in this report should be evaluated in context with the goals of the applicable programs, the highly competitive nature of economic development and the current economic climate.

Fiscal Year 2017-2018 Program Information

Fiscal Year 2017-2018 Payments

During fiscal year 2017-2018, the state paid a total of \$33,598,778.38 through the state's economic development incentive programs. Table 2 summarizes confirmed performance for all projects that were paid this fiscal year as well as the total state and local financial support payments. The local financial support consists primarily of monetary payments to the state and subsequently refunded to the business. Several projects were recipients of ad valorem tax abatements, which were used as the local financial support match for the Qualified Target Industry refunds. The total financial support has been adjusted to reflect these ad valorem tax abatements.

Table 2. Summary of Confirmed Performance and Payments During Fiscal Year 2017-2018

Number of Projects	Confirmed New Jobs	Confirmed Average Annual Wage	Confirmed Capital Investment	State Amount	Local Financial Support
262	16,258	\$72,268.92	\$279,961,082.86	\$33,598,778.38	\$3,547,132.44

Table 3 summarizes the total payments made by programs administered by DEO. Tax credits and tax exemptions are not included in this table, because these credits and exemptions are not issued through DEO.

Table 3. Payments by Program - Three Fiscal Years

Type of Program	Program	Fiscal Year 2017-2018	Fiscal Year 2016-2017	Fiscal Year 2015-2016
Grants	High-Impact Performance Incentive Grant	\$0.00	\$9,500,658.00	\$4,120,000.00
	Innovation Incentive Program	\$0.00	\$0.00	\$0.00
	Quick Action Closing Fund			
	<i>Paid into Escrow</i>	\$0.00	\$0.00	\$23,500,000.00
	<i>Paid to Business</i>	\$14,301,902.67	\$24,266,773.00	\$23,009,345.00
Tax Refunds	Brownfield Redevelopment Bonus			
	<i>Qualified Target Industry and Standalone</i>	\$1,212,141.00	\$724,036.00	\$1,370,618.00
	Qualified Target Industry	\$18,084,734.71	\$3,723,640.00	\$9,758,832.00
	Total	\$33,598,778.38	\$38,215,107.00	\$61,758,795.00

Table 4 summarizes the total payments made by the Economic Development Transportation Projects program, which is managed by DOT, for fiscal year 2017-2018. Please note that these payments are not made by DEO.

Table 4. Payments for DOT Programs - Three Fiscal Years

Type of Program	Program	Fiscal Year 2017-2018	Fiscal Year 2016-2017	Fiscal Year 2015-2016
Grants	Economic Development Transportation Projects	\$14,489,229.94	\$9,296,149.00	\$4,120,000.00

Program Activity and Results

Understanding the usage and performance of economic development programs is critical to determining their effectiveness as job creation tools. Measurement of program performance against executed agreement requirements takes place annually, at a minimum. The following descriptions and tables quantify key performance metrics for each program.

Tables 5-8 show a summary of the current status and performance of projects by program for fiscal year 2017-2018. Many businesses have multi-year agreements and are in the process of completing their performance requirements. Because of this, each fiscal year may show differences between the numbers for program status and performance categories. For example, the number of complete agreements may seem low compared to the number of active agreements or confirmed job numbers may be higher or lower than number of jobs due.

Tables 5 and 7 show the current status of projects by program. Not all businesses decide to commence their projects in Florida or decide to continue with their project after executing an agreement with the state. Many factors may play a role in these decisions, such as changes in operational plans or a failure to get an anticipated contract (i.e. contracts with federal agencies such as the U.S. Department of Defense). Additionally, some businesses may begin a project and achieve some performance requirements but fail to fulfill these terms later on and become ineligible to receive subsequent payments. For these reasons, the status of each agreement/project falls within one of six categories: active, inactive, terminated, vacated, withdrawn or complete. Definitions for each of these terms can be found in the glossary.

Tables 6 and 8 summarize the performance of projects in each program during the fiscal year. This information includes the jobs due and the jobs that were confirmed from businesses for that fiscal year. Confirmed job performance numbers vary year by year and can be higher or lower than the number of jobs due for each fiscal year. Years that the number of jobs confirmed are lower do not necessarily indicate that businesses have not met their performance requirements. During performance periods, businesses often create more jobs than required for certain fiscal years even if they drop below their requirements for another fiscal year. This variation is due to the nature of changing market conditions and business decisions based on altered business plans.

Tax Refunds

Table 5. Tax Refunds - Program Activity for Fiscal Year 2017-2018

Program Status	Qualified Target Industry	Brownfield Redevelopment Bonus <i>Qualified Target Industry and Standalone</i>
Active	165	17
Inactive	9	1
Terminated	17	1
Vacated	6	0
Withdrawn	28	0
Complete	12	1

Table 6. Tax Refunds - Program Results for Fiscal Year 2017-2018

Performance Category	Qualified Target Industry	Brownfield Redevelopment Bonus <i>Qualified Target Industry and Standalone</i>
Jobs Due	5,345	275
Confirmed Job Performance	7,239	547
Percent Achieved	135%	199%

Grants

Table 7. Grants - Program Activity for Fiscal Year 2017-2018

Program Status	High-Impact Performance	Quick Action Closing Fund	Innovation Incentive Program
Active	4	71	1
Inactive	0	1	6
Terminated	0	1	0
Vacated	0	0	0
Withdrawn	1	1	0
Complete	1	16	1

Table 8. Grants - Program Results for Fiscal Year 2017-2018

Performance Category	High-Impact Performance	Quick Action Closing Fund	Innovation Incentive Program
Jobs Due	370	3,389	0
Confirmed Job Performance	1,059	3,044	0
Percent Achieved	286%	90%	0

Tax Credits

DEO is responsible for determining eligibility and approving tax credit program applicants, while the DOR determines the tax credit amount and issues the tax credits to businesses. For the Capital Investment Tax Credit (CITC) program, DEO also verifies job performance and capital investment. Because DEO verifies this information, the CITC program is included in this section. Other tax credit programs are not traditional economic development incentive programs and are not included in this section. Detailed information on these additional tax credit programs can be found under “Additional Program Reports.”

As of fiscal year 2017-2018, there are 54 active CITC awardees. These awardees have committed to create 1,338 jobs; DEO has confirmed 1,987 jobs and \$369,769,611.25 in capital investment for fiscal year 2017-2018.

Economic Benefits

Pursuant to s. 288.061(2), Florida Statutes, DEO uses an economic impact model established by the Florida Office of Economic and Demographic Research (EDR) to calculate the economic benefits for each project requesting state economic development incentives.

Economic benefits are calculated as the gains in state revenue (taxes attributable directly to the business or those generated as a result of the increased economic activity rippling through the economy) as a percentage of the state's investment in the project. The state's investments are the various incentives offered to the business via tax refund, tax credit or grant. Based on EDR's revisions to the model, economic benefits are calculated in a manner consistent with Return on Investment (ROI) calculations. Results prior to 2013 are expressed as a Payback Ratio and are not comparable with ROI.

During the 2012 legislative session, a requirement was removed from the annual incentives report and EDR was directed to evaluate and determine the economic benefits of each incentive program over the previous three years. EDR's Return on Investment for Select State Economic Development Incentive Programs report on economic benefits was completed on Jan. 1, 2014 with an updated report on Jan. 1, 2017.

Program Trends and Utilization

Several trends are apparent when looking at usage of economic development incentive programs. These general trends are listed below. In fiscal year 2017-2018, four percent of executed agreements are identified as being woman-owned.

Flexibility is key. Cities, counties and states across the country are being increasingly creative in crafting compelling offers to attract economic development projects and to meet individual business needs. To compete, Florida must continue to enhance the flexibility of its economic development programs while maintaining programs that are fiscally sound and provide a positive return on taxpayer investments.

Economic diversity is critical. Increasing Florida's economic diversity is critical to the stability and competitiveness of the state. While Florida ranks at the top for entrepreneurial business, the availability of reasonable-cost financing continues to be tight for small to medium-sized businesses in Florida and across the nation. Because of this unavailability, these businesses are seeking other resources. The State Small Business Credit Initiative program is an example of one such resource that is helping open up access to much needed inexpensive capital by way of loan participation and bridge financing.

Fiscal Year 2017-2018 Project Information

Fiscal Year 2017-2018 Projects

In fiscal year 2017-2018, 84 applications were received for the programs listed below. Table 8 includes the number of applications received, approvals issued by DEO and executed agreements. Economic Development Transportation Projects resulting from a line-item appropriation by the Florida Legislature are not included in the project totals, as these are not considered traditional economic development projects and may or may not be tied to job creation and capital investment. These projects are awarded and monitored by DOT.

Not all projects are approved and executed in the same fiscal year; therefore, the applications received and executed agreements represent a slightly different population of projects. The application, negotiation and approval process can take anywhere from several weeks to several months or occasionally more than a year, depending on the scope of the economic development project. This timing is the primary reason for the difference in applications, approvals and executed agreements. In addition, EFI works closely with businesses through the incentives process and if a business is believed to be ineligible for a specific incentive, that information is conveyed as early as possible.

Table 9. Projects - Applications, Approvals and Agreements for Fiscal Year 2017-2018

Type of Program	Program	Applications Received	Approvals (Certifications)	Executed Agreements
Grants	High-Impact Performance Incentive Grant	3	3	1
	Innovation Incentive Program	0	0	0
	Quick Action Closing Fund	0	0	0
Tax Credits	Capital Investment Tax Credit	5	5	N/A ¹
Tax Refunds	Brownfield Redevelopment Bonus <i>Qualified Target Industry and Standalone</i>	2	4	1
	Qualified Target Industry	74	77	73
	Total	84	89	75

¹The Capital Investment Tax Credit Program does not utilize executed agreements.

Executed Agreements

Many of the state economic development incentive programs require the business to enter into a performance agreement with Florida. Exceptions are sales tax credits and exemptions, which are utilized upon a taxable event after approval by the state. Grants to local governments are overseen by performance agreements with the government applicant.

Of the 75 executed agreements, six of these were in areas classified as a rural community, Brownfield area or distressed urban area. These projects have committed to create 861 new jobs and are expected to invest more than \$706,589,500 into these areas.

Table 10 summarizes the performance commitments for businesses with agreements executed by DEO in fiscal year 2017-2018. 'Projected Capital Investment' is the amount of capital investment that businesses with executed agreements estimate they will generate with their projects. Not all programs require capital investment commitments, which is why this category exists separately from 'Required Capital Investment.' This table also includes the state award amount and the required local financial support commitments associated with these executed agreements.

Table 10. Summary of Executed Agreements, Commitments and Awards in Fiscal Year 2017-2018

Executed Agreements	Contract Job Requirement	Required Capital Investment	Projected Capital Investment	Contracted Average Annual Wage	Maximum State Award	Required Local Financial Support
75	8,659	\$50,500,000.00	\$2,306,258,908.00	\$59,382.59	\$38,907,200.00	\$11,008,800.00

Table 11 provides a breakdown of the maximum eligible award by program for the agreements executed in fiscal year 2017-2018. An award of \$0.00 indicates that no agreement was executed for that program, and therefore there are no projects for which there can be a maximum state award. Tax credits and exemptions are not included, because these programs do not have executed agreements.

Table 11. Maximum State Award for Agreements Executed in Fiscal Year 2017-2018

Type of Program	Program	Maximum State Award
Grants	High-Impact Performance Incentive Grant	\$1,000,000.00
	Innovation Incentive Program	\$0.00
	Quick Action Closing Fund	\$0.00
Tax Refunds	Brownfield Redevelopment Bonus <i>Qualified Target Industry¹ and Standalone</i>	\$1,200,000.00
	Qualified Target Industry	\$36,617,200.00
	Total	\$38,817,200.00

¹The noted maximum state award amount is the Brownfield Redevelopment Bonus portion only. The Qualified Target Industry portion is included in the Qualified Target Industry total.

Table 12 summarizes the maximum state award for the Economic Development Transportation Projects program, which is managed by DOT, in fiscal year 2017-2018.

Table 12. Maximum State Award for DOT Programs in Fiscal Year 2017-2018

Type of Program	Program	Maximum State Award
Grants	Economic Development Transportation Projects	\$0.00

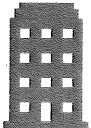
Qualified Target Industries

Target industries are primarily used by the Qualified Target Industry (QTI) program to identify businesses that are eligible for tax refunds. Target industry businesses are defined in s. 288.106, Florida Statutes. These businesses create jobs with higher than average wages in industries that are expected to have a positive economic impact.

In fiscal year 2016-2017, Florida's target industries were reviewed in conjunction with economic development organizations, representatives from the State University System, local governments and other stakeholders as required by s. 288.106(2)(q), Florida Statutes. The review concluded with no substantive changes to the industries that comprise the list. Figure 2 outlines the targeted industries identified in the fiscal year 2016-2017 review.

In the following tables, all executed agreements and completed agreements for the listed fiscal years are categorized by target industries and include other programs in addition to the QTI program.

Figure 2. Target Industries

Target Industries			
AVIATION AND AEROSPACE		GLOBAL LOGISTICS AND TRADE	
CORPORATE HEADQUARTERS		INFORMATION TECHNOLOGY	
CLEAN TECHNOLOGY		LIFE SCIENCES	
DEFENSE AND HOMELAND SECURITY		MANUFACTURING	
FINANCIAL AND PROFESSIONAL SERVICES		RESEARCH AND DEVELOPMENT	

In fiscal year 2017-2018, the majority of DEO's executed agreements were with businesses in these target industries. Table 13 provides additional details on executed agreements and their commitments by industry.

Table 13. Project Commitments by Industry for Fiscal Year 2017-2018

Industry	Executed Agreements	Contract Job Requirement	Contracted Average Annual Wage	Projected Capital Investment
Aviation/Aerospace	2	150	\$70,408.33	\$54,750,000.00
Corporate Headquarters	18	2,677	\$60,640.12	\$605,170,901.00
Clean Technologies	1	60	\$68,500.00	\$6,000,000.00
Financial/Professional Services	10	1,450	\$57,571.60	\$42,974,416.00
Homeland Security/Defense	0	N/A	N/A	N/A
Information Technology	8	1,354	\$60,641.49	\$41,791,000.00
Life Sciences	0	N/A	N/A	N/A
Logistics/Distribution	5	230	\$47,908.68	\$57,266,201.00
Not in Target Sector	0	N/A	N/A	N/A
Other Manufacturing	28	2,523	\$56,885.78	\$1,453,296,390.00
Research and Development	3	215	\$79,347.93	\$45,010,000.00
Total	75	8,659	\$59,382.59¹	\$2,306,258,908.00

¹This amount is the total weighted average of all wages for the noted executed agreements in these industries.

Industry Results

A review of projects with completed incentive agreements in the last three fiscal years is presented below by target industry in Table 14. The information contained within the table is central to evaluating the quality and effectiveness of the incentives geared toward targeted industries in Florida.

Table 14. Confirmed Performance by Industry for Completed Agreements - Three Fiscal Years

Industry	Completed Agreements	Confirmed Job Performance	Confirmed Average Annual Wage	Confirmed Capital Investment
Aviation/Aerospace	8	1,384	\$71,885.89	\$129,567,639.52
Corporate Headquarters	17	1,997	\$90,529.92	\$91,792,903.99
Financial/Professional Services	11	4,692	\$83,937.87	\$97,088,209.03
Homeland Security/Defense	2	305	\$51,579.75	\$0.00
Information Technology	13	1,868	\$94,824.79	\$315,974,978.56
Life Sciences	6	860	\$75,330.18	\$29,005,975.29
Logistics/Distribution	1	207	\$59,903.41	\$0.00
Not in Target Sector	5	841	\$25,692.76	\$13,405,181.77
Other Manufacturing	10	1,419	\$65,220.61	\$50,245,182.26
Research and Development	1	13	\$130,016.00	\$0.00
Total	74	13,586	\$78,022.17¹	\$727,080,070.42

¹This amount is the total weighted average of all wages for the noted completed agreements in these industries.

Industry Trends

Pursuant to s. 288.106(7)(d), Florida Statutes, DEO is tasked with attempting to ascertain the causes for a business' failure to complete its QTI agreement. The following analysis contains the department's findings and recommendations.

In fiscal year 2017-2018, 63 agreements were terminated after a status change to inactive, terminated or withdrawn. Of the 63 agreements, 33 businesses voluntarily withdrew from the program.

Through ongoing communication with the businesses, DEO found a variety of issues affecting businesses' continued participation in the program. Causes for businesses' inability to complete their agreements included the following:

- ▶ Twenty-six businesses reported not being able to meet the job creation requirement;
- ▶ Nineteen businesses did not submit performance claims required to remain active in the program;
- ▶ Seven businesses reported changes in their business plans or market conditions as factors influencing their ability to meet the requirements;
- ▶ Two businesses ultimately decided not to locate in Florida; and
- ▶ Nine businesses did not indicate a reason for withdrawal from the program.

The overall conclusion remains that the QTI program continues to be a successful tool for Florida's economic development, and taken as a whole, the projects that remain in the QTI program throughout their entire job maintenance schedule are successful and provide a positive return-on-investment to the state.

Table 15. Florida Job Growth Grant Fund - Awarded Proposals for Fiscal Year 2017-2018

Awardee		Amount
Infrastructure Proposals		
Baker County		\$2,297,054.35
Canaveral Port Authority		\$8,245,000.00
Charlotte County		\$800,000.00
City of Alachua		\$6,755,000.00
City of Hialeah		4,000,000.00
City of Jacksonville		\$6,000,000.00
City of Marianna		\$1,978,322.00
City of Pensacola		\$4,000,000.00
City of Port St. Lucie		\$3,003,247.83
City of Titusville		\$1,060,500.00
Clay County		\$2,065,000.00
Columbia County		\$3,135,600.00
Liberty County		\$1,448,831.00
Marion County		\$5,500,000.00
Osceola County		\$5,800,000.00
Sumter County		\$838,860.00
Suwannee County		\$3,125,000.00
Volusia County		\$1,961,564.00
Washington County		\$1,821,461.00
Workforce Proposals		
Big Bend Technical College		\$100,000.00
Broward College		\$3,187,500.00
Chipola College		\$76,240.00
Collier County Public Schools		3,019,900.00
Eastern Florida State College		\$3,790,020.00
Florida Gateway College		\$860,000.00
Florida State College at Jacksonville		\$710,352.50
Gulf Coast State College		1,923,442.32
Manatee Technical College		\$201,500.00
Pensacola State College		\$1,860,510.00
St. Johns River State College		\$1,383,237.00
St. Petersburg College		\$1,596,858.00
Valencia College		\$2,320,000.00
Withlacoochee Technical College		\$135,000.00
Total Amount Awarded		\$85,000,000.00

Rural Development Programs

The following section summarizes the activity of the rural programs managed by DEO's Division of Community Development.

Regional Rural Development Grant Program

The Regional Rural Development Grant Program, created in 1996 by s. 288.018, Florida Statutes, provides funds to regionally-based economic development organizations representing rural counties and communities in order to build the professional capacity of the communities they represent.

The maximum grant award per fiscal year is \$50,000, or \$150,000 if located in a Rural Area of Opportunity. The grant must be matched each year by an equivalent amount of non-state resources. Up to \$750,000 from funds appropriated to the Rural Community Development Revolving Loan Fund may be used for this program each fiscal year.

Rural Community Development Revolving Loan Fund

The Rural Community Development Revolving Loan Fund, created in 1996 by s. 288.065, Florida Statutes, provides loans to local governments or economic development organizations to finance initiatives directed toward maintaining or developing the economic base of rural communities, especially when addressing employment opportunities.

Eligible local governments or economic development organizations must be located in:

- ▶ Counties with populations of 75,000 or less;
- ▶ Counties with populations of 125,000 or less if contiguous to a county with a population of fewer than 75,000; or
- ▶ Rural Areas of Opportunity (RAO).

Appropriations from the State Economic Enhancement and Development (SEED) Trust Fund and the Economic Development Trust Fund support the Regional Rural Development Grant Program and the Rural Community Development Revolving Loan Fund.

All loan payments are returned to the loan fund and made available for loans for other applicants. Pursuant to s. 288.065(4), Florida Statutes, appropriated funds are not subject to reversion and will be available until the funds are approved. However, if the recipient is located within a RAO, repayments may be retained by the applicant if funds are used for regionally-based economic development organizations representing that area.

Rural Infrastructure Fund Program

The purpose of the Rural Infrastructure Fund Program, created in 2001 by s. 288.0655, Florida Statutes, is to facilitate the planning, preparing and financing of traditional economic development or nature-based tourism infrastructure projects that encourage job creation and capital investment in rural communities. DEO may award up to 40 percent of total infrastructure costs for catalyst site projects and no more than 30 percent of total infrastructure costs for projects in rural counties that are not located on designated catalyst sites. Catalyst sites are defined by s. 288.0656, Florida Statutes.

The three types of grants available under the Rural Infrastructure Fund Program are:

- ▶ **Total Project Participation Grants:** Up to 30 percent of the total infrastructure project costs related to specific job-creating opportunities and up to 40 percent of total costs for catalyst site projects.
- ▶ **Infrastructure Feasibility Grants:** Funding for infrastructure feasibility studies, design and engineering, or other planning and preparation activities that will help facilitate the location or expansion of specific job-creating opportunities. Grant awards are dependent on the project location and the degree to which administrative and consultant expenses are minimized. Feasibility Grants may be used in conjunction with Total Project Participation Grants. The total of both grants may not exceed 30 percent of the total project cost.
 - \$50,000 (maximum) for projects creating at least 100 jobs
 - \$150,000 (maximum) for projects creating at least 300 jobs
 - \$300,000 (maximum) for projects in a RAO
- ▶ **Preclearance Review Grants:** This grant is used to help local governments access resources available pursuant to s. 403.973(18), Florida Statutes. Grants may be used for surveys, feasibility studies and other activities related to the identification and preclearance review of land use modifications. Available funding and the required match is dependent on the location of the project and the degree to which administrative and consultant expenses are minimized. If an application for funding is for a catalyst site, the requirement for local match may be waived pursuant to the process in s. 288.06561, Florida Statutes. In evaluating applications under this program, DEO will consider the extent to which the application seeks to minimize administrative and consultant expenses.
 - \$75,000 (maximum) with a 50 percent local match
 - \$300,000 (maximum) with a 33 percent local match for activities in a RAO

Table 16. Rural Development Programs – Fiscal Year 2017-2018

Program	Legislative Appropriations	Approvals	Amount Awarded
Regional Rural Development Grant Program	\$750,000 ¹	4	\$586,000
Rural Community Development Revolving Loan Fund	\$1,170,000.00	1	\$1,500,000.00 ²
Rural Infrastructure Fund Program	\$1,600,000.00	6	\$1,600,000.00

¹Up to \$750,000 from the Rural Community Development Revolving Loan Fund may be used to fund Regional Rural Development Grant Program projects.

²The amount awarded exceeded the annual legislative appropriations due to the use of available deobligated funds from prior years.

Other Tax Credit Programs

The following programs are managed by DEO and DOR. DEO is responsible for eligibility and approval of applications for tax credit programs, while DOR issues the tax credits to businesses. These tax credit programs are based on a calendar year schedule.

Table 17. Rural Job and Urban High-Crime Tax Credit Programs – Calendar Year 2017

Program	Approvals	Jobs Created	Tax Credits Approved
Rural Job Tax Credit Program	4	229	\$229,000.00
Urban High-Crime Tax Credit Program	14	2,094	\$3,035,000.00

Rural Job Tax Credit Program

The Rural Job Tax Credit Program, created in 1999 and under by s. 212.098, Florida Statutes, offers an incentive for eligible businesses located within one of 36 designated Qualified Rural Areas to create new jobs. The tax credit ranges from \$1,000 to \$1,500 per qualified employee and can be taken against either Florida corporate income tax or Florida sales and use tax. The Rural Job Tax Credit Program receives a tax credit allocation of up to \$5 million dollars each calendar year.

Urban High Crime-Area Job Tax Credit Program

The Urban High-Crime Area Job Tax Credit Program, created in 1999 and governed by s. 212.097, Florida Statutes, offers an incentive for eligible businesses located within one of 13 designated urban high-crime areas to create new jobs. The tax credit ranges from \$500 to \$2,000 per qualified job and can be taken against either Florida corporate income tax or Florida sales and use tax. The Urban High-Crime Area Job Tax Credit Program receives a tax credit allocation of up to \$5 million dollars each calendar year.

Appendix A: Executed Agreements

This table lists projects with agreements that were executed with the state during fiscal year 2017-2018. Pursuant to s. 288.075(6)(b), Florida Statutes, confidential projects cannot be disclosed. Additional considerations when reviewing the list of executed contracts include:

- ▶ All agreements require existing Florida businesses to maintain their current employment levels.
- ▶ Projects located in rural cities, rural communities or Brownfield areas are eligible to request an exemption of the local financial support requirements. These are denoted as “\$0.00” in the respective column.

Table 18. Executed Agreements

Project	County	Industry	Contract Job Requirement	Projected Capital Investment	Maximum Eligible Award	Required Local Financial Support	Contracted Average Annual Wage
Brownfield Redevelopment Bonus with Qualified Target Industry							
Brown & Brown, Inc. 17-00778	Volusia	Corporate Headquarters	600	\$25,000,000.00	\$4,500,000.00	\$900,000.00	\$41,288.00
Qualified Target Industry							
3D Material Technologies, LLC 17-00623	Volusia	Other Manufacturing	30	\$25,225,000.00	\$180,000.00	\$36,000.00	\$53,855.00
ABC Home Medical Supply, Inc. 17-00541	St. Lucie	Corporate Headquarters	35	\$87,500.00	\$175,000.00	\$35,000.00	\$41,549.00
Advanced Airfoil Components LLC 17-00495	Hillsborough	Other Manufacturing	350	\$139,507,890.00	\$2,800,000.00	\$1,050,000.00	\$57,163.00
Advanced Impact Technologies, Inc. 17-00818	Pinellas	Other Manufacturing	90	\$850,000.00	\$450,000.00	\$90,000.00	\$45,562.00
Allegiant Air LLC 18-00221	Okaloosa	Logistics/Distribution	11	\$2,053,701.00	\$44,000.00	\$8,800.00	\$59,387.00
Almod Diamonds Ltd., Inc. 16-00641	Miami-Dade	Other Manufacturing	45	\$2,000,000.00	\$135,000.00	\$27,000.00	\$55,000.00
AutoNation, Inc. 18-00229	Broward	Corporate Headquarters	95	\$12,000,000.00	\$475,000.00	\$95,000.00	\$55,038.00
Availity, L.L.C. 17-00183	Duval	Corporate Headquarters	250	\$12,100,000.00	\$1,500,000.00	\$300,000.00	\$68,343.00
BDO USA, LLP 17-00493	Miami-Dade	Corporate Headquarters	35	\$2,100,000.00	\$210,000.00	\$42,000.00	\$68,343.00
Boats Group, LLC 17-00221	Miami-Dade	Corporate Headquarters	80	\$1,050,000.00	\$400,000.00	\$80,000.00	\$54,806.00
Boston Whaler, Inc 17-00164	Volusia	Other Manufacturing	125	\$39,362,000.00	\$625,000.00	\$125,000.00	\$39,900.00
CardWorks Servicing, LLC 17-00403	Seminole	Financial/Professional Services	34	\$2,700,000.00	\$102,000.00	\$20,400.00	\$50,062.00

Project	County	Industry	Contract Job Requirement	Projected Capital Investment	Maximum Eligible Award	Required Local Financial Support	Contracted Average Annual Wage
Charter Communications, Inc. 18-00208	Hillsborough	Information Technology	235	\$4,541,000.00	\$705,000.00	\$141,000.00	\$57,163.00
Cognizant Technology Solutions 17-00027	Hillsborough	Financial/Professional Services	75	\$500,000.00	\$225,000.00	\$45,000.00	\$55,130.00
Comprehensive Health Services, Inc. 16-00709	Brevard	Financial/Professional Services	150	\$4,500,000.00	\$600,000.00	\$120,000.00	\$66,000.00
Constant Aviation, LLC 17-00390	Seminole	Other Manufacturing	75	\$1,900,000.00	\$375,000.00	\$75,000.00	\$50,109.00
Gross City Lumber, Inc. 17-00662	Dixie	Other Manufacturing	65	\$6,864,500.00	\$312,000.00	\$0.00	\$31,091.00
Danfoss Turbocor Compressors, Inc. 17-00520	Leon	Research and Development	120	\$7,000,000.00	\$840,000.00	\$168,000.00	\$96,000.00
F1 Oncology, Inc. 17-00639	Palm Beach	Research and Development	15	\$24,760,000.00	\$90,000.00	\$18,000.00	\$75,987.00
G.S. Gelato and Desserts, Inc. 18-00122	Okaloosa	Other Manufacturing	40	\$3,550,000.00	\$200,000.00	\$40,000.00	\$45,530.00
Gartner, Inc 17-00635	Lee	Information Technology	600	\$21,500,000.00	\$5,280,000.00	\$1,800,000.00	\$58,520.00
Genius Plaza Inc. 17-00813	Miami-Dade	Corporate Headquarters	110	\$1,280,000.00	\$660,000.00	\$132,000.00	\$68,343.00
Georgia-Pacific Consumer Operations LLC 17-00446	Putnam	Other Manufacturing	83	\$664,000,000.00	\$597,600.00	\$0.00	\$55,000.00
Government Employees Insurance Company 18-00083	Polk	Financial/Professional Services	500	\$2,300,000.00	\$2,500,000.00	\$500,000.00	\$45,000.00
Greenway Health, LLC 17-00474	Hillsborough	Information Technology	104	\$1,850,000.00	\$520,000.00	\$104,000.00	\$57,163.00
Gulfstream Product Support Corporation 17-00191	Palm Beach	Aviation/Aerospace	50	\$25,000,000.00	\$200,000.00	\$40,000.00	\$73,685.00
Holiday AL Management Sub LLC 17-00465	Orange	Corporate Headquarters	157	\$100,000.00	\$1,099,000.00	\$219,800.00	\$90,926.00

Project	County	Industry	Contract Job Requirement	Projected Capital Investment	Maximum Eligible Award	Required Local Financial Support	Contracted Average Annual Wage
Hoover Treated Wood Products, Inc. 18-00121	Gadsden	Other Manufacturing	25	\$2,125,000.00	\$200,000.00	\$40,000.00	\$37,359.00
IT Authorities, Inc. 17-00743	Hillsborough	Information Technology	150	\$500,000.00	\$600,000.00	\$120,000.00	\$74,561.00
Jetex US Inc. 17-00473	Miami-Dade	Logistics/Distribution	25	\$325,000.00	\$75,000.00	\$15,000.00	\$52,500.00
Jet Helseth Manufacturing, Inc. f/k/a Jet Machining and Design, Inc. 17-00471	Volusia	Other Manufacturing	17	\$308,000.00	\$85,000.00	\$17,000.00	\$41,288.00
Johnson & Johnson Consumer Inc. 17-00083	Orange	Corporate Headquarters	25	\$18,000,000.00	\$175,000.00	\$35,000.00	\$100,000.00
KEMET Corporation 17-00562	Broward	Information Technology	100	\$3,100,000.00	\$600,000.00	\$120,000.00	\$71,789.00
L'Oreal USA S/D, Inc. 18-00084	Pinellas	Financial/Professional Services	103	\$2,673,316.00	\$309,000.00	\$61,800.00	\$52,396.00
Lemon-X Corporation 17-00353	Polk	Other Manufacturing	13	\$8,400,000.00	\$65,000.00	\$13,000.00	\$39,154.00
Lockheed Martin Corporation 17-00451	Orange	Other Manufacturing	500	\$200,000,000.00	\$3,500,000.00	\$700,000.00	\$87,064.00
Macquarie Holdings (U.S.A.), Inc. 17-00641	Duval	Financial/Professional Services	50	\$1,353,000.00	\$250,000.00	\$50,000.00	\$55,720.00
Maverick Boat Group, Inc. 17-00163	St. Lucie	Other Manufacturing	100	\$6,022,000.00	\$500,000.00	\$100,000.00	\$35,000.00
Mayo Fertilizer, Incorporated 18-00080	Columbia	Other Manufacturing	33	\$7,700,000.00	\$158,400.00	\$0.00	\$32,900.00
McLane Company, Inc. 18-00192	Marion	Logistics/Distribution	125	\$51,000,000.00	\$375,000.00	\$75,000.00	\$40,600.00
Medical Air Services Association, Inc 17-00472	Broward	Corporate Headquarters	35	\$700,000.00	\$210,000.00	\$42,000.00	\$71,789.00
Megal Corporation 18-00364	Charlotte	Other Manufacturing	30	\$2,435,000.00	\$150,000.00	\$30,000.00	\$40,560.00
Mestizo Foods, LLC 17-00624	Marion	Other Manufacturing	50	\$12,800,000.00	\$150,000.00	\$30,000.00	\$40,518.00

Project	County	Industry	Contract Job Requirement	Projected Capital Investment	Maximum Eligible Award	Required Local Financial Support	Contracted Average Annual Wage
MetLife Group, Inc. 18-00168	Hillsborough	Financial/Professional Services	430	\$25,000,000.00	\$2,580,000.00	\$516,000.00	\$74,561.00
Motus GI Holdings, Inc. 17-00452	Broward	Corporate Headquarters	50	\$1,160,000.00	\$250,000.00	\$50,000.00	\$95,718.00
Oscor, Inc. 18-00224	Pinellas	Other Manufacturing	38	\$5,850,000.00	\$114,000.00	\$22,800.00	\$45,562.00
Pacific Scientific Company 17-00155	Miami-Dade	Logistics/Distribution	54	\$3,853,000.00	\$162,000.00	\$32,400.00	\$61,375.00
PGA TOUR, Inc. 17-00502	St. Johns	Corporate Headquarters	145	\$86,000,000.00	\$1,015,000.00	\$203,000.00	\$79,442.00
Power Design, Inc. 17-00770	Pinellas	Clean Technologies	60	\$6,000,000.00	\$360,000.00	\$72,000.00	\$68,500.00
PSI Manufacturing Operations, LLC 17-00279	Palm Beach	Other Manufacturing	50	\$15,850,000.00	\$300,000.00	\$60,000.00	\$75,000.00
Publix Super Markets, Inc. 17-00723	Polk	Other Manufacturing	25	\$10,385,000.00	\$125,000.00	\$25,000.00	\$44,936.00
Qorvo US, Inc. 16-01002	Orange	Other Manufacturing	100	\$63,000,000.00	\$600,000.00	\$120,000.00	\$65,834.00
SEAMAX, LLC 18-00005	Volusia	Other Manufacturing	80	\$3,312,000.00	\$240,000.00	\$48,000.00	\$41,288.00
Sixt Rent A Car LLC 17-00102	Broward	Corporate Headquarters	300	\$6,713,401.00	\$1,500,000.00	\$300,000.00	\$52,938.00
Sparxoo LLC 17-00485	Hillsborough	Information Technology	100	\$7,500,000.00	\$500,000.00	\$100,000.00	\$57,163.00
Steelco Florida Inc 17-00491	Hillsborough	Other Manufacturing	195	\$220,000,000.00	\$975,000.00	\$195,000.00	\$57,200.00
TeleTech Healthcare Solutions, Inc. 17-00631	Volusia	Financial/Professional Services	60	\$3,800,000.00	\$180,000.00	\$36,000.00	\$41,288.00
The Douglas Stewart Company, Inc. 18-00011	Manatee	Logistics/Distribution	15	\$34,500.00	\$45,000.00	\$9,000.00	\$44,266.00

Project	County	Industry	Contract Job Requirement	Projected Capital Investment	Maximum Eligible Award	Required Local Financial Support	Contracted Average Annual Wage
TRU Simulation + Training Inc. 16-00574	Pasco	Aviation/Aerospace	100	\$29,750,000.00	\$500,000.00	\$100,000.00	\$68,770.00
TUCCI, LLC 18-00194	Miami-Dade	Other Manufacturing	40	\$3,000,000.00	\$120,000.00	\$24,000.00	\$45,562.00
USA Quartz, LLC 18-00069	Duval	Other Manufacturing	70	\$3,600,000.00	\$210,000.00	\$42,000.00	\$49,920.00
V Cruises US, LLC 17-00294	Broward	Corporate Headquarters	300	\$15,900,000.00	\$900,000.00	\$180,000.00	\$52,938.00
VetFed Resources, Inc. 17-00439	Escambia	Financial/Professional Services	20	\$95,000.00	\$60,000.00	\$12,000.00	\$46,005.00
Welbilt FSG U.S. Holding, LLC 16-00823	Pasco	Research and Development	80	\$13,250,000.00	\$480,000.00	\$96,000.00	\$55,000.00
Wilson Human Capital Group, Inc. 17-00455	Hillsborough	Financial/Professional Services	28	\$53,100.00	\$84,000.00	\$16,800.00	\$57,163.00
World Triathlon Corporation 17-00832	Hillsborough	Corporate Headquarters	70	\$120,000.00	\$350,000.00	\$70,000.00	\$57,163.00
Wyndham Worldwide Corporation 18-00140	Orange	Corporate Headquarters	200	\$7,460,000.00	\$1,200,000.00	\$240,000.00	\$68,195.00
Y2K Service, Inc. 18-00136	Seminole	Information Technology	20	\$1,900,000.00	\$120,000.00	\$24,000.00	\$65,360.00
Confidential Projects Pursuant to s. 288.075, Florida Statutes The following projects are confidential pursuant to s.288.075, Florida Statutes, at the time of report publication. Due to confidentiality, the names of these businesses cannot be disclosed at this time.							
High Impact Performance Incentive							
18-00068	Duval	Other Manufacturing	200	\$50,500,000.00	\$1,000,000.00	\$0.00	\$45,562.00

Project	County	Industry	Contract Job Requirement	Projected Capital Investment	Maximum Eligible Award	Required Local Financial Support	Contracted Average Annual Wage
Qualified Target Industry							
18-00068	Duval	Other Manufacturing	200	\$50,500,000.00	\$1,000,000.00	\$200,000.00	\$45,562.00
18-00464	Walton	Information Technology	45	\$900,000.00	\$324,000.00	\$0.00	\$49,595.00
18-00873	Sumter	Other Manufacturing	54	\$5,250,000.00	\$270,000.00	\$54,000.00	\$48,000.00
18-00897	Broward	Corporate Headquarters	100	\$400,000.00	\$700,000.00	\$140,000.00	\$97,374.00

Appendix B: Payments

This table lists all businesses receiving tax refund and grant payments. Payments represent the amount paid out of the fiscal year 2017-2018 budget. Other payments may have been received by the business in previous years and/or may be payable in the future depending on business performance. Some businesses may have multiple payments in one fiscal year due to performance verification at later dates which can cause payments to be delayed to future fiscal years. Neither DEO nor EFI is aware of any federal incentives received by these projects.

The majority of these payments are for the Qualified Target Industry program and other programs that do not require confirmation of capital investment. For programs with a capital investment requirement, the confirmed investment has been noted. For those active incentive agreements in place prior to March 23, 2012, the committed average annual wage cannot be disclosed per s. 288.075(6)(a)3., Florida Statutes.

Please note that for projects under the Brownfield Redevelopment Bonus with Qualified Target Industry program, the 'Total Payment' includes the Qualified Target Industry tax refund payment amount in addition to Brownfield Bonus payment amount.

Table 19. Payments - Tax Refunds

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Brownfield Redevelopment Bonus with Qualified Target Industry								
AAR Airlift Group, Inc. 10-00135	Brevard	Aviation/Aerospace	\$136,697.16	0	-3	236	\$89,706.20	\$0.00
EverBank, FSB 11-00130	Duval	Financial/Professional Services	\$459,375.00	100	-349	226	\$74,489.79	\$0.00
Iron Galaxy Orlando 13-00235	Orange	Information Technology	\$11,646.73	0	26	39	\$64,206.83	\$0.00
JRL Ventures, Inc. 12-00517	Manatee	Other Manufacturing	\$100,000.00	0	21	156	\$36,371.90	\$0.00
Saft Industrial Battery Group 09-00181	Duval	Clean Technologies	\$180,375.00	40	37	247	\$54,827.00	\$0.00
Saft Industrial Battery Group 09-00181	Duval	Clean Technologies	\$163,625.00	34	51	210	\$65,738.00	\$0.00
Brownfield Redevelopment Bonus Standalone								
Cheney Brothers, Inc. 12-00149	Charlotte	Logistics/Distribution	\$20,000.00	25	233	325	\$48,241.15	\$2,500,000.00
Florida SE, Inc. 13-00171	Volusia	Not in Target Sector	\$30,776.00	0	-4	84	\$26,766.68	\$1,148,439.00
Florida SE, Inc. 13-00171	Volusia	Not in Target Sector	\$21,740.00	0	-10	74	\$28,127.03	\$1,148,439.00
Global Response Corp 12-00752	Broward	Not in Target Sector	\$100,000.00	0	215	672	\$26,870.59	\$2,885,607.92
IKEA US East, LLC 13-00197	Miami-Dade	Not in Target Sector	\$120,000.00	0	28	260	\$28,027.00	\$2,000,000.00
IKEA US East, LLC 13-00197	Miami-Dade	Not in Target Sector	\$120,000.00	0	-20	240	\$27,666.23	\$2,000,000.00
Northrop Grumman Systems Corporation 13-00484	Brevard	Aviation/Aerospace	\$350,000.00	34	339	901	\$122,114.52	\$75,204,803.55

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Publix Super Markets, Inc. 08-00269	Orange	Logistics/ Distribution	\$62,500.00	100	103	103	\$46,365.50	\$1,029,840.23
The Bruss Company 12-00045	Duval	Other Manufacturing	\$81,937.50	42	45	138	\$31,034.72	\$2,043,057.74
The Bruss Company 12-00045	Duval	Other Manufacturing	\$97,375.00	18	26	164	\$31,016.29	\$2,043,057.74
Wal-Mart Stores East, LP 13-00032	Miami-Dade	Other Manufacturing	\$34,675.00	0	-6	73	\$20,153.00	\$2,646,186.53
Qualified Target Industry								
1st Choice Aerospace, Inc. 15-00121	Broward	Aviation/ Aerospace	\$9,500.00	10	41	41	\$66,106.92	\$0.00
Ability Network Inc 15-00080	Hillsborough	Financial/ Professional Services	\$18,750.00	25	32	32	\$55,973.16	\$0.00
Ability Network Inc 15-00080	Hillsborough	Financial/ Professional Services	\$30,000.00	25	28	60	\$60,535.76	\$0.00
Accor Business and Leisure North America, Inc 14-00709	Miami-Dade	Corporate Headquarters	\$40,500.00	54	59	59	\$109,166.00	\$0.00
Accusoft Corporation 15-00588	Hillsborough	Information Technology	\$37,500.00	25	31	31	\$71,633.62	\$0.00
Accusoft Corporation 15-00588	Hillsborough	Information Technology	\$61,275.00	25	12	43	\$72,576.01	\$0.00
Adams Arms, LLC 12-00515	Pasco	Other Manufacturing	\$14,762.52	0	2	28	\$47,961.42	\$0.00
Adams Arms, LLC 12-00515	Pasco	Other Manufacturing	\$35,568.00	0	-3	26	\$47,702.00	\$0.00
Adecco USA, Inc. 14-00436	Duval	Corporate Headquarters	\$277,500.00	35	55	227	\$73,208.48	\$0.00
ADP, LLC 16-00260	Orange	Financial/ Professional Services	\$7,500.00	10	326	326	\$49,475.53	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year			New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
ADS Waste Holdings, Inc. 13-00084	St. Johns	Corporate Headquarters	\$148,750.00	0		18	100	\$108,357.78	\$0.00	
ADS Waste Holdings, Inc. 13-00084	St. Johns	Corporate Headquarters	\$108,528.00	0		-3	82	\$110,620.05	\$0.00	
ADT LLC 13-00001	Palm Beach	Corporate Headquarters	\$168,000.00	0		-14	183	\$151,824.45	\$0.00	
ADT LLC 13-00001	Palm Beach	Corporate Headquarters	\$210,000.00	0		-43	140	\$258,777.12	\$0.00	
Advent Software, Inc. 14- 00100	Duval	Information Technology	\$66,500.00	56		121	121	\$65,829.77	\$0.00	
AgileThought, Inc. 11-00449	Hillsborough	Information Technology	\$16,800.00	0		9	52	\$97,059.59	\$0.00	
AgileThought, Inc. 14-00092	Orange	Information Technology	\$3,348.67	10		10	10	\$99,680.92	\$0.00	
Akamai Technologies, Inc. 13-00597	Broward	Information Technology	\$17,313.32	38		77	77	\$95,422.64	\$0.00	
Akamai Technologies, Inc. 13-00597	Broward	Information Technology	\$57,622.29	40		22	99	\$122,311.00	\$0.00	
Akamai Technologies, Inc. 13-00597	Broward	Information Technology	\$22,415.44	40		18	117	\$121,835.72	\$0.00	
All About Staffing, Inc. dba Parallon Workforce Solutions, LLC 12-00105	Broward	Corporate Headquarters	\$156,250.00	0		53	168	\$55,543.00	\$0.00	
All About Staffing, Inc. dba Parallon Workforce Solutions, LLC 12-00105	Broward	Corporate Headquarters	\$134,600.31	0		29	197	\$55,621.77	\$0.00	
Alto Products Corporation 12-00172	Escambia	Corporate Headquarters	\$7,041.89	0		2	12	\$81,025.34	\$0.00	
Alto Products Corporation 12-00172	Escambia	Corporate Headquarters	\$3,500.00	0		0	12	\$85,258.00	\$0.00	
Amazon.com.dedc, LLC 13- 00601	Hillsborough	Logistics/ Distribution	\$225,000.00	375		381	381	\$47,698.00	\$0.00	

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Amazon.com.dedc, LLC 13-00601	Hillsborough	Logistics/ Distribution	\$281,250.00	0	79	460	\$57,331.62	\$0.00
Amazon.com.dedc, LLC 13-00620	Polk	Logistics/ Distribution	\$186,000.00	0	27	298	\$45,760.68	\$0.00
Amazon.com.dedc, LLC 14-00213	Polk	Logistics/ Distribution	\$75,000.00	50	118	199	\$41,309.45	\$0.00
Amazon.com.dedc, LLC 14-00213	Polk	Logistics/ Distribution	\$37,500.00	50	81	81	\$47,665.27	\$0.00
Amazon.com.dedc, LLC 14-00538	Miami-Dade	Logistics/ Distribution	\$37,500.00	25	18	74	\$49,608.92	\$0.00
Ascend Performance Materials, LLC 11-00004	Escambia	Other Manufacturing	\$12,000.00	0	169	336	\$80,565.72	\$0.00
Ashcomm, LLC 14-00365	Hillsborough	Information Technology	\$55,620.67	0	25	76	\$84,294.00	\$0.00
AutoNation, Inc. 13-00435	Broward	Financial/ Professional Services	\$89,600.00	0	-42	77	\$150,160.00	\$0.00
AutoNation, Inc. 13-00435	Broward	Financial/ Professional Services	\$20,000.00	0	24	101	\$80,037.11	\$0.00
Avalon Health Services, LLC 16-00040	Hillsborough	Corporate Headquarters	\$42,000.00	24	31	31	\$98,258.06	\$0.00
Axiom Healthcare Pharmacy, Inc. 16-00215	Seminole	Corporate Headquarters	\$43,818.75	45	37	37	\$46,968.00	\$0.00
Bay State Cable Ties, LLC 15- 00397	Okaloosa	Other Manufacturing	\$26,666.00	15	15	25	\$54,005.84	\$0.00
BioMonde 13-00209	Alachua	Life Sciences	\$25,650.00	4	-8	12	\$55,489.37	\$0.00
Bogen Communications, Inc. 14-00137	Orange	Research and Development	\$13,300.00	0	4	16	\$113,531.00	\$0.00
Bolton Medical 12-00788	Broward	Research and Development	\$19,647.31	0	58	91	\$53,766.74	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Bolton Medical 12-00788	Broward	Research and Development	\$12,141.76	0	45	136	\$48,824.63	\$0.00
Boston Whaler, Inc 14-00083	Volusia	Other Manufacturing	\$34,500.00	16	77	244	\$41,716.78	\$0.00
Bristol-Myers Squibb Co. 13-00590	Hillsborough	Life Sciences	\$492,000.00	159	165	412	\$86,905.00	\$0.00
Camber Corporation of Alabama 15-00036	Orange	Financial/Professional Services	\$14,250.00	19	28	28	\$55,976.00	\$0.00
CareCentrix, Inc. 11-00364	Hillsborough	Life Sciences	\$11,250.00	0	41	402	\$64,991.39	\$0.00
Caremark, LLC 16-00051	Orange	Financial/Professional Services	\$74,293.55	275	232	232	\$49,349.07	\$0.00
Centene Management Company, LLC 14-00393	Broward	Financial/Professional Services	\$188,812.50	265	476	476	\$93,246.41	\$0.00
Centene Management Company, LLC 14-00393	Broward	Financial/Professional Services	\$188,812.50	0	150	626	\$59,355.30	\$0.00
Centene Management Company, LLC 14-00394	Hillsborough	Financial/Professional Services	\$92,625.00	130	202	202	\$54,856.29	\$0.00
Centene Management Company, LLC 14-00394	Hillsborough	Financial/Professional Services	\$92,625.00	0	29	231	\$56,583.00	\$0.00
Centene Management Company, LLC 14-00395	Orange	Financial/Professional Services	\$53,437.50	75	143	143	\$53,810.00	\$0.00
Centene Management Company, LLC 14-00395	Orange	Financial/Professional Services	\$53,437.50	0	53	196	\$49,353.00	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Centene Management Company, LLC 14-00396	Duval	Financial/ Professional Services	\$76,950.00	125	173	173	\$53,107.05	\$0.00
Centene Management Company, LLC 14-00396	Duval	Financial/ Professional Services	\$76,950.00	0	8	181	\$52,812.00	\$0.00
Charter Schools USA, Inc. 14-00335	Broward	Corporate Headquarters	\$24,000.00	24	55	55	\$62,412.00	\$0.00
Charter Schools USA, Inc. 14-00335	Broward	Corporate Headquarters	\$39,000.00	15	20	75	\$62,330.00	\$0.00
Chicos FAS, Inc. 07-00169	Lee	Corporate Headquarters	\$75,000.00	0	0	225	\$103,789.00	\$0.00
Chicos FAS, Inc. 12-00058	Lee	Corporate Headquarters	\$210,000.00	0	-1	170	\$103,789.00	\$0.00
Citigroup, Inc. 15-00401	Hillsborough	Corporate Headquarters	\$1,107,000.00	738	738	738	\$97,913.39	\$0.00
Citrix Systems, Inc. 13-00217	Broward	Information Technology	\$175,000.00	50	178	335	\$97,773.00	\$0.00
Citrix Systems, Inc. 13-00217	Broward	Information Technology	\$350,000.00	100	-37	298	\$113,495.13	\$0.00
Citrix Systems, Inc. 13-00217	Broward	Information Technology	\$350,000.00	0	-90	208	\$150,239.79	\$0.00
City Facilities Management (FL) LLC 15-00788	Duval	Corporate Headquarters	\$18,750.00	25	36	36	\$82,266.46	\$0.00
Club Trust, LLC 15-00094	Orange	Corporate Headquarters	\$20,211.19	23	23	23	\$65,717.75	\$0.00
Cognizant Technology Solutions 14-00614	Hillsborough	Information Technology	\$129,675.00	91	91	91	\$80,636.54	\$0.00
Cole Engineering Services, Inc. 12-00681	Orange	Information Technology	\$30,000.00	0	19	56	\$104,019.39	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Cole Engineering Services, Inc. 12-00681	Orange	Information Technology	\$15,000.00	0	53	109	\$104,742.03	\$0.00
DB USA Core Corporation F.K.A. DB Services New Jersey, Inc. 12-00791	Duval	Financial/ Professional Services	\$156,250.00	75	203	265	\$73,828.37	\$0.00
DB USA Core Corporation F.K.A. DB Services New Jersey, Inc. 12-00791	Duval	Financial/ Professional Services	\$325,000.00	0	0	260	\$125,138.86	\$0.00
DB USA Core Corporation F.K.A. DB Services New Jersey, Inc. 12-00791	Duval	Financial/ Professional Services	\$325,000.00	135	-5	260	\$79,372.00	\$0.00
DB USA Core Corporation F.K.A. DB Services New Jersey, Inc. 13-00495	Duval	Financial/ Professional Services	\$75,000.00	50	175	175	\$78,717.00	\$0.00
DB USA Core Corporation F.K.A. DB Services New Jersey, Inc. 13-00495	Duval	Financial/ Professional Services	\$187,500.00	75	125	300	\$84,695.00	\$0.00
DB USA Core Corporation F.K.A. Deutsche Bank 08- 00201	Duval	Financial/ Professional Services	\$562,500.00	0	0	1,000	\$90,893.00	\$0.00
DB USA Core Corporation F.K.A. Deutsche Bank 08- 00201	Duval	Financial/ Professional Services	\$228,000.00	0	0	1,000	\$89,408.00	\$0.00
Design Interactive, Inc 12- 00805	Seminole	Information Technology	\$15,000.00	0	-8	27	\$76,616.64	\$0.00
Design Interactive, Inc 12- 00805	Seminole	Information Technology	\$12,966.58	0	9	35	\$76,565.62	\$0.00
Design Interactive, Inc 14- 00357	Orange	Research and Development	\$6,666.70	10	25	25	\$69,704.42	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Discovery Latin America, LLC 10-00080	Miami-Dade	Information Technology	\$64,000.00	0	-8	40	\$130,784.00	\$0.00
DRB Capital, LLC 14-00733	Palm Beach	Financial/ Professional Services	\$26,995.83	25	25	25	\$70,667.00	\$0.00
DS Services of America, Inc 14-00282	Polk	Corporate Headquarters	\$25,600.00	0	8	56	\$62,632.35	\$0.00
DS Services of America, Inc 14-00282	Polk	Corporate Headquarters	\$32,000.00	32	48	48	\$93,464.00	\$0.00
DTC Communications, Inc 13-00638	Pinellas	Homeland Security/Defense	\$24,649.46	25	44	44	\$100,334.35	\$0.00
DTW Research, Inc.13-00385	Nassau	Financial/ Professional Services	\$31,692.26	0	4	45	\$76,504.43	\$0.00
Edge Aerodynamix, Inc 14- 00689	Bay	Aviation/ Aerospace	\$20,812.37	20	21	21	\$89,001.98	\$0.00
Embraer Aircraft Holding, Inc. 10-00020	Duval	Aviation/ Aerospace	\$30,000.00	0	45	120	\$60,866.00	\$0.00
Embraer Aircraft Holding, Inc. 10-00020	Duval	Aviation/ Aerospace	\$37,500.00	0	1	121	\$61,259.93	\$0.00
Emerson Process Management, LLLP 11-00433	Broward	Corporate Headquarters	\$52,711.03	0	8	49	\$139,239.30	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Emerson Process Management, LLLP 11-00433	Broward	Corporate Headquarters	\$44,103.96	8	1	41	\$108,355.00	\$0.00
Emerson Process Management, LLLP 12-00771	Broward	Corporate Headquarters	\$13,300.00	10	8	8	\$128,987.47	\$0.00
Epoca International, Inc 16-00416	Palm Beach	Corporate Headquarters	\$12,500.00	10	11	11	\$64,499.00	\$0.00
Epoca International, Inc 16-00416	Palm Beach	Corporate Headquarters	\$16,250.00	3	3	14	\$81,124.00	\$0.00
Ernst & Young U.S. LLP 11-00023	Hillsborough	Financial/ Professional Services	\$4,000.00	0	30	135	\$90,760.37	\$0.00
FARO Technologies, Inc. 15-00348	Seminole	Corporate Headquarters	\$21,375.00	15	40	40	\$70,224.01	\$0.00
FedEx Ground Package System, Inc. 13-00139	Marion	Logistics/ Distribution	\$228,000.00	152	222	222	\$31,565.50	\$0.00
FELD Entertainment, Inc. 11-00072	Manatee	Corporate Headquarters	\$196,647.15	50	28	207	\$67,024.10	\$0.00
FELD Entertainment, Inc. 11-00072	Manatee	Corporate Headquarters	\$228,151.60	25	8	215	\$66,905.85	\$0.00
FELD Entertainment, Inc. 15-00779	Manatee	Corporate Headquarters	\$57,190.00	50	43	43	\$72,799.00	\$0.00
FELD Entertainment, Inc. 15-00779	Manatee	Corporate Headquarters	\$152,950.00	50	49	92	\$72,892.22	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
FIS AvantGard LLC 13-00482	Duval	Information Technology	\$63,703.65	70	59	159	\$60,736.00	\$0.00
FIS AvantGard LLC 13-00482	Duval	Information Technology	\$156,885.33	50	49	208	\$64,513.01	\$0.00
Garda USA Inc. 11-00077	Palm Beach	Corporate Headquarters	\$66,000.00	0	-15	111	\$66,002.27	\$0.00
Gartner, Inc 09-00050	Lee	Information Technology	\$120,000.00	0	0	200	\$88,449.47	\$0.00
Gartner, Inc 13-00609	Lee	Information Technology	\$84,000.00	70	106	106	\$82,568.23	\$0.00
Gateway One Lending & Finance 14-00132	Hillsborough	Financial/ Professional Services	\$71,250.00	50	54	163	\$54,062.82	\$0.00
General Electric Company 14-00608	Duval	Other Manufacturing	\$300,000.00	265	90	351	\$66,180.62	\$0.00
General Electric Company 14-00608	Duval	Other Manufacturing	\$5,024.34	35	261	261	\$78,343.42	\$0.00
HealthPlan Services, Inc 13-00433	Hillsborough	Financial/ Professional Services	\$187,500.00	250	423	423	\$47,608.62	\$0.00
Heinemann Americas, Inc 15-00017	Miami-Dade	Corporate Headquarters	\$1,000.76	10	11	11	\$60,632.74	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Hidden Eyes, LLC 15-00102	Sarasota	Financial/ Professional Services	\$22,500.00	10	30	50	\$43,548.04	\$0.00
Hidden Eyes, LLC 15-00102	Sarasota	Financial/ Professional Services	\$15,000.00	10	11	20	\$51,862.88	\$0.00
Hidden Eyes, LLC 15-00102	Sarasota	Financial/ Professional Services	\$6,412.50	10	9	9	\$45,296.32	\$0.00
Hotwire Communications, Ltd 16-00370	Broward	Corporate Headquarters	\$56,250.00	45	50	50	\$95,870.10	\$0.00
Ice River Springs Marianna, LLC 12-00155	Gilchrist	Other Manufacturing	\$18,000.00	0	-4	44	\$39,088.06	\$0.00
Ideal Deals, LLC d/b/a Ideal Aluminum Products 14-00294	St. Johns	Other Manufacturing	\$7,500.00	10	15	15	\$36,884.88	\$0.00
Ideal Deals, LLC d/b/a Ideal Aluminum Products 14-00294	St. Johns	Other Manufacturing	\$15,000.00	10	19	34	\$36,255.70	\$0.00
Inspirata, Inc. 15-00048	Hillsborough	Life Sciences	\$18,586.08	30	28	28	\$111,646.38	\$0.00
Instrument Transformers, Inc. 13-00586	Pinellas	Other Manufacturing	\$85,800.00	143	179	179	\$44,711.82	\$0.00
Integrity Express Logistics LLC 16-00005	Hillsborough	Logistics/ Distribution	\$8,871.90	12	14	14	\$50,326.32	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
J. B. Nottingham & Co., Inc. 12-00570	Volusia	Corporate Headquarters	\$14,635.74	0	6	42	\$37,224.16	\$0.00
J. B. Nottingham & Co., Inc. 12-00570	Volusia	Corporate Headquarters	\$11,357.74	14	6	36	\$37,408.61	\$0.00
J.T.D. Enterprises, Inc 13-00131	Pasco	Other Manufacturing	\$5,230.43	0	0	11	\$40,400.15	\$0.00
J.T.D. Enterprises, Inc 13-00131	Pasco	Other Manufacturing	\$7,066.70	0	1	12	\$47,995.89	\$0.00
Jensen USA, Inc. 15-00846	Bay	Other Manufacturing	\$11,250.00	15	24	24	\$47,461.00	\$0.00
Jensen USA, Inc. 15-00846	Bay	Other Manufacturing	\$15,675.00	10	-2	22	\$70,532.15	\$0.00
JL Audio, Inc. 15-00567	Broward	Other Manufacturing	\$18,000.00	11	64	80	\$44,842.37	\$0.00
Klausner Holding USA, Inc. 11-00129	Suwannee	Other Manufacturing	\$420,000.00	100	140	481	\$30,168.78	\$0.00
Latino Enterprises, Inc. d/b/a La Chiquita Tortilla Manufacturer 15-00343	Orange	Other Manufacturing	\$21,000.00	28	29	29	\$44,117.00	\$0.00
Lupin, Inc 14-00103	Broward	Life Sciences	\$63,175.00	10	7	38	\$104,446.00	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Masonite Corporation 15-00629	Hillsborough	Corporate Headquarters	\$60,000.00	30	100	100	\$97,979.85	\$0.00
Masonite Corporation 15-00725	Hillsborough	Other Manufacturing	\$21,577.12	48	46	46	\$50,223.45	\$0.00
Medtronic Xomed, Inc. 11-00560	Duval	Life Sciences	\$262,500.00	0	10	203	\$76,723.98	\$0.00
Merritt Island Boat Works, Inc. 15-00081	Brevard	Other Manufacturing	\$30,000.00	50	78	78	\$57,778.24	\$0.00
Merritt Island Boat Works, Inc. 15-00081	Brevard	Other Manufacturing	\$66,000.00	60	48	126	\$53,316.16	\$0.00
Mettler-Toledo, LLC 16-00124	Pasco	Other Manufacturing	\$44,000.00	20	69	69	\$52,166.24	\$0.00
Morris and Lee, Inc. 14-00675	Nassau	Other Manufacturing	\$17,100.00	0	-4	13	\$29,801.27	\$0.00
NeoGenomics Laboratories, Inc. 12-00689	Lee	Life Sciences	\$75,000.00	0	33	124	\$57,229.52	\$0.00
NeoGenomics Laboratories, Inc. 12-00689	Lee	Life Sciences	\$60,000.00	25	12	91	\$59,864.47	\$0.00
NeoGenomics Laboratories, Inc. 12-00689	Lee	Life Sciences	\$50,000.00	0	36	160	\$66,669.80	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
NeoSystems Corporate Services, Corp. 15-00119	Orange	Financial/ Professional Services	\$18,750.00	12	3	26	\$61,343.52	\$0.00
North American Surveillance Systems USA, Inc. 14-00125	Brevard	Aviation/ Aerospace	\$14,250.00	5	11	30	\$76,819.31	\$0.00
Orlando Sports Holdings, LLC 14-00047	Orange	Corporate Headquarters	\$26,250.00	0	18	83	\$74,238.04	\$0.00
Oscor, Inc. 10-00170	Pinellas	Life Sciences	\$52,500.00	0	7	77	\$44,538.00	\$0.00
Paychex, Inc 15-00875	Pinellas	Corporate Headquarters	\$15,000.00	12	38	38	\$49,608.02	\$0.00
Paylocity Corporation 15-00599	Seminole	Information Technology	\$20,000.00	16	24	24	\$47,360.59	\$0.00
PODS Enterprises, Inc 13-00555	Pinellas	Corporate Headquarters	\$12,000.00	10	13	13	\$64,404.00	\$0.00
PODS Enterprises, Inc 13-00555	Pinellas	Corporate Headquarters	\$30,000.00	15	52	65	\$88,086.00	\$0.00
PODS Enterprises, Inc 13-00555	Pinellas	Corporate Headquarters	\$60,000.00	15	23	88	\$70,711.78	\$0.00
Power Design, Inc. 14-00743	Pinellas	Corporate Headquarters	\$36,000.00	30	97	97	\$65,235.56	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Power Design, Inc. 14-00743	Pinellas	Corporate Headquarters	\$90,000.00	30	-37	60	\$68,143.14	\$0.00
Power Design, Inc. 16-00414	Pinellas	Corporate Headquarters	\$45,000.00	30	96	96	\$67,776.96	\$0.00
PricewaterhouseCoopers, LLP 11-00446	Hillsborough	Financial/ Professional Services	\$93,750.00	0	477	932	\$73,521.00	\$0.00
PricewaterhouseCoopers, LLP 11-00446	Hillsborough	Financial/ Professional Services	\$120,000.00	0	237	455	\$70,017.00	\$0.00
Prime Therapeutics, LLC 11- 00430	Orange	Other Manufacturing	\$64,500.00	25	80	367	\$58,041.76	\$0.00
Publix Super Markets, Inc. 13- 00292	Orange	Logistics/ Distribution	\$30,000.00	11	4	41	\$51,339.66	\$0.00
Publix Super Markets, Inc. 13- 00292	Orange	Logistics/ Distribution	\$37,500.00	10	18	59	\$47,265.95	\$0.00
Publix Super Markets, Inc. 15- 00473	Orange	Logistics/ Distribution	\$25,200.00	25	38	55	\$49,572.32	\$0.00
Publix Super Markets, Inc. 15- 00473	Orange	Logistics/ Distribution	\$10,200.00	17	17	17	\$59,432.00	\$0.00
Quest Diagnostics Incorporated 13-00477	Hillsborough	Corporate Headquarters	\$93,750.00	0	-3	75	\$61,048.57	\$0.00
Quest Diagnostics Incorporated 13-00477	Hillsborough	Corporate Headquarters	\$93,750.00	0	0	78	\$57,310.97	\$0.00
R&L Carriers, Inc. 11-00122	Marion	Corporate Headquarters	\$75,000.00	70	67	163	\$54,212.69	\$0.00
R&L Carriers, Inc. 11-00122	Marion	Corporate Headquarters	\$104,000.00	60	-1	162	\$52,493.23	\$0.00

Project	County	Information	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
ReliaQuest, LLC 15-00108	Hillsborough	Information Technology	\$9,501.45	15	17	17	\$66,200.00	\$0.00
REV Ambulance Group fka Wheeled Coach Industries, Inc. 14-00025	Orange	Other Manufacturing	\$52,500.00	0	90	214	\$43,669.22	\$0.00
REV Ambulance Group fka Wheeled Coach Industries, Inc. 14-00025	Orange	Other Manufacturing	\$39,000.00	6	85	144	\$40,107.00	\$0.00
REV Ambulance Group fka Wheeled Coach Industries, Inc. 14-00025	Orange	Other Manufacturing	\$52,500.00	5	-20	124	\$40,182.00	\$0.00
Ruby Tuesday, Inc. 15-00542	Orange	Corporate Headquarters	\$34,306.56	15	9	29	\$177,339.60	\$0.00
Ruby Tuesday, Inc. 15-00542	Orange	Corporate Headquarters	\$13,698.23	15	20	20	\$137,038.40	\$0.00
Safariland, LLC 15-00326	Duval	Other Manufacturing	\$14,400.00	24	50	50	\$51,075.00	\$0.00
Safran Electrical & Power USA, LLC, fka Labinal, LLC 15-00337	Manatee	Aviation/ Aerospace	\$24,367.50	21	18	18	\$119,078.69	\$0.00
Safran Oil Systems, LLC 15-00712	Lee	Other Manufacturing	\$12,500.00	10	11	11	\$72,841.91	\$0.00
SandPointe, LLC 14-00430	Palm Beach	Financial/ Professional Services	\$12,597.10	10	10	10	\$149,500.10	\$0.00
Selene Finance LP 14-00592	Duval	Financial/ Professional Services	\$87,500.00	0	58	198	\$59,238.51	\$0.00
Selene Finance LP 14-00592	Duval	Financial/ Professional Services	\$87,500.00	0	-41	157	\$65,640.48	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Siemens Energy, Inc. 12-00503	Orange	Clean Technologies	\$75,250.00	7	27	63	\$90,070.13	\$0.00
SKYO Industries, Inc. 15-00252	Volusia	Other Manufacturing	\$11,400.00	16	24	24	\$48,713.49	\$0.00
SomahLution, Inc. 12-00328	Palm Beach	Life Sciences	\$7,500.00	0	-4	26	\$137,723.68	\$0.00
SomahLution, Inc. 12-00328	Palm Beach	Life Sciences	\$22,500.00	0	-6	30	\$136,637.00	\$0.00
South Atlantic, LLC 11-00598	Polk	Other Manufacturing	\$22,500.00	0	0	47	\$48,177.87	\$0.00
TBC Corporation 12-00672	Palm Beach	Corporate Headquarters	\$105,000.00	59	80	221	\$81,499.00	\$0.00
TBC Corporation 12-00672	Palm Beach	Corporate Headquarters	\$131,250.00	0	127	348	\$81,222.81	\$0.00
TGC, LLC dba Golf Channel 12-00600	Orange	Information Technology	\$112,500.00	0	-13	118	\$75,732.28	\$0.00
TGC, LLC dba Golf Channel 12-00600	Orange	Information Technology	\$90,000.00	0	44	162	\$76,762.03	\$0.00
The Depository Trust & Clearing Corporation 11-00381	Hillsborough	Financial/Professional Services	\$446,250.00	29	45	268	\$118,438.58	\$0.00
The Depository Trust & Clearing Corporation 11-00381	Hillsborough	Financial/Professional Services	\$446,250.00	0	42	310	\$108,963.00	\$0.00
The DiSTI Corporation 05-00192	Orange	Aviation/Aerospace	\$5,600.00	0	-3	49	\$75,463.24	\$0.00
The Hertz Corporation 13-00522	Lee	Corporate Headquarters	\$428,571.20	350	401	551	\$156,696.00	\$0.00
The Hertz Corporation 13-00522	Lee	Corporate Headquarters	\$750,000.00	200	187	738	\$122,135.32	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
TopBuild Corp.15-00578	Volusia	Corporate Headquarters	\$15,960.00	15	12	12	\$193,497.00	\$0.00
Total Quality Logistics, LLC 10-00040	Hillsborough	Logistics/ Distribution	\$50,924.73	0	49	236	\$48,769.70	\$0.00
Total Quality Logistics, LLC 10-00040	Hillsborough	Logistics/ Distribution	\$37,684.79	0	61	187	\$54,332.00	\$0.00
Total Quality Logistics, LLC 14-00783	Sarasota	Logistics/ Distribution	\$15,000.00	20	20	20	\$46,813.82	\$0.00
Total Quality Logistics, LLC 14-00785	Volusia	Logistics/ Distribution	\$15,000.00	20	20	20	\$44,557.57	\$0.00
TravelCLICK, Inc. 11-00436	Orange	Corporate Headquarters	\$138,339.98	30	68	331	\$49,017.00	\$0.00
TravelCLICK, Inc. 11-00436	Orange	Corporate Headquarters	\$145,093.89	20	5	336	\$55,256.41	\$0.00
Triad Digital Media LLC 13- 00572	Pinellas	Corporate Headquarters	\$43,589.10	70	36	218	\$67,237.02	\$0.00
Tribridge Holdings LLC 14- 00532	Hillsborough	Corporate Headquarters	\$26,774.01	40	43	43	\$65,438.00	\$0.00
Tribridge Holdings LLC 14- 00532	Hillsborough	Corporate Headquarters	\$48,387.91	70	62	105	\$74,963.45	\$0.00
TUCCI, LLC 15-00202	Miami-Dade	Other Manufacturing	\$22,500.00	5	26	37	\$42,815.22	\$0.00
United Natural Foods, Inc. 07-00241	Sarasota	Logistics/ Distribution	\$119,700.00	0	5	210	\$48,593.51	\$0.00
United Natural Foods, Inc. 07-00241	Sarasota	Logistics/ Distribution	\$93,804.19	0	9	219	\$48,383.16	\$0.00
United Natural Foods, Inc. 07-00241	Sarasota	Logistics/ Distribution	\$33,772.50	0	18	237	\$49,690.08	\$0.00
Vac-Con, Inc 15-00764	Clay	Other Manufacturing	\$12,500.00	10	23	23	\$63,720.00	\$0.00
Verizon Corporate Resources Group LLC 12-00707	Seminole	Financial/ Professional Services	\$1,008,204.75	300	10	1,097	\$84,800.98	\$0.00

Project	County	Industry	Total Payment	Jobs Due This Fiscal Year	New Jobs Confirmed This Fiscal Year	New Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
Verizon Corporate Resources Group LLC 12-00707	Seminole	Financial/ Professional Services	\$450,000.00	150	158	1,087	\$72,940.07	\$0.00
Vology, Inc. 15-00123	Pinellas	Information Technology	\$12,270.68	25	105	105	\$56,245.93	\$0.00
WellCare Health Plans, Inc. 13-00387	Hillsborough	Financial/ Professional Services	\$525,000.00	0	1,350	2,313	\$60,232.88	\$0.00
WellCare Health Plans, Inc. 13-00387	Hillsborough	Financial/ Professional Services	\$420,000.00	0	-2	2,311	\$62,276.48	\$0.00
West Fraser, Inc 13-00514	Escambia	Other Manufacturing	\$78,750.00	0	12	120	\$49,484.61	\$0.00
Wetherill Associates, Inc. 15- 00092	Broward	Corporate Headquarters	\$7,125.00	10	36	36	\$54,031.20	\$0.00
Wheeled Coach Industries, Inc. 10-00199	Orange	Other Manufacturing	\$63,000.00	0	0	105	\$49,005.00	\$0.00
Wheeled Coach Industries, Inc. 10-00199	Orange	Other Manufacturing	\$78,750.00	0	0	105	\$55,152.87	\$0.00
White & Case, LLP 14-00455	Hillsborough	Information Technology	\$48,424.30	34	29	101	\$84,248.44	\$0.00
WTA Tour, Inc. 15-00392	Pinellas	Corporate Headquarters	\$12,182.09	10	15	15	\$154,113.13	\$0.00
Yelvington Trikes LLC 15- 00129	Pinellas	Other Manufacturing	\$4,881.35	12	17	17	\$43,462.99	\$0.00
Zier, Inc 15-00432	Broward	Corporate Headquarters	\$12,500.00	10	70	70	\$54,065.00	\$0.00

Project	County	Industry	Total Payment	Payment Made To	Jobs Due This Fiscal Year	Jobs Confirmed This Fiscal Year	Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
High Impact Performance Incentive									
Citigroup, Inc. 15-00401	Hillsborough	Corporate Headquarters	\$3,000,000.00	DEO to Business	200	738	738	\$97,913.39	\$27,628,197.40
Johnson & Johnson Vision Care, Inc. 15-00047	Duval	Life Sciences	\$500,000.00	DEO to Business	0	0	0	N/A	\$70,859,529.95
Lockheed Martin Corporation 14-00235	Orange	Aviation/ Aerospace	\$800,000.00	DEO to Business	0	147	267	\$124,178.24	\$37,093,455.39
Telemundo Media, LLC 13- 00009	Miami-Dade	Information Technology	\$2,700,658.75	DEO to Business	45	174	413	\$96,990.23	\$107,931,307.53
Univision Communications, Inc. 12-00685	Miami-Dade	Information Technology	\$2,500,000.00	DEO to Business	65	214	402	\$99,835.78	\$276,279,286.36
Quick Action Closing Fund									
ADP, LLC 16-00260	Orange	Financial/ Professional Services	\$650,000.00	Escrow to Business	250	326	326	\$49,475.53	\$11,208,858.47
Advent Software, Inc. 14- 00100	Duval	Information Technology	\$45,117.50	Escrow to Business	32	32	123	\$66,100.46	\$1,168,017.58
Anheuser-Busch Companies, LLC 15-00682	Duval	Other Manufacturing	\$1,200,000.00	Escrow to Business	0	0	0	N/A	\$6,732,860.43
Gartner, Inc 13-00609	Lee	Information Technology	\$375,000.00	Escrow to Business	70	217		\$72,263.48	\$28,498,057.01
General Electric Company 14-00608	Duval	Other Manufacturing	\$1,250,000.00	Escrow to Business	265	90	351	\$66,180.62	\$25,638,268.15
HealthPlan Services, Inc 13-00433	Hillsborough	Financial/ Professional Services	\$176,000.00	Escrow to Business	118	120	726	\$58,804.07	\$8,041,456.00
iQor Holdings, Inc. 14- 00358	Pinellas	Corporate Headquarters	\$793,625.91	Escrow to Business	50	50	50	\$104,000.32	\$2,795,666.50

Project	County	Industry	Total Payment	Payment Made To	Jobs Due This Fiscal Year	Jobs Confirmed This Fiscal Year	Jobs Confirmed Cumulative	Confirmed Annual Average Wage	Total Confirmed Capital Investment
KLS Martin Manufacturing, LLC 16-00396	Duval	Life Sciences	\$15,000.00	Escrow to Business	6	6	6	\$92,456.66	\$2,402,848.94
Lockheed Martin Mission Systems and Training 12-00732	Pinellas	Homeland Security/Defense	\$500,000.00	Escrow to Business	0	0	0	\$68,065.84	\$14,064,275.55
Magic Leap, Inc. 16-00052	Broward	Information Technology	\$300,000.00	Escrow to Business	235	276	276	\$107,172.35	\$41,025,206.39
Merritt Island Boat Works, Inc. 15-00081	Brevard	Other Manufacturing	\$499,478.23	Escrow to Business	60	48	126	\$53,316.16	\$5,861,519.57
Northrop Grumman Corporation 12-00786	Brevard	Homeland Security/Defense	\$69,887.26	Escrow to Business	0	459	866	\$129,852.55	\$88,159,513.07
Raytheon Company 14-00190	Pinellas	Research and Development	\$234,375.00	Escrow to Business	27	38	38	\$87,542.94	\$10,678,249.34
Safran Electrical & Power USA, LLC, fka Labinal, LLC 15-00337	Manatee	Aviation/Aerospace	\$215,721.96	Escrow to Business	21	18	18	\$61,158.50	\$7,676,053.60
Thales USA, Inc. 16-00309	Orange	Research and Development	\$500,000.00	Escrow to Business	52	146	146	\$128,674.78	\$4,806,060.28
United Technologies Corporation-Pratt & Whitney Division 14-00684	Palm Beach	Aviation/Aerospace	\$880,000.00	Escrow to Business	70	60	110	\$87,891.00	\$30,340,646.26
Voxx International Corporation 14-00681	Orange	Other Manufacturing	\$243,284.07	Escrow to Business	40	40	40	\$62,369.93	\$10,612,254.89
Zimmer, Inc. 15-00638	Palm Beach	Corporate Headquarters	\$425,000.00	Escrow to Business	10	10	10	\$90,110.14	\$2,711,231.11

Appendix C: Historical Data

As noted in Table 1, some incentives require annual appropriations by the legislature and others involve foregone tax revenue. Tables 20 and 21 detail approvals by year for all programs requiring an annual appropriation. These approvals do not represent payments as payments will be made in future years. Table 22 summarizes the amount of tax credits claimed or approved to be claimed for several tax credit programs. 'N/A' indicates that there were no approvals that fiscal year, because the program was not yet created.

Table 20. Grant Approvals

Fiscal Year	High-Impact Performance Incentive	Quick Action Closing Fund	Innovation Incentive Program	Economic Development Transportation Projects ¹
2017-2018	\$8,170,000.00	\$0.00	\$0.00	\$0.00
2016-2017	\$0.00	\$0.00	\$0.00	\$2,331,437.00
2015-2016	\$532,000.00	\$23,500,000.00	\$0.00	\$8,391,667.00
2014-2015	\$7,000,000.00	\$44,181,000.00	\$0.00	\$7,545,466.00
2013-2014	\$10,600,000.00	\$44,655,440.00	\$0.00	\$13,454,767.00
2012-2013	\$5,000,000.00	\$43,724,500.00	\$0.00	\$18,999,357.00
2011-2012	\$1,500,000.00	\$28,413,000.00	\$6,600,000.00	\$14,830,795.00
2010-2011	\$8,640,000.00	\$24,337,700.00	\$0.00	\$30,342,123.00
2009-2010	\$0.00	\$25,401,830.00	\$0.00	\$4,280,390.00
2008-2009	\$13,984,000.00	\$60,579,000.00	\$0.00	\$27,565,525.00
2007-2008	\$0.00	\$47,000,000.00	\$249,090,000.00	\$9,732,860.00
2006-2007	\$0.00	\$41,857,800.00	\$200,000,000.00	\$12,039,178.00
2005-2006	\$3,150,000.00	\$10,442,200.00	N/A	\$11,617,198.00
2004-2005	\$0.00	\$9,272,500.00		\$14,710,964.00
2003-2004	\$0.00	\$4,400,000.00		\$17,212,039.00
2002-2003	\$0.00	\$0.00		\$17,012,214.00
2001-2002	\$0.00	\$1,350,000.00		\$14,937,348.00
2000-2001	\$2,000,000.00	\$900,000.00		\$20,158,571.00
1999-2000	\$15,250,000.00	\$1,400,000.00		\$27,866,578.00
1998-1999	\$12,500,000.00	N/A		\$25,047,952.00
1997-1998	\$0.00			\$16,230,721.00
1996-1997	N/A			\$8,595,618.00
1995-1996				\$10,023,177.00

¹ Please note that the Economic Development Transportation Projects program is managed and paid by DOT.

Table 21. Tax Refund Approvals

Fiscal Year	Award Type	Qualified Target Industry	Brownfield	Brownfield Bonus Standalone
			Redevelopment Bonus with Qualified Target Industry	
2017-2018	Maximum Award	\$61,455,000.00	\$1,500,000.00	\$294,000.00
	State Award	\$48,208,400.00	\$1,200,000.00	\$294,000.00
2016-2017	Maximum Award	\$62,591,200.00	\$0.00	\$300,000.00
	State Award	\$48,838,960.00	\$0.00	\$300,000.00
2015-2016	Maximum Award	\$60,788,000.00	\$0.00	\$570,000.00
	State Award	\$48,468,200.00	\$0.00	\$570,000.00
2014-2015	Maximum Award	\$58,373,900.00	\$630,000.00	\$0.00
	State Award	\$46,699,120.00	\$504,000.00	\$0.00
2013-2014	Maximum Award	\$55,324,300.00	\$875,000.00	\$2,660,000.00
	State Award	\$44,259,440.00	\$700,000.00	\$2,178,000.00
2012-2013	Maximum Award	\$60,975,040.00	\$4,022,500.00	\$5,160,000.00
	State Award	\$48,780,072.00	\$3,218,000.00	\$4,128,000.00
2011-2012	Maximum Award	\$58,063,500.00	\$7,697,500.00	\$5,982,500.00
	State Award	\$46,450,800.00	\$6,158,000.00	\$4,786,000.00
2010-2011	Maximum Award	\$37,940,810.00	\$4,552,500.00	\$3,437,500.00
	State Award	\$30,352,648.00	\$3,642,000.00	\$2,750,000.00
2009-2010	Maximum Award	\$33,863,300.00	\$4,790,000.00	\$1,112,500.00
	State Award	\$27,090,640.00	\$3,832,000.00	\$890,000.00
2008-2009	Maximum Award	\$34,125,000.00	\$5,070,000.00	\$230,000.00
	State Award	\$27,300,000.00	\$4,056,000.00	\$184,000.00
2007-2008	Maximum Award	\$23,710,000.00	\$472,500.00	\$812,500.00
	State Award	\$18,968,000.00	\$378,000.00	\$650,000.00
2006-2007	Maximum Award	\$36,611,000.00	\$1,545,000.00	\$3,072,500.00
	State Award	\$29,288,800.00	\$1,236,000.00	\$2,458,000.00
2005-2006	Maximum Award	\$55,670,867.00	\$2,942,500.00	\$1,567,500.00
	State Award	\$44,536,694.00	\$2,354,000.00	\$1,254,000.00
2004-2005	Maximum Award	\$56,954,000.00	\$2,360,000.00	\$1,250,000.00
	State Award	\$45,563,200.00	\$1,888,000.00	\$1,000,000.00
2003-2004	Maximum Award	\$41,964,800.00	\$4,322,000.00	\$312,500.00
	State Award	\$33,571,840.00	\$3,457,600.00	\$250,000.00
2002-2003	Maximum Award	\$45,675,100.00	\$1,982,500.00	\$312,500.00
	State Award	\$36,540,080.00	\$1,586,000.00	\$250,000.00
2001-2002	Maximum Award	\$37,576,950.00	\$125,000.00	N/A
	State Award	\$30,061,560.00	\$100,000.00	
2000-2001	Maximum Award	\$50,546,800.00	\$100,000.00	
	State Award	\$40,437,440.00	\$80,000.00	
1999-2000	Maximum Award	\$56,223,500.00	\$300,000.00	
	State Award	\$44,978,800.00	\$240,000.00	
1998-1999	Maximum Award	\$26,607,880.00	\$845,000.00	
	State Award	\$21,286,304.00	\$676,000.00	
1997-1998	Maximum Award	\$59,995,152.00	\$231,250.00	
	State Award	\$47,996,122.00	\$185,000.00	
1996-1997	Maximum Award	\$34,298,000.00	N/A	
	State Award	\$27,438,400.00		
1995-1996	Maximum Award	\$26,557,500.00		
	State Award	\$21,246,000.00		

See glossary for definitions of Maximum Award and State Award

Capital Investment Tax Credit program numbers indicate amount of tax credits actually claimed by businesses. Capital Investment Tax Credit is provided as an aggregate figure for the amount of credit claimed for years prior to 2010 in order to maintain business confidentiality per s. 213.053, Florida Statutes. This information is provided by DOR. The Rural Job Tax Credit and Urban High-Crime Job Tax Credit programs' data represent the total amount of tax credits approved to be claimed each year.

Table 22. Tax Credits Approved to be Claimed by Businesses

Calendar Year	Capital Investment Tax Credit	Rural Job Tax Credit	Urban High-Crime Job Tax Credit
2017	\$2,788,624.00	\$229,000.00	\$3,035,000.00
2016	\$3,195,830.00	\$0.00	\$2,424,000.00
2015	\$30,728,469.00	\$94,000.00	\$1,604,500.00
2014	\$21,505,655.00	\$46,000.00	\$2,069,500.00
2013	\$7,174,654.00	\$27,000.00	\$1,172,500.00
2012	\$9,972,724.00	\$187,000.00	\$2,460,500.00
2011	\$13,777,245.00	\$431,000.00	\$790,500.00
2010	\$14,743,581.00	\$181,000.00	\$1,259,500.00
2009	\$70,970,525.00	\$204,000.00	\$855,000.00
2008		\$66,000.00	\$517,500.00
2007		\$204,000.00	\$654,000.00
2006		\$647,500.00	\$1,014,000.00
2005		\$673,000.00	\$1,761,000.00
2004		\$50,000.00	\$1,053,500.00
2003		\$1,008,000.00	\$1,069,000.00
2002		\$584,000.00	\$2,673,500.00
2001		\$257,000.00	\$2,486,500.00
2000		\$21,000.00	\$4,999,500.00
1999	\$0	\$0.00	\$260,500.00
1998	N/A	\$0.00	\$0.00

Appendix D: Glossary

Key Terms

Contract Activity

- ▶ **Active**
The business is currently performing and in good standing.
- ▶ **Complete**
The business has met the terms of its contract and received eligible incentive payments.
- ▶ **Inactive**
The business has received one or more incentive payments after meeting a portion of its contract commitments but is ineligible for future payments.
- ▶ **Terminated**
An incentive contract was executed, but the business has not received any payments and is ineligible for future payments.
- ▶ **Vacated**
An incentive contract was never signed by the business and therefore no agreement was executed.
- ▶ **Withdrawn**
An incentive contract was executed, but the business voluntarily chose not to pursue current or future payments.

Performance Information

- ▶ **Average Annual Wage**
The average wage of project jobs for the latest performance period/refund period for active agreements after March 23, 2012. This report utilizes weighted average for several tables. Weighted average is the total of all wages divided by all jobs.
- ▶ **Base Jobs**
Positions paid directly or indirectly by the business during the 12 full calendar months prior to the approval date or letter preserving inducement (LPI) date.
- ▶ **Capital Investment**
The amount of capital expenditures a business makes at the project location on or after the approval date.
- ▶ **Contracted**
Required per a business' executed agreement with DEO.
Example: Contracted New Jobs, Contracted Average Annual Wage
- ▶ **Confirmed**
Verified by DEO and third-party auditor. Confirmed number could be cumulative or for the latest performance/refund period.
- ▶ **Contract Job Requirement**
Total contract job commitment for the life of the project, which could include base/retained jobs in addition to net new jobs.

- ▶ **Jobs**
Also: Project Jobs
Full-time, salaried employees or full-time equivalent (FTE) employees, who work at least 35 paid hours per week, performing tasks that directly relate to the products/services of the project.
- ▶ **Jobs Due**
Total number of new jobs businesses are contractually obligated to have in place. Jobs due could be cumulative or for the latest performance/refund period.
- ▶ **Job Performance**
Number of jobs created, which could include base/retained jobs in addition to net-new jobs.
- ▶ **Net-New Jobs**
New jobs resulting in a net increase in overall employment at the project location in connection with the project during the applicable performance/refund period.
- ▶ **New Jobs**
Jobs created by the business on or after the approval date or LPI date.
- ▶ **Project**
Indicates the creation of a new business or expansion of an existing business in Florida.
- ▶ **Retained Jobs**
Positions paid directly or indirectly by the business prior to the approval date in the contract. These jobs are identified as being at risk if the business does not decide to remain and/or expand in Florida. Retained jobs may be the same as, or a subset of, a business's base jobs.

Financial Information

- ▶ **Approval Date**
The date that DEO approved the project for eligibility in a particular program. In the case of the Quick Action Closing Fund, the approval date is the date the project is approved by the Governor or Legislative Budget Commission depending on the award amount.
- ▶ **Maximum Eligible Award**
Also: Maximum Award
The total maximum amount that a business could be eligible to receive for the project; this amount typically includes the state award and required local financial support. Some programs do not require local financial support.
- ▶ **Maximum State Award**
Also: State Award
The maximum amount that a business could be eligible to receive for the project from DEO.
- ▶ **Local Financial Support**
Also: Local Match
Indicates the community's portion of the award paid per the requirements of the Florida Statutes.
- ▶ **Required Local Financial Support**
Also: Required Local Match
Indicates the total amount of local financial support that the community is required to commit to throughout the life of the project.

- ▶ State Amount
Portion of the award paid by the state.

Programs

Grants

- ▶ Economic Development Transportation Projects (s. 339.2821, Florida Statutes)
The Economic Development Transportation Projects (EDTF) grant, established in 1980, is awarded to a local government to alleviate transportation impediments as an inducement for a specific business to remain, expand or locate in Florida. The infrastructure funded through this grant serves as permanent community improvements for the benefit of Floridians. Effective July 1, 2012, administration of the EDF was transferred from DEO to DOT.
- ▶ Florida Small Business Technology Growth Program (s. 288.95155, Florida Statutes)
The Florida Small Business Technology Growth Program, established in 1998, provides financial assistance to businesses having high job growth and emerging technology potential and fewer than 100 employees. Funding comes from the Florida Technology Research Investment Fund housed within EFI. Moderate-risk and high-risk ventures that offer the greatest opportunity for compelling economic development impact are given the highest funding priority.
- ▶ Florida State Small Business Credit Initiative (Established through H.R. 5297)
Florida was awarded \$98.1 million from the U.S. Department of the Treasury for participation in the State Small Business Credit Initiative (SSBCI), a program created to establish access to capital for small businesses through the Small Business Jobs Act of 2010. The Legislative Budget Commission established budget authority to allow DEO to administer the SSBCI in 2011. Florida was approved to operate a Capital Access Program, a Venture Capital Program and a Small Business Loan Support Program. Through its partners, DEO continues to administer the the Venture Capital and Small Business Loan Support programs.
- ▶ High-Impact Performance Incentive Grant (s. 288.108, Florida Statutes)
Enacted in 1997, the High-Impact Performance Incentive (HIPI) Grant is reserved for major facilities operating in designated portions of high-impact sectors, including clean energy, life sciences, financial services, information technology, silicon technology, transportation equipment manufacturing and a corporate headquarters facility. This performance-based grant is paid in two equal installments, one upon commencement of operations and the other upon commencement of full operations.
- ▶ Innovation Incentive Program (s. 288.1089, Florida Statutes)
The Innovation Incentive Program was created in 2006 as a tool to allow the state to compete effectively for high-value research and development, innovation business and alternative and renewable energy projects. These are long-term investments made by the state in industry clusters that are critical to Florida's future of economic diversification. All innovation projects include a performance-based contract with the state, which outlines specific milestones that must be achieved for grant payment as well as compliance requirements. For additional information related to the Innovation Incentive Program, please see Florida Economic Development Program Evaluations – Year 1 by the Office of Program Policy Analysis and Government Accountability (OPPAGA) and the Return on Investment for Select State Economic Development Incentive Programs by the Office of Economic and Demographic Research (EDR).

- ▶ **Quick Action Closing Fund** (s. 288.1088, Florida Statutes)
The Quick Action Closing Fund was created in 1999 as a “deal closing” tool in highly competitive negotiations for projects where Florida’s traditional incentives are not enough to win the deal. This tool is critical to the state’s ability to attract projects where Florida is at a significant competitive disadvantage. All Quick Action Closing Fund projects include a performance-based contract with the state, which outlines specific milestones that must be achieved.

- ▶ **Regional Rural Development Grant Program** (s. 288.018, Florida Statutes)
The Regional Rural Development Grant Program, established in 1996, is a matching grant program that provides funding to regionally-based economic development organizations representing rural counties and communities for the purpose of building the professional capacity of their organizations. The matching grants may also be used by an economic development organization to provide technical assistance to businesses within the rural counties and communities that it serves. The maximum amount an organization may receive in any year is \$50,000, or \$150,000 in a Rural Area of Opportunity and must be matched each year by an equivalent amount of non-state resources.

- ▶ **Rural Community Development Revolving Loan Fund** (s. 288.065, Florida Statutes)
The Rural Community Development Revolving Loan Fund, created in 1996, provides loans to designated rural local governments to finance economic development projects which either maintain or create new jobs and strengthen the economic base of rural communities. Eligible local governments must be designated rural counties as defined in s. 288.0656, Florida Statutes.

- ▶ **Rural Infrastructure Fund Program** (s. 288.0655, Florida Statutes)
The Rural Infrastructure Fund (RIF) program, established in 1999, facilitates the planning, preparing, and financing of traditional economic development or nature-based tourism infrastructure projects that encourage job creation and capital investment in rural communities. The department may award up to 40 percent of total infrastructure costs for catalyst site projects, and no more than 30 percent of total infrastructure costs for projects in rural counties that are not located on designated catalyst sites. There are three types of grants under this program: Total Project Participation Grants, Infrastructure Feasibility Grants and Preclearance Review Grants.

- ▶ **Florida Job Growth Grant Fund** (s. 288.101, Florida Statutes)
In 2017, the Legislature created the Florida Job Growth Grant Fund and tasked DEO, along with the DOT and EFI, to review and identify public infrastructure and workforce training proposals that promote economic opportunity across the state. In its first year, the Florida Job Growth Grant Fund provided \$85 million for public infrastructure and workforce training projects that supported growth and employment in Florida’s diverse industries.

Tax Credits

- ▶ **Capital Investment Tax Credit (s. 220.191, Florida Statutes)**
The Capital Investment Tax Credit (CITC), established in 1998, is used to attract and grow capital-intensive industries in Florida. It is an annual credit, provided for up to 20 years, against only the corporate income tax liability or the premium tax liability generated by a qualifying project. Eligible projects are those in designated high-impact portions of the following sectors: clean energy, life sciences, financial services, information technology, semi-conductors, transportation equipment manufacturing, advanced manufacturing or a corporate headquarters facility.
- ▶ **Florida Space Business Incentives Act (s. 220.194, Florida Statutes)**
The Florida Space Business Incentives Act, established in 2011, creates incentives to attract launch, payload, research and development and other space business to Florida. The tax credits are approved on a first-come, first-served basis. Only one application can be submitted by a business or organization each fiscal year. To qualify, the business must create 35 new jobs in Florida and invest at least \$15 million in Florida on a spaceflight project in the three previous taxable years. Once granted a tax credit, the business must file an annual report on the spaceflight project's progress. As of June 30, 2018, no applications have been received.
- ▶ **Rural Job Tax Credit Program (s. 212.098, Florida Statutes)**
The Rural Job Tax Credit Program, established in 1997, is a tax credit provided for businesses in one of 36 designated rural areas. A new business must have at least 10 qualified employees when applying and receives a \$1,000 tax credit for each employee. The maximum amount allotted for the Rural Job Tax Credit Program is \$5 million per calendar year and a business may receive \$500,000 as a maximum tax credit.
- ▶ **Urban High-Crime Area Job Tax Credit Program (s. 212.097, Florida Statutes)**
The Urban High-Crime Area Job Tax Credit Program, established in 1997, allows businesses to receive a tax credit when hiring full-time employees while operating within one of the 13 designated urban high-crime areas. A new business in a tier-one area which has at least 10 qualified employees receives a \$1,500 tax credit for each employee; a new business in a tier-two area which has at least 20 qualified employees receives a \$1,000 tax credit for each employee; and a new business in a tier-three area which has at least 30 qualified employees receives a \$500 tax credit for each employee. The maximum credit amount that may be approved during any calendar year is \$5 million.

Tax Exemptions

- ▶ **Semiconductor, Defense, or Space Technology Sales Tax Exemption (s. 212.08(5)(j), Florida Statutes)**
The Semiconductor, Defense, or Space Technology Sales Tax Exemption is for industrial machinery and equipment used in semiconductor technology facilities to manufacture, process, compound, or produce semiconductor technology products for sale or for use by these facilities; industrial machinery and equipment used in defense or space technology facilities to design, manufacture, assemble, process, compound, or produce defense technology products or space technology products for sale or for use by these facilities; and building materials purchased for use in manufacturing or expanding clean rooms in semiconductor-manufacturing facilities qualify for the tax exemption.

- ▶ Space Flight Activities Sales Tax Exemption (s. 212.08(16), Florida Statutes)
The Space Flight Activities Sales Tax Exemption is for the sale, lease, use, storage, consumption or distribution of any orbital space facility, space propulsion system, space vehicle, satellite or station of any kind possessing space flight capacity. The sale, lease, use, storage, consumption or distribution of tangible personal property placed on or used aboard any orbital space facility, space propulsion system, space vehicle, satellite or station of any kind qualify for the tax exemption. This exemption is not affected by the failure of a launch to occur or the destruction of a launch vehicle or any components thereof.

Tax Refunds

- ▶ Brownfield Redevelopment Bonus Tax Refund (s. 288.107, Florida Statutes)
The Brownfield Redevelopment Bonus Tax Refund, established in 1997, serves to improve economic opportunities within Florida's Brownfield areas. These areas have been designated as Brownfields due to the presence or perceived presence of environmental contamination. To be eligible for bonus refunds, a Brownfield area must have an executed rehabilitation agreement with the Department of Environmental Protection (DEP) or with a local government delegated by the DEP. This incentive is a partnership between the state and local communities as 20 percent of the award may be provided by the local city or county government. This tax refund is available as a standalone or as a bonus in addition to the Qualified Target Industry Tax Refund. All Brownfield Bonus projects include a performance-based contract with the state, which outlines specific milestones that must be achieved and verified by the state prior to payment of refunds.
- ▶ Qualified Target Industry Tax Refund (s. 288.106, Florida Statutes)
The Qualified Target Industry (QTI) Tax Refund, established in 1994, serves to attract new high-quality, high-wage jobs for Floridians. Tax refunds are made to qualifying, pre-approved businesses creating new jobs within Florida's target industries. The targeted industries include: aviation and aerospace, clean technology, defense and homeland security, financial and professional services, headquarters, information technology, life sciences, logistics and distribution, and manufacturing. All QTI projects include a performance based contract with the state, which outlines specific milestones that must be achieved and verified by the state prior to payment of refunds. This incentive is a partnership between the state and local community as 20 percent of the award comes from the local city and/or county government. Pursuant to s. 288.106(9), Florida Statutes, an applicant may not be certified as qualified after June 30, 2020.

Appendix E: Statutes, Laws and Rules

Florida Statutes

Chapter 212- Sales, Use, and Other Transactions

- s. 212.02- Definitions
- s. 212.08- Sales, rental, use, consumption, distribution and storage tax; specified exemptions
- s. 212.097- Urban High-Crime Area Job Tax Credit Program
- s. 212.098- Rural Job Tax Credit Program

Chapter 213- State Revenue Laws: General Provisions

- s. 213.053- Confidentiality and information sharing

Chapter 215- Financial Matters: General Provisions

- s. 215.97- Florida Single Audit Act

Chapter 220- Income Tax Code

Part II- Tax Imposed; Apportionment

- s. 220.1895- Rural Job Tax Credit and Urban High-Crime Area Job Tax Credit
- s. 220.191- Capital investment tax credit
- s. 220.194- Corporate income tax credits for spaceflight projects

Chapter 288- Commercial Development and Capital Improvements

Part 1- General Provisions

- s. 288.018- Regional Rural Development Grants Program
- s. 288.061- Economic development incentive application process
- s. 288.065- Rural Community Development Revolving Loan Fund
- s. 288.0655- Rural Infrastructure Fund
- s. 288.0656- Rural Economic Development Initiative
- s. 288.06561- Reduction or waiver of financial match requirements
- s. 288.075- Confidentiality of records
- s. 288.076- Return on investment reporting for economic development programs
- s. 288.095- Economic Development Trust Fund
- s. 288.101- Florida Job Growth Grant Fund
- s. 288.106- Tax refund program for qualified target industry businesses
- s. 288.107- Brownfield redevelopment bonus refunds
- s. 288.108- High-impact business
- s. 288.1088- Quick Action Closing Fund
- s. 288.1089- Innovation Incentive Program

Part VIII- Enterprise Florida, Inc.

- s. 288.907- Annual incentives report

Part IX- Technology Department

- s. 288.95155- Florida Small Business Technology Growth Program

Chapter 339- Transportation Finance and Planning

s. 339.2821- Economic development transportation projects

Chapter 403- Environmental Control

Part IX- Expedited Permitting

s. 403.973- Expedited permitting; amendments to comprehensive plans

Florida Laws

Ch. 2015-232- Section 6, at 310-311

Federal Laws

H.R. 5297- Small Business Jobs Act of 2010



**FLORIDA DEPARTMENT of
ECONOMIC OPPORTUNITY**

Department of Economic Opportunity

Caldwell Building | 107 East Madison Street | Tallahassee, FL 32399-4120
(850) 717-8960 | www.FloridaJobs.org



Enterprise Florida, Inc.

800 North Magnolia Avenue, Suite 1100 | Orlando, FL 32803
(407) 956-5600 | www.EFlorida.com



2019 AGENCY LEGISLATIVE BILL ANALYSIS DEPARTMENT OF REVENUE

BILL INFORMATION

BILL NUMBER:	SB 298
BILL TITLE:	Rural Businesses
BILL SPONSOR:	Senator Montford
EFFECTIVE DATE:	October 1, 2019

COMMITTEES OF REFERENCE

1) N/A
2)
3)
4)
5)

CURRENT COMMITTEE

N/A

SIMILAR BILLS

BILL NUMBER:	
SPONSOR:	

IDENTICAL BILLS

BILL NUMBER:	
SPONSOR:	

PREVIOUS LEGISLATION

YEAR BILL NUMBER/SPONSOR/LAST ACTION:
2018/ SB 990/ Senators Montford and Gibson/ Indefinitely postponed and withdrawn from consideration; Died in Appropriations Subcommittee on Transportation, Tourism, and Economic Development
2018/ HB 1415/ Representative Beshears/ Indefinitely postponed and withdrawn from consideration; Died in Agriculture and Property Rights Subcommittee

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	January 24, 2019
LEAD AGENCY ANALYST:	Debbie Longman (850) 617-8324

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.**PRESENT SITUATION**

Section 1. Florida Rural Job and Business Recovery Act (pp. 4 – 16):

PRESENT SITUATION

The Florida Rural Job and Business Recovery Act does not currently exist.

EFFECT OF THE BILL

The bill proposes the creation of the Florida Rural Job and Business Recovery Act. The Act provides for a new credit to be claimed against the state premium tax liability for an investor that contributes to a certified growth fund. The state premium tax liability is defined as Florida insurance premium tax and retaliatory tax.

The credit is to be claimed at a rate of 20 percent of the investment each year, over a period of five years, beginning with the calendar year following the second anniversary of the closing date (calendar year that includes the third anniversary of the closing date, with the first being the actual closing date). If the credit cannot be fully used in a tax year, the balance for that year may be carried forward for up to 10 years.

The credit may first be claimed on tax returns originally due on or after January 1, 2020. However, since the first credit allowance date will not occur until at least 2019, the 2021 tax return covering the 2021 calendar year, which is due on or before March 1, 2022, will be the first return upon which the credit could be claimed.

The bill requires the Department of Economic Opportunity to accept applications for certification as a growth fund and provides that applicants meet certain requirements. DEO is to certify approved applicants as growth funds and to specify their required investment authority and investor contributions.

The bill sets forth the conditions under which DEO may deny or revoke a credit, and under what conditions a credit may lapse. It also provides that DEO may award a credit arising from such events to other taxpayers. The bill further provides that the credit cannot be sold, transferred, or allocated to another entity other than to an affiliate (the transfer takes place prior to the issuance of the tax credit certificates by DEO, so the certificates should be in the name of the insurer that will be claiming the credit). A growth fund may apply to DEO to exit the program after seven years, after which time, allocated credits can no longer be revoked or modified.

DEO is to provide the Department of Revenue (DOR) a list of insurers with each insurer's credit amount. A copy of the tax credit certificate must be submitted with each return on which the credit is claimed.

Section 2. (p. 16): Provides an effective date of October 1, 2018.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES?
☒ YES ☐ NO

If yes, explain:	This will require new credit lines on the DR-908. It will also require DOR to create a credit process against retaliatory tax, which currently does not exist. The form changes will need to be adopted by rule.
Rule(s) impacted (provide references to F.A.C., etc.):	Rule 12B-8.003, F.A.C., will need to be amended to adopt the changes to Form DR-908, and instructions, Form DR-908N.

3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A**4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS?** ☐ YES ☒ NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? ☐ YES ☒ NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS**6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.**7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?**

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: <i>(only expenditure impacts on the Department are identified)</i>	☒ YES ☐ NO ☐ YES, BUT INSIGNIFICANT ☐ UNABLE TO DETERMINE See Additional Comments section below if it is determined there is a significant operational impact to the Department.
Does the legislation contain an appropriation to the Department?	☐ YES ☒ NO

8. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? The Department of Revenue does not conduct this analysis.**9. DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.**TECHNOLOGY IMPACT**

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. STATUTE(S) AFFECTED: Section 288.062, F.S.

11. HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION? ☐ YES ☒ NO

If no, go to #12. If yes:

A. Identify bill number or source.

B. Were issues/problems identified? ☐ YES ☐ NO

a. If yes, have they been resolved? ☐ YES ☐ NO If no, briefly explain.

C. Are new issues/problems created? ☐ YES ☐ NO If yes, briefly identify.

12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT? ☒ YES ☐ NO

If yes, describe administrative problems, technical errors, or other difficulties:

1. The bill requires DEO to notify DOR of the name of each insurance company that is "allocated" tax credits, and the amount of the tax credits allocated. It does not require DEO to notify DOR when credits are subsequently revoked or lapse.
2. While DEO is required to provide the name of the entity certified to claim the credit, and the amount of the credit certified, DOR will also need the federal identification number (FEIN) and the closing date in order to process the credit correctly and ensure the proper entity receives the credit.
3. The sponsor may want to ensure the claiming of this credit against the insurance premium tax does not create an increase in the amount of retaliatory tax due.
4. State premium tax liability is defined on lines 169 and 170 as any insurance premium tax liability or any retaliatory tax liability. It is unclear if a taxpayer must choose between the two, whether the tax credit certificates would distinguish which tax they were available for, or whether a taxpayer can break the credit up and annually split its credit amount between both taxes. It may be easier for the taxpayer to make an election when applying for the credit, so DEO can indicate on the certificate the tax to which the certificate is applicable.

13. OTHER: None

**2019
DEPARTMENT OF REVENUE
FISCAL IMPACT ANALYSIS**

Bill number SB 298
Short title Rural Businesses
Bill sponsor Senator Montford

Date of Analysis: January 28, 2019
Agency Contact: Debbie Longman

Telephone: (850) 617-8324

Estimate amounts required to administer the bill's provisions by appropriation categories (Salaries & Benefits, OPS, Expenses, Operating Capital Outlay, etc.)

I. FISCAL IMPACT ON STATE AGENCY:	(FY 18-19) \$ / FTE	(FY 19-20) \$ / FTE	(FY 20-21) \$ / FTE	(FY 21-22) \$ / FTE
A. REVENUES: All revenue estimates will be provided by the Revenue Estimating Conference.				
B. EXPENDITURES:				
1. Recurring	\$0	\$0	\$0	\$0
FTE				
Salaries				
OPS				
Expense				
HR Contract				
Contracted Services				
2. Non-Recurring	\$0	\$0	\$0	\$82,618
OPS				
Expense				
OCO				
Contracted Services				\$82,618
C. TOTAL:	\$0	\$0	\$0	\$82,618
GR				
TF				

II. EXPLANATION OF COST ANALYSIS (Include methodology and assumptions):

The proposed bill creates a new nonrefundable credit against the state insurance premium tax liability and/or retaliatory tax liability, equal to the amount of the investor contribution made by each taxpayer to growth funds certified by the Department of Economic Opportunity. The Department of Economic Opportunity is authorized to issue a total of \$15 million in credits in any one year. Provides for an effective date of October 1, 2019.

Business Technology Office – System for Unified Tax (SUNTAX): FY 21/22 \$16,368 (Non-Recurring); FY 21/22 \$66,250 (Non-Recurring) Baca, Stein, White & Associates (BSWA) Contractor

The proposed bill would require approximately 176 contractor hours at \$93 per hour and 824 in-house hours to provide the necessary modifications to Revenue's Unified Tax System (SUNTAX). Additional cost for Revenue's e-Services vendor to perform necessary updates are estimated at \$66,250. These hours would be utilized as follows:

176 Contractor Hours

- **Information Services – SUNTAX team** – Gather requirements and design; perform technical testing
 - Modification to IPT File Format
 - IPT Website (Modifications to IPT load program, Math Audit code, and credit tracking tables)
 - Test IPT files from BSWA and DPS systems

824 In-house Hours – Gather requirements and design; update functional specifications; perform functional testing

- **Account Management (16 Hours)**
 - DR-908 form revisions
- **Payment and Fund Distribution (60 Hours)**
 - Update the Credit Tracking System
 - Credit Tracking System configuration changes
- **Revenue Processing (332 Hours)**
 - Business Analyst Hours- SOW, Test Plan/Scripts, and assist with User Acceptance Testing
 - Update DR-908 RIS Template, RIS Export, OCREVAL, Data validation, and SAP Upload
- **Electronic Data Interchange (EDI) / Extensible Markup Language (XML) Team (166 Hours)**
 - IPT XML; XML Guide; XML Schema; XML XPath
 - IPT BSWA XML Changes
- **Receivables Management and Return Reconciliation (88 Hours)**
 - Update DR-908 Return (new credit line for Schedule III, Resurrect Sch XV, line 9 front page redirects from Schedule XIV to XV, update file layout, update logic to read/update Credit Tracking table)
- **Data Support Services (32 Hours)**
 - Updates to Reports showing IPT Data in BI and ECC Due to New Line Items in Tax Return
 - Updates to BW Extractor of IPT Data
- **Information Services – .NET team (120 Hours)** – Gather requirements and design; perform technical testing
 - Update DR-908, DR-908 Schedules III, XIV, & XV RIS Template
 - Update IMS ImgProc program
 - Update IMS Oracle File Packages
 - Update SAP-Upload
- **Information Services – SUNTAX team (10 Hours)**
 - DR-908: Form Revision

Revenue's e-Services Applications

Revenue's e-Services vendor, Baca, Stein, White and Associates, Inc. (BSWA) will modify the Insurance Premium Tax (IPT) File and Pay website and the IPT XML application. The required edits and coding changes to the web applications and databases are classified as "significant-system cost" changes and will cost an estimated \$66,250 (\$43,750 web applications and \$22,500 XML).

Distribution

Revenue Accounting will assist with posting of approved credits, monitoring the status of progress toward calendar year limitations, and related correspondence. A position is already dedicated to performing these tasks for similar credit processing.

Tax Information Publication (TIP) and Forms:

A Tax Information Publication (TIP) will be posted the Department's website using existing resources.

The Insurance Premium Taxes and Fees Return (DR-908), schedule III, will be updated with a new line for the credit. A new credit schedule for credits against the retaliatory tax will be created.

III. Is an appropriation for the Department of Revenue provided in the bill? ☐ YES ☒ NO
If yes, provide amount(s) and fiscal year(s) for the appropriation.

IV. COMMENTS:

Current version of the bill allows the credit beginning in the calendar year following the second anniversary date. Since credits could first be given out in 2019, the first anniversary date would be in 2020 and the 2nd anniversary date would be 2021, which means the credit could first be claimed in 2022 against the 2021 tax liability. Therefore, costs associated with programming updates would be incurred in the 2021/2022 fiscal year.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4-4-19

Meeting Date

298

Bill Number (if applicable)

Topic Rural Businesses

Amendment Barcode (if applicable)

Name Brewster Bevis

Job Title Senior Vice President

Address 516 N. Adams St

Phone 224-7173

Street

TLH

FL

32301

Email bbevis@aif.com

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Associated Industries of Florida

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

4-4-19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

298

Bill Number (if applicable)

Topic RURAL BUSINESSES

Amendment Barcode (if applicable)

Name TONY COUPS

Job Title PRINCIPAL

Address 204 S. MONROE

Street

Phone 804-495-6412

TALLAHASSEE, FL

City

State

Zip

Email tcoups@adventures.com

Speaking: ☐ For ☐ Against ☒ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing RURAL JOBS COALITION

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

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S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19

Meeting Date

298

Bill Number (if applicable)

Topic ~~Florida~~ Rural Businesses

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St
Street

Phone 521-1200

Tallahassee
City

State

Zip

Email cjohnson@flchamber.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FL Chamber of Commerce

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 / 4 / 2019

Meeting Date

Topic _____

Bill Number 298
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: SJR 326

INTRODUCER: Senator Brandes

SUBJECT: Homestead Property Tax Assessments/Increased Portability Period

DATE: April 3, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Yeatman	CA	Favorable
2.	Babin	Diez-Arguelles	FT	Favorable
3.			AP	

I. Summary:

SJR 326 proposes an amendment to the Florida Constitution to extend from 2 to 3 years the “portability” period during which a person may transfer up to \$500,000 of accumulated Save Our Homes benefit from a prior homestead property to a new homestead property.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2020.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2021.

If the joint resolution is approved by the electors, the Revenue Estimating Conference has determined that local property taxes will be reduced by \$2.1 million beginning in Fiscal Year 2021-2022, with a recurring reduction of \$6.5 million.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the “just value”² of property

¹ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing

within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property's "taxable value."³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes⁴ and limits the Legislature's authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida's aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Save Our Homes Assessment Limitation and Portability

In 1992, Florida voters approved the Save Our Homes amendment to the Florida Constitution.¹¹ The Save Our Homes amendment limits the amount that the assessed value of a homestead property may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index.¹² The accumulated difference between the assessed value and the just value is the Save Our Homes benefit. The assessed value may increase even if the value of the home decreases; however, the assessed value of a homestead property will never be more than the just value.

In 2008, Florida voters further amended the Florida Constitution to provide for the portability of the accrued benefit under the Save Our Homes assessment limitation.¹³ The portability amendment allows homestead property owners who relocate to a new homestead to transfer, or "port," up to \$500,000 of the accrued Save Our Homes benefit to the new homestead. To transfer the Save Our Homes benefit, the homestead owner must establish a new homestead within 2

buyer would pay a willing seller for the property in an arm's-length transaction. See *Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

³ See s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ See FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ FLA. CONST. art. VII, s. 4(d). The Florida Legislature implemented the Saves Our Homes amendment in s. 193.155, F.S.

¹² FLA. CONST. art. VII, s. 4(d).

¹³ FLA. CONST. art VII, s. (4)(d)(8). The Florida Legislature implemented the Saves Our Homes amendment in s. 193.155(8), F.S.

years of January 1 of the year he or she abandoned the old homestead (not 2 years after the sale).¹⁴

III. Effect of Proposed Changes:

The joint resolution proposes an amendment to the Florida Constitution to extend from 2 to 3 years the “portability” period during which a person has the ability to transfer up to \$500,000 of accumulated Save our Homes benefit from a prior homestead property to a new homestead property.

If adopted by the Legislature, the proposed amendment will be submitted to Florida’s electors for approval or rejection at the next general election in November 2020.

If approved by at least 60 percent of the electors, the proposed amendment will take effect on January 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandates provisions in Article VII, section 18 of the State Constitution, do not apply to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article XI, Section 1 of the Florida Constitution authorizes the Legislature to propose amendments to the Florida Constitution by joint resolution approved by a three-fifths vote of the membership of each house. Article XI, Section 5(a) of the Florida Constitution requires the amendment be placed before the electorate at the next general election¹⁵ held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose. Section 101.161(1), F.S., requires

¹⁴ See Department of Revenue, Save Our Homes Assessment Limitation and Portability Transfer Brochure *available at* <http://floridarevenue.com/property/Documents/pt112.pdf> (last visited Mar. 24, 2019).

¹⁵ Section 97.012(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

constitutional amendments submitted to the electors to be printed in clear and unambiguous language on the ballot. In determining whether a ballot title and summary are in compliance with the accuracy requirement, Florida courts utilize a two-prong test, asking “first, whether the ballot title and summary ‘fairly inform the voter of the chief purpose of the amendment,’ and second, ‘whether the language of the title and summary, as written, misleads the public.’”¹⁶

Article XI, Section 5(d) of the Florida Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county where a newspaper is published. The amendment or revision must be published once in the 10th week and again in the 6th week immediately preceding the week the election is held.

Article XI, Section 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date as may be specified in the amendment.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

If the joint resolution is not approved by the electors, the fiscal impact is zero. If the joint resolution is approved, the Revenue Estimating Conference has determined that the joint resolution will reduce local property taxes by \$2.1 million, beginning in Fiscal Year 2021–2022, with a recurring reduction of \$6.5 million. The fiscal impact includes a \$0.8 million reduction in school taxes, beginning in Fiscal Year 2021–2022, with a \$2.4 million recurring school tax reduction.

B. Private Sector Impact:

If the proposed amendment is approved by a 60 percent vote of the electors, homeowners will have an additional year to transfer their existing homestead Save Our Homes benefit to a new homestead property.

C. Government Sector Impact:

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with either booklets or posters displaying the full text of proposed amendments. According to the Division, the cost to advertise constitutional amendments for the 2018 primary and general election cycle was \$92.93 per word.

¹⁶ *Roberts v. Doyle*, 43 So. 3d 654, 659 (Fla. 2010), citing *Florida Dep’t of State v. Slough*, 992 So. 2d 142, 147 (Fla. 2008).

If the proposed amendment is approved by a 60 percent vote of the electors, the Department of Revenue would need to amend Forms DR-490PORT, DR-501, and DR-501RVSH; and Rules 12D-8.0065(2)(a) and 12D-16.002, F.A.C. However, the department will implement those changes with existing fiscal resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This joint resolution substantially amends Article VII, section 4 of the Florida Constitution and creates a new section in Article XII of the Florida Constitution.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

By Senator Brandes

24-00633-19

2019326__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution to increase the period of time during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead and to provide an effective date.

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

That the following amendment to Section 4 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 4. Taxation; assessments.—By general law regulations shall be prescribed which shall secure a just valuation of all property for ad valorem taxation, provided:

(a) Agricultural land, land producing high water recharge to Florida's aquifers, or land used exclusively for noncommercial recreational purposes may be classified by general law and assessed solely on the basis of character or use.

(b) As provided by general law and subject to conditions, limitations, and reasonable definitions specified therein, land used for conservation purposes shall be classified by general

Page 1 of 8

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24-00633-19

2019326__

law and assessed solely on the basis of character or use.

(c) Pursuant to general law tangible personal property held for sale as stock in trade and livestock may be valued for taxation at a specified percentage of its value, may be classified for tax purposes, or may be exempted from taxation.

(d) All persons entitled to a homestead exemption under Section 6 of this Article shall have their homestead assessed at just value as of January 1 of the year following the effective date of this amendment. This assessment shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on January 1st of each year; but those changes in assessments shall not exceed the lower of the following:

a. Three percent (3%) of the assessment for the prior year.

b. The percent change in the Consumer Price Index for all urban consumers, U.S. City Average, all items 1967=100, or successor reports for the preceding calendar year as initially reported by the United States Department of Labor, Bureau of Labor Statistics.

(2) No assessment shall exceed just value.

(3) After any change of ownership, as provided by general law, homestead property shall be assessed at just value as of January 1 of the following year, unless the provisions of paragraph (8) apply. Thereafter, the homestead shall be assessed as provided in this subsection.

(4) New homestead property shall be assessed at just value as of January 1st of the year following the establishment of the homestead, unless the provisions of paragraph (8) apply. That assessment shall only change as provided in this subsection.

Page 2 of 8

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24-00633-19

2019326__

(5) Changes, additions, reductions, or improvements to homestead property shall be assessed as provided for by general law; provided, however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(6) In the event of a termination of homestead status, the property shall be assessed as provided by general law.

(7) The provisions of this amendment are severable. If any of the provisions of this amendment shall be held unconstitutional by any court of competent jurisdiction, the decision of such court shall not affect or impair any remaining provisions of this amendment.

(8)a. A person who establishes a new homestead as of January 1, ~~2009, or January 1 of any subsequent year~~ and who has received a homestead exemption pursuant to Section 6 of this Article as of January 1 of any either of the three two years immediately preceding the establishment of the new homestead is entitled to have the new homestead assessed at less than just value. ~~If this revision is approved in January of 2008, a person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only if that person received a homestead exemption on January 1, 2007.~~ The assessed value of the newly established homestead shall be determined as follows:

1. If the just value of the new homestead is greater than or equal to the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of

24-00633-19

2019326__

\$500,000 or the difference between the just value and the assessed value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this subsection.

2. If the just value of the new homestead is less than the just value of the prior homestead as of January 1 of the year in which the prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the prior homestead and multiplied by the assessed value of the prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this sub-subparagraph is greater than \$500,000, the assessed value of the new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000. Thereafter, the homestead shall be assessed as provided in this subsection.

b. By general law and subject to conditions specified therein, the legislature shall provide for application of this paragraph to property owned by more than one person.

(e) The legislature may, by general law, for assessment purposes and subject to the provisions of this subsection, allow counties and municipalities to authorize by ordinance that historic property may be assessed solely on the basis of character or use. Such character or use assessment shall apply only to the jurisdiction adopting the ordinance. The requirements for eligible properties must be specified by general law.

(f) A county may, in the manner prescribed by general law,

24-00633-19

2019326__

provide for a reduction in the assessed value of homestead property to the extent of any increase in the assessed value of that property which results from the construction or reconstruction of the property for the purpose of providing living quarters for one or more natural or adoptive grandparents or parents of the owner of the property or of the owner's spouse if at least one of the grandparents or parents for whom the living quarters are provided is 62 years of age or older. Such a reduction may not exceed the lesser of the following:

(1) The increase in assessed value resulting from construction or reconstruction of the property.

(2) Twenty percent of the total assessed value of the property as improved.

(g) For all levies other than school district levies, assessments of residential real property, as defined by general law, which contains nine units or fewer and which is not subject to the assessment limitations set forth in subsections (a) through (d) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) After a change of ownership or control, as defined by general law, including any change of ownership of a legal entity that owns the property, such property shall be assessed at just value as of the next assessment date. Thereafter, such property shall be assessed as provided in this subsection.

(4) Changes, additions, reductions, or improvements to such

24-00633-19

2019326__

property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

(h) For all levies other than school district levies, assessments of real property that is not subject to the assessment limitations set forth in subsections (a) through (d) and (g) shall change only as provided in this subsection.

(1) Assessments subject to this subsection shall be changed annually on the date of assessment provided by law; but those changes in assessments shall not exceed ten percent (10%) of the assessment for the prior year.

(2) No assessment shall exceed just value.

(3) The legislature must provide that such property shall be assessed at just value as of the next assessment date after a qualifying improvement, as defined by general law, is made to such property. Thereafter, such property shall be assessed as provided in this subsection.

(4) The legislature may provide that such property shall be assessed at just value as of the next assessment date after a change of ownership or control, as defined by general law, including any change of ownership of the legal entity that owns the property. Thereafter, such property shall be assessed as provided in this subsection.

(5) Changes, additions, reductions, or improvements to such property shall be assessed as provided for by general law; however, after the adjustment for any change, addition, reduction, or improvement, the property shall be assessed as provided in this subsection.

24-00633-19

2019326__

175 (i) The legislature, by general law and subject to
 176 conditions specified therein, may prohibit the consideration of
 177 the following in the determination of the assessed value of real
 178 property:

179 (1) Any change or improvement to real property used for
 180 residential purposes made to improve the property's resistance
 181 to wind damage.

182 (2) The installation of a solar or renewable energy source
 183 device.

184 (j) (1) The assessment of the following working waterfront
 185 properties shall be based upon the current use of the property:
 186 a. Land used predominantly for commercial fishing purposes.
 187 b. Land that is accessible to the public and used for
 188 vessel launches into waters that are navigable.

189 c. Marinas and drystacks that are open to the public.

190 d. Water-dependent marine manufacturing facilities,
 191 commercial fishing facilities, and marine vessel construction
 192 and repair facilities and their support activities.

193 (2) The assessment benefit provided by this subsection is
 194 subject to conditions and limitations and reasonable definitions
 195 as specified by the legislature by general law.

196 ARTICLE XII

197 SCHEDULE

198 Transfer of the accrued benefit from specified limitations
 199 on homestead property tax assessments; increased portability
 200 period.—This section and the amendment to Section 4 of Article
 201 VII, which extends to three years the time period during which
 202 the accrued benefit from specified limitations on homestead
 203 property tax assessments may be transferred from a prior

Page 7 of 8

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24-00633-19

2019326__

204 homestead to a new homestead, shall take effect January 1, 2021.

205 BE IT FURTHER RESOLVED that the following statement be
 206 placed on the ballot:

207 CONSTITUTIONAL AMENDMENT

208 ARTICLE VII, SECTION 4

209 ARTICLE XII

210 LIMITATIONS ON HOMESTEAD PROPERTY TAX ASSESSMENTS;
 211 INCREASED PORTABILITY PERIOD TO TRANSFER ACCRUED BENEFIT.—
 212 Proposing an amendment to the State Constitution, effective
 213 January 1, 2021, to increase, from 2 years to 3 years, the
 214 period of time during which accrued Save-Our-Homes benefits may
 215 be transferred from a prior homestead to a new homestead.

Page 8 of 8

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COMMITTEE: Finance and Tax
ITEM: SJR 326
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator George Gainer
Committee on Finance and Tax

Subject: Committee Agenda Request

Date: March 13, 2019

I respectfully request that **Senate Joint Resolution #326**, relating to **Homestead Property Tax Assessments/Increased Portability Period**, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
next committee
- ☐ agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 / 4 / 2019

Meeting Date

Topic _____

Bill Number 326
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19
Meeting Date

SJR 326
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Loren Levy

Job Title General Counsel, Property Appraisers' Assn of Fla

Address 1828 Diggins Rd

Phone 850-219-0220

Street

Tallahassee

FL

32308

Email paaf@comcast.net

City

State

Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Property Appraisers' Assn of Fla

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

0.4.19

Meeting Date

326

Bill Number (if applicable)

Topic Homestead Portability

Amendment Barcode (if applicable)

Name Albert Balido

Job Title _____

Address 200 W Park Ave #100

Phone 802 573 440

Street

Tall FL 32301

City

State

Zip

Email _____

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Association of Property Appraisers

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: CS/SB 324

INTRODUCER: Community Affairs Committee and Senator Brandes

SUBJECT: Limitations on Homestead Assessments

DATE: April 3, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Peacock	Yeatman	CA	Fav/CS
2.	Babin	Diez-Arguelles	FT	Favorable
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Technical Changes

I. Summary:

CS/SB 324 is the implementing bill for SJR 326 which proposes an amendment to the Florida Constitution to extend from 2 to 3 years the “portability” period during which a person may transfer up to \$500,000 of accumulated Save our Homes benefit from an existing or prior homestead property to a new homestead property.

The bill first applies to the 2021 tax roll.

The bill takes effect on the effective date of SJR 326 (2019) or a similar joint resolution.

If SJR 326 (2019) is approved by the electors, the Revenue Estimating Conference has determined that local property taxes will be reduced by \$2.1 million beginning in Fiscal Year 2021-2022, with a recurring reduction of \$6.5 million.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida’s aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Save Our Homes Assessment Limitation and Portability

In 1992, Florida voters approved the Save Our Homes amendment to the Florida Constitution.¹¹ The Save Our Homes amendment limits the amount that the assessed value of a homestead property may increase annually to the lesser of 3 percent or the percentage increase in the Consumer Price Index.¹² The accumulated difference between the assessed value and the just value is the Save Our Homes benefit. The assessed value may increase even if the value of the home decreases; however, the assessed value of a homestead property will never be more than the just value.

In 2008, Florida voters further amended the Florida Constitution to provide for the portability of the accrued benefit under the Save Our Homes assessment limitation.¹³ This amendment allows

¹ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

³ *See* s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ FLA. CONST. art. VII, s. 4(d). The Florida Legislature implemented the Saves Our Homes amendment in s. 193.155, F.S.

¹² FLA. CONST. art. VII, s. 4(d).

¹³ FLA. CONST. art VII, s. (4)(d)(8). The Florida Legislature implemented the Portability amendment in s. 193.155(8), F.S.

homestead property owners who relocate to a new homestead to transfer, or “port,” up to \$500,000 of the accrued Save Our Homes benefit to the new homestead. To transfer the Save Our Homes benefit, the homestead owner must establish a new homestead within 2 years of January 1 of the year he or she abandoned the old homestead (not 2 years after the sale).¹⁴

III. Effect of Proposed Changes:

Section 1 amends s. 193.155, F.S., to extend from 2 to 3 years the “portability” period during which a person has the ability to transfer up to \$500,000 of accumulated Save Our Homes benefit from a prior homestead property to a new homestead property.

Section 2 provides that the act applies beginning with the 2021 tax roll.

Section 3 provides that the act shall take effect on the effective date of the amendment to the Florida Constitution proposed by SJR 326 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the Florida Constitution is approved at the general election¹⁵ held in November 2020.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

¹⁴ See Department of Revenue, Save Our Homes Assessment Limitation and Portability Transfer Brochure *available at* <http://floridarevenue.com/property/Documents/pt112.pdf> (last visited Mar. 24, 2019)

¹⁵ Section 97.012(16), F.S., defines “general election” as an election held on the first Tuesday after the first Monday in November in the even-numbered years, for the purpose of filling national, state, county, and district offices and for voting on constitutional amendments not otherwise provided for by law.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

If the related joint resolution (SJR 326 (2019)) is not approved by the electors, the impact is zero. However, if approved, the Revenue Estimating Conference has determined that the bill will reduce local property taxes by \$2.1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$6.5 million. The fiscal impact includes a \$0.8 million reduction in school taxes, beginning in Fiscal Year 2021–2022, with a \$2.4 million recurring school tax reduction.

B. Private Sector Impact:

If the proposed amendment is approved by a 60 percent vote of the electors,¹⁶ homeowners will have an additional year to transfer their existing homestead Save Our Homes benefit to a new homestead property.

C. Government Sector Impact:

If the proposed amendment is approved by a 60 percent vote of the electors, local governments may receive less ad valorem tax revenue.

If the proposed amendment is approved by a 60 percent vote of the electors, the Department of Revenue would need to amend Forms DR-490PORT, DR-501, and DR-501RVSH; and Rules 12D-8.0065(2)(a) and 12D-16.002, F.A.C. However, the department will implement those changes with existing fiscal resources.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 193.155 of the Florida Statutes.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on March 12, 2019:

The committee substitute made technical amendment to reference SJR 326.

¹⁶ Article XI, Section 5(e) of the Florida Constitution requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective after the next general election or at an earlier special election specifically authorized by law for that purpose.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By the Committee on Community Affairs; and Senator Brandes

578-02971-19

2019324c1

A bill to be entitled

An act relating to limitations on homestead assessments; amending s. 193.155, F.S.; revising the timeframe during which the accrued benefit from specified limitations on homestead property tax assessments may be transferred from a prior homestead to a new homestead; deleting obsolete provisions; revising the timeframe during which an owner of homestead property significantly damaged or destroyed by a named tropical storm or hurricane must establish a new homestead to make a certain election; providing applicability; providing a contingent effective date.

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

Section 1. Subsection (8) of section 193.155, Florida Statutes, is amended to read:

193.155 Homestead assessments.—Homestead property shall be assessed at just value as of January 1, 1994. Property receiving the homestead exemption after January 1, 1994, shall be assessed at just value as of January 1 of the year in which the property receives the exemption unless the provisions of subsection (8) apply.

(8) Property assessed under this section shall be assessed at less than just value when the person who establishes a new homestead has received a homestead exemption as of January 1 of any either of the 3 2 immediately preceding years. ~~A person who establishes a new homestead as of January 1, 2008, is entitled to have the new homestead assessed at less than just value only~~

Page 1 of 11

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~~if that person received a homestead exemption on January 1, 2007, and only if this subsection applies retroactive to January 1, 2008.~~ For purposes of this subsection, a husband and wife who owned and both permanently resided on a previous homestead shall each be considered to have received the homestead exemption even though only the husband or the wife applied for the homestead exemption on the previous homestead. The assessed value of the newly established homestead shall be determined as provided in this subsection.

(a) If the just value of the new homestead as of January 1 is greater than or equal to the just value of the immediate prior homestead as of January 1 of the year in which the immediate prior homestead was abandoned, the assessed value of the new homestead shall be the just value of the new homestead minus an amount equal to the lesser of \$500,000 or the difference between the just value and the assessed value of the immediate prior homestead as of January 1 of the year in which the prior homestead was abandoned. Thereafter, the homestead shall be assessed as provided in this section.

(b) If the just value of the new homestead as of January 1 is less than the just value of the immediate prior homestead as of January 1 of the year in which the immediate prior homestead was abandoned, the assessed value of the new homestead shall be equal to the just value of the new homestead divided by the just value of the immediate prior homestead and multiplied by the assessed value of the immediate prior homestead. However, if the difference between the just value of the new homestead and the assessed value of the new homestead calculated pursuant to this paragraph is greater than \$500,000, the assessed value of the

Page 2 of 11

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new homestead shall be increased so that the difference between the just value and the assessed value equals \$500,000. Thereafter, the homestead shall be assessed as provided in this section.

(c) If two or more persons who have each received a homestead exemption as of January 1 of any ~~either~~ of the 3 ~~2~~ immediately preceding years and who would otherwise be eligible to have a new homestead property assessed under this subsection establish a single new homestead, the reduction from just value is limited to the higher of the difference between the just value and the assessed value of either of the prior eligible homesteads as of January 1 of the year in which either of the eligible prior homesteads was abandoned, but may not exceed \$500,000.

(d) If two or more persons abandon jointly owned and jointly titled property that received a homestead exemption as of January 1 of any ~~either~~ of the 3 ~~2~~ immediately preceding years, and one or more such persons who were entitled to and received a homestead exemption on the abandoned property establish a new homestead that would otherwise be eligible for assessment under this subsection, each such person establishing a new homestead is entitled to a reduction from just value for the new homestead equal to the just value of the prior homestead minus the assessed value of the prior homestead divided by the number of owners of the prior homestead who received a homestead exemption, unless the title of the property contains specific ownership shares, in which case the share of reduction from just value shall be proportionate to the ownership share. In the case of a husband and wife abandoning jointly titled property, the

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husband and wife may designate the ownership share to be attributed to each spouse by following the procedure in paragraph (f). To qualify to make such a designation, the husband and wife must be married on the date that the jointly owned property is abandoned. In calculating the assessment reduction to be transferred from a prior homestead that has an assessment reduction for living quarters of parents or grandparents pursuant to s. 193.703, the value calculated pursuant to s. 193.703(6) must first be added back to the assessed value of the prior homestead. The total reduction from just value for all new homesteads established under this paragraph may not exceed \$500,000. There shall be no reduction from just value of any new homestead unless the prior homestead is reassessed at just value or is reassessed under this subsection as of January 1 after the abandonment occurs.

(e) If one or more persons who previously owned a single homestead and each received the homestead exemption qualify for a new homestead where all persons who qualify for homestead exemption in the new homestead also qualified for homestead exemption in the previous homestead without an additional person qualifying for homestead exemption in the new homestead, the reduction in just value shall be calculated pursuant to paragraph (a) or paragraph (b), without application of paragraph (c) or paragraph (d).

(f) A husband and wife abandoning jointly titled property who wish to designate the ownership share to be attributed to each person for purposes of paragraph (d) must file a form provided by the department with the property appraiser in the county where such property is located. The form must include a

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sworn statement by each person designating the ownership share to be attributed to each person for purposes of paragraph (d) and must be filed prior to either person filing the form required under paragraph (h) to have a parcel of property assessed under this subsection. Such a designation, once filed with the property appraiser, is irrevocable.

(g) For purposes of receiving an assessment reduction pursuant to this subsection, a person entitled to assessment under this section may abandon his or her homestead even though it remains his or her primary residence by notifying the property appraiser of the county where the homestead is located. This notification must be in writing and delivered at the same time as or before timely filing a new application for homestead exemption on the property.

(h) In order to have his or her homestead property assessed under this subsection, a person must file a form provided by the department as an attachment to the application for homestead exemption, including a copy of the form required to be filed under paragraph (f), if applicable. The form, which must include a sworn statement attesting to the applicant's entitlement to assessment under this subsection, shall be considered sufficient documentation for applying for assessment under this subsection. The department shall require by rule that the required form be submitted with the application for homestead exemption under the timeframes and processes set forth in chapter 196 to the extent practicable.

(i) 1. If the previous homestead was located in a different county than the new homestead, the property appraiser in the county where the new homestead is located must transmit a copy

578-02971-19

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of the completed form together with a completed application for homestead exemption to the property appraiser in the county where the previous homestead was located. If the previous homesteads of applicants for transfer were in more than one county, each applicant from a different county must submit a separate form.

2. The property appraiser in the county where the previous homestead was located must return information to the property appraiser in the county where the new homestead is located by April 1 or within 2 weeks after receipt of the completed application from that property appraiser, whichever is later. As part of the information returned, the property appraiser in the county where the previous homestead was located must provide sufficient information concerning the previous homestead to allow the property appraiser in the county where the new homestead is located to calculate the amount of the assessment limitation difference which may be transferred and must certify whether the previous homestead was abandoned and has been or will be reassessed at just value or reassessed according to the provisions of this subsection as of the January 1 following its abandonment.

3. Based on the information provided on the form from the property appraiser in the county where the previous homestead was located, the property appraiser in the county where the new homestead is located shall calculate the amount of the assessment limitation difference which may be transferred and apply the difference to the January 1 assessment of the new homestead.

4. All property appraisers having information-sharing

578-02971-19

2019324c1

175 agreements with the department are authorized to share
 176 confidential tax information with each other pursuant to s.
 177 195.084, including social security numbers and linked
 178 information on the forms provided pursuant to this section.

179 5. The transfer of any limitation is not final until any
 180 values on the assessment roll on which the transfer is based are
 181 final. If such values are final after tax notice bills have been
 182 sent, the property appraiser shall make appropriate corrections
 183 and a corrected tax notice bill shall be sent. Any values that
 184 are under administrative or judicial review shall be noticed to
 185 the tribunal or court for accelerated hearing and resolution so
 186 that the intent of this subsection may be carried out.

187 6. If the property appraiser in the county where the
 188 previous homestead was located has not provided information
 189 sufficient to identify the previous homestead and the assessment
 190 limitation difference is transferable, the taxpayer may file an
 191 action in circuit court in that county seeking to establish that
 192 the property appraiser must provide such information.

193 7. If the information from the property appraiser in the
 194 county where the previous homestead was located is provided
 195 after the procedures in this section are exercised, the property
 196 appraiser in the county where the new homestead is located shall
 197 make appropriate corrections and a corrected tax notice and tax
 198 bill shall be sent.

199 8. This subsection does not authorize the consideration or
 200 adjustment of the just, assessed, or taxable value of the
 201 previous homestead property.

202 9. The property appraiser in the county where the new
 203 homestead is located shall promptly notify a taxpayer if the

578-02971-19

2019324c1

204 information received, or available, is insufficient to identify
 205 the previous homestead and the amount of the assessment
 206 limitation difference which is transferable. Such notification
 207 shall be sent on or before July 1 as specified in s. 196.151.

208 10. The taxpayer may correspond with the property appraiser
 209 in the county where the previous homestead was located to
 210 further seek to identify the homestead and the amount of the
 211 assessment limitation difference which is transferable.

212 11. If the property appraiser in the county where the
 213 previous homestead was located supplies sufficient information
 214 to the property appraiser in the county where the new homestead
 215 is located, such information shall be considered timely if
 216 provided in time for inclusion on the notice of proposed
 217 property taxes sent pursuant to ss. 194.011 and 200.065(1).

218 12. If the property appraiser has not received information
 219 sufficient to identify the previous homestead and the amount of
 220 the assessment limitation difference which is transferable
 221 before mailing the notice of proposed property taxes, the
 222 taxpayer may file a petition with the value adjustment board in
 223 the county where the new homestead is located.

224 (j) Any person who is qualified to have his or her property
 225 assessed under this subsection and who fails to file an
 226 application by March 1 may file an application for assessment
 227 under this subsection and may, pursuant to s. 194.011(3), file a
 228 petition with the value adjustment board requesting that an
 229 assessment under this subsection be granted. Such petition may
 230 be filed at any time during the taxable year on or before the
 231 25th day following the mailing of the notice by the property
 232 appraiser as provided in s. 194.011(1). Notwithstanding s.

578-02971-19

2019324c1

194.013, such person must pay a nonrefundable fee of \$15 upon filing the petition. Upon reviewing the petition, if the person is qualified to receive the assessment under this subsection and demonstrates particular extenuating circumstances judged by the property appraiser or the value adjustment board to warrant granting the assessment, the property appraiser or the value adjustment board may grant an assessment under this subsection. ~~For the 2008 assessments, all petitioners for assessment under this subsection shall be considered to have demonstrated particular extenuating circumstances.~~

(k) Any person who is qualified to have his or her property assessed under this subsection and who fails to timely file an application for his or her new homestead in the first year following eligibility may file in a subsequent year. The assessment reduction shall be applied to assessed value in the year the transfer is first approved, and refunds of tax may not be made for previous years.

(l) The property appraisers of the state shall, as soon as practicable after March 1 of each year and on or before July 1 of that year, carefully consider all applications for assessment under this subsection which have been filed in their respective offices on or before March 1 of that year. If, upon investigation, the property appraiser finds that the applicant is entitled to assessment under this subsection, the property appraiser shall make such entries upon the tax rolls of the county as are necessary to allow the assessment. If, after due consideration, the property appraiser finds that the applicant is not entitled to the assessment under this subsection, the property appraiser shall immediately prepare a notice of such

578-02971-19

2019324c1

disapproval, giving his or her reasons therefor, and a copy of the notice must be served upon the applicant by the property appraiser by personal delivery or by registered mail to the post office address given by the applicant. The applicant may appeal the decision of the property appraiser refusing to allow the assessment under this subsection to the value adjustment board, and the board shall review the application and evidence presented to the property appraiser upon which the applicant based the claim and hear the applicant in person or by agent on behalf of his or her right to such assessment. Such appeal shall be heard by an attorney special magistrate if the value adjustment board uses special magistrates. The value adjustment board shall reverse the decision of the property appraiser in the cause and grant assessment under this subsection to the applicant if, in its judgment, the applicant is entitled to the assessment or shall affirm the decision of the property appraiser. The action of the board is final in the cause unless the applicant, within 60 days following the date of refusal of the application by the board, files in the circuit court of the county in which the homestead is located a proceeding against the property appraiser for a declaratory judgment as is provided under chapter 86 or other appropriate proceeding. The failure of the taxpayer to appear before the property appraiser or value adjustment board or to file any paper other than the application as provided in this subsection does not constitute a bar to or defense in the proceedings.

(m) For purposes of receiving an assessment reduction pursuant to this subsection, an owner of a homestead property that was significantly damaged or destroyed as a result of a

578-02971-19

2019324c1

named tropical storm or hurricane may elect, in the calendar year following the named tropical storm or hurricane, to have the significantly damaged or destroyed homestead deemed to have been abandoned as of the date of the named tropical storm or hurricane even though the owner received a homestead exemption on the property as of January 1 of the year immediately following the named tropical storm or hurricane. The election provided for in this paragraph is available only if the owner establishes a new homestead as of January 1 of the third ~~second~~ year immediately following the storm or hurricane. This paragraph shall apply to homestead property damaged or destroyed on or after January 1, 2017.

Section 2. This act applies beginning with the 2021 tax roll.

Section 3. This act shall take effect on the effective date of the amendment to the State Constitution proposed by SJR 326 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State Constitution is approved at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose.

COMMITTEE: Finance and Tax
ITEM: CS/SB 324
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator George Gainer
Committee on Finance and Tax

Subject: Committee Agenda Request

Date: March 13, 2019

I respectfully request that **Senate Bill #324**, relating to **Limitations on Homestead Assessments**, be placed on the:

- ☒ committee agenda at your earliest possible convenience.
- ☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", with a long horizontal line extending to the right.

Senator Jeff Brandes
Florida Senate, District 24

5

THE FLORIDA SENATE
APPEARANCE RECORD

4.4.19

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

324

Bill Number (if applicable)

Topic Homestead Portability

Amendment Barcode (if applicable)

Name Albert Balido

Job Title _____

Address 201 W Park Ave #100

Street

Phone 888 281 3446

Tall. FL 32301

City

State

Zip

Email Albert@auditedfla.com

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing Florida Association of Property Appraisers

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: CS/SB 576

INTRODUCER: Finance and Tax Committee and Senators Perry and Flores

SUBJECT: Back-to-school Sales Tax Holiday

DATE: April 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Colton	Diez-Arguelles	FT	Fav/CS
2.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 576 establishes a 10-day sales tax holiday beginning Friday, August 2, 2019, and ending Saturday, August 11, 2019. During the holiday, certain purchases of clothing, school supplies, and personal computers are exempt from the state sales tax and county discretionary sales surtaxes.

The bill allows a business to not participate in the holiday if less than 5% of the business's gross sales of tangible personal property in the prior calendar year consist of items that would be exempt.

The Revenue Estimating Conference has determined the bill will reduce General Revenue Fund receipts by \$60.5 million and local government revenue by \$15.5 million in Fiscal Year 2019-2020.

The bill appropriates \$237,000 in nonrecurring funds from the General Revenue Fund to the Department of Revenue in Fiscal Year 2018-2019 to administer the sales tax holiday.

The bill takes effect upon becoming a law.

II. Present Situation:

Florida levies a six percent sales and use tax on the sale or rental of most tangible personal property, admissions,¹ transient rentals,² rental of commercial real estate,³ and a limited number of services. Chapter 212, F.S., contains provisions authorizing the levy and collection of Florida's sales and use tax, as well as the exemptions and credits applicable to certain items or uses under specified circumstances. There are currently more than 270 exemptions, exclusions, deductions, and credits from the sales and use tax.⁴ Sales tax is added to the price of the taxable good or service and collected from the purchaser at the time of sale.⁵

In addition to the state tax, s. 212.055, F.S., authorizes counties to impose local discretionary sales surtaxes. A surtax applies to "all transactions occurring in the county which transactions are subject to the state tax imposed on sales, use, services, rental, admissions, and other transactions by [ch. 212, F.S.], and communications services as defined in ch. 202, F.S."⁶ The discretionary sales surtax is based on the tax rate imposed by the county where the taxable goods or services are sold, or are delivered into. Discretionary sales surtax rates currently levied vary by county in a range from 0.5 percent to 2.5.⁷

The "Florida Residents' Tax Relief Act of 1998" established Florida's first tax holiday, during which clothing purchases of \$50 or less were exempt from tax.⁸ In 1999, backpacks were added to the tax holiday;⁹ school supplies were added in 2001.¹⁰ In 2013, the Legislature expanded the exemption to include personal computers and related accessories selling for \$750 or less, purchased for noncommercial home or personal use.¹¹ Since its inception, the duration of similar "back-to-school" sales tax holidays varied from 3 to 10 days. The type and value of exempt items have also varied.

III. Effect of Proposed Changes:

The bill provides for a 10-day sales tax holiday, which begins Friday, August 2, 2019, and ends Saturday, August 11, 2019. During the holiday, the following items that cost \$100 or less are exempt from the state sales tax and county discretionary sales surtaxes:

- Clothing, defined as an "article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs; and all footwear, excluding skis, swim fins, roller blades, and skates."

¹ Section 212.04, F.S.

² Section 212.03, F.S.

³ Section 212.031, F.S.

⁴ See Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook*, 163-168 (2019), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2019.pdf> (last visited Mar. 31, 2019).

⁵ Sections 212.06(3) and 212.07(2), F.S.

⁶ Section 212.054, F.S.

⁷ See Office of Economic and Demographic Research, *Florida Tax Handbook*, 2019 Local Discretionary Sales Surtax Rates in Florida's Counties, 225-226 (2019), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2019.pdf> (last visited Mar. 31, 2019).

⁸ Chapter 98-341, Laws of Fla.

⁹ Chapter 99-229, Laws of Fla.

¹⁰ Chapter 2001-148, Laws of Fla.

¹¹ Chapter 2013-42, s. 42, Laws of Fla.

- Wallets, or bags including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases and other garment bags.

The bill also exempts certain “school supplies” that cost \$15 or less per item.

Personal computers and related accessories that have a sales price of \$1,000 or less purchased for noncommercial home or personal use are also exempt. This exemption includes electronic book readers, tablets, laptops, monitors, input devices, and non-recreational software. Cell phones, furniture, and devices or software intended primarily for recreational use are not exempt.

The exemptions contained in the bill do not apply to the following sales:

- Sales within a theme park or entertainment complex, as defined in s. 509.013(9), F.S.
- Sales within a public lodging establishment, as defined in s. 509.013(4), F.S.
- Sales within an airport, as defined in s. 330.27(2), F.S.

The bill allows a business to not participate in the holiday if less than 5% of the business’s gross sales of tangible personal property in the prior calendar year consist of items that would be exempt.

The bill appropriates \$225,000 in nonrecurring funds from the General Revenue Fund to the Department of Revenue in Fiscal Year 2019-2020 to administer the sales tax holiday.

The bill takes effect upon becoming law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18 of the Florida Constitution governs laws that require counties and municipalities to spend funds or that limit their ability to raise revenue or receive state tax revenues.

Subsection (b) of article VII, section 18 of the Florida Constitution provides that, except upon approval by each house of the Legislature by two-thirds vote of its membership, the Legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenue in the aggregate, as such authority existed on February 1, 1989. However, these requirements do not apply to laws that have an insignificant fiscal impact, which for Fiscal Year 2019-2020, is \$2.1 million or less.^{12,13,14}

¹² FLA. CONST. art. VII, s. 18(d).

¹³ An insignificant fiscal impact is the amount not greater than the average statewide population for the applicable fiscal year times \$0.10. See Florida Senate Committee on Community Affairs, *Interim Report 2012-115: Insignificant Impact*, (September 2011), available at <http://www.flsenate.gov/PublishedContent/Session/2012/InterimReports/2012-115ca.pdf> (last visited Mar. 31, 2019).

¹⁴ Based on the Demographic Estimating Conference’s population adopted on Feb. 6, 2019. The conference packet is available at <http://edr.state.fl.us/Content/conferences/population/ConferenceResults.pdf> (last visited Mar. 31, 2019).

The Revenue Estimating Conference has determined the bill will reduce the local option revenue by \$7.7 million in Fiscal Year 2019-2020. Therefore, this bill has a significant impact on local governments and the mandate provision may apply.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined the bill will reduce the General Revenue Fund receipts by \$60.5 million and local government revenue by \$15.5 million in Fiscal Year 2019-2020.

B. Private Sector Impact:

The sales tax holiday may promote retail sales at businesses selling items exempted under this bill.

C. Government Sector Impact:

The bill provides the Department of Revenue a nonrecurring General Revenue appropriation of \$237,000 in Fiscal Year 2019-2020 to administer this act. The Department estimates the cost of notifying approximately 601,500 businesses of the sales tax holiday by printing and mailing a Tax Information Publication will be \$237,000.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill creates an undesignated section of law.

IX. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Finance and Tax on April 5, 2019:

The CS:

- Allows a business to not participate in the holiday if less than 5 percent of the business's gross sales of tangible personal property in the prior calendar year consist of items that would be exempt.
- Increases the appropriation amount from \$225,000 to \$237,000 and appropriates the funds in Fiscal Year 2018-2019 instead of Fiscal Year 2019-2020.

Amendments:

None.



312328

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
	.	
	.	
	.	

The Committee on Finance and Tax (Perry) recommended the following:

Senate Amendment (with title amendment)

Delete lines 63 - 69
and insert:

(3) The tax exemptions provided in this section may apply at the option of a dealer if less than 5 percent of the dealer's gross sales of tangible personal property in the prior calendar year consist of items that would be exempt under this section. If a qualifying dealer chooses not to participate in the tax holiday, by August 1, 2019, the dealer must notify the



312328

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.

(4) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to implement this section.

(5) For the 2018-2019 fiscal year, the sum of \$237,000 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Revenue for the purpose of implementing this section. Funds remaining unexpended or unencumbered from this appropriation as of June 30, 2019, shall revert and be reappropriated for the same purpose in the 2019-2020 fiscal year.

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete line 8

and insert:

not apply; authorizing certain dealers to opt out of participating in the tax holiday, subject to certain requirements; authorizing the Department of Revenue to

By Senator Perry

8-01247-19

2019576__

A bill to be entitled

An act relating to a back-to-school sales tax holiday; providing exemptions from the sales and use tax on the retail sale of certain clothing, school supplies, personal computers, and personal computer-related accessories during a specified timeframe; defining terms; specifying locations where the exemptions do not apply; authorizing the Department of Revenue to adopt emergency rules; providing an appropriation; providing an effective date.

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

Section 1. Clothing, school supplies, 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 12:01 a.m. on August 2, 2019, through 11:59 p.m. on August 11, 2019, 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.

8-01247-19

2019576__

(b) School supplies having a sales price of \$15 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, protractors, compasses, and calculators.

(c) Personal computers and related accessories that have a sales price of \$1,000 or less per item and that are purchased for noncommercial home or personal use. As used in this paragraph, the term:

1. "Personal computer" means an electronic device that accepts information in digital or a similar form and manipulates such information for a result based on a sequence of instructions. The term includes an electronic book reader and a laptop, desktop, handheld, tablet, or tower computer, but does not include a cellular telephone, video game console, digital media receiver, or device that is not primarily designed to process data.

2. "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 other peripherals that are designed or intended primarily for recreational use.

(2) The tax exemptions provided in this section do not apply to sales within a theme park or entertainment complex as

8-01247-19

2019576__

59 defined in s. 509.013(9), Florida Statutes, within a public
60 lodging establishment as defined in s. 509.013(4), Florida
61 Statutes, or within an airport as defined in s. 330.27(2),
62 Florida Statutes.

63 (3) The Department of Revenue may, and all conditions are
64 deemed met to, adopt emergency rules pursuant to s. 120.54(4),
65 Florida Statutes, to implement this section.

66 Section 2. For the 2019-2020 fiscal year, the sum of
67 \$225,000 in nonrecurring funds is appropriated from the General
68 Revenue Fund to the Department of Revenue for the purpose of
69 implementing this section.

70 Section 3. This act shall take effect upon becoming a law.

COMMITTEE: Finance and Tax
ITEM: SB 576
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator George Gainer, Chair
Committee on Finance and Tax

Subject: Committee Agenda Request

Date: February 8, 2019

I respectfully request that **Senate Bill #576**, relating to Back-to-school Sales Tax Holiday, be placed on the:

- ☐ committee agenda at your earliest possible convenience.
- ☒ next committee agenda.

A handwritten signature in black ink that reads "W. Keith Perry". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Senator Keith Perry
Florida Senate, District 8

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19

Meeting Date

576

Bill Number (if applicable)

Topic Back to School

Amendment Barcode (if applicable)

Name FRENCH BROWN

Job Title Lobbyist

Address 215 S. Monroe St
Street

Phone 352-455-0102

City

State

Zip

Email

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing FLORIDA RETAIL Federation

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/2019

Meeting Date

Topic _____

Bill Number 576
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: CS/SB 856

INTRODUCER: Finance and Tax Committee and Senator Gruters

SUBJECT: Homestead Exemptions

DATE: April 4, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Ryon</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	Fav/CS
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 856 allows a person or family unit to retain a homestead exemption under certain circumstances.

Current law provides that a property owner who is receiving or claiming an ad valorem tax exemption in another state that is conditioned upon permanent residency in that state may not receive the ad valorem homestead exemption in Florida, regardless of whether the property owner applied for the exemption in the other state or was granted the exemption without applying for it.

The bill allows a person or family unit that has a homestead exemption in Florida and an ad valorem, residency-based exemption or credit in another state to retain the Florida homestead exemption if the person or family unit demonstrates to the satisfaction of the property appraiser that the person or family unit did not apply for the exemption or credit in the other state and that the person or family unit has relinquished the exemption or credit in the other state.

The bill authorizes the Department of Revenue to require on its forms related to homestead exemption information about an applicant's receipt of residency-based tax exemptions or credits in another state.

The changes made by the bill apply to tax years beginning on or after January 1, 2020.

The bill takes effect July 1, 2019.

The Revenue Estimating Conference has not determined the fiscal impact of the bill; however, similar legislation (CS/HB 1151 (2019)) is estimated to reduce local property taxes by \$11.9 million beginning in Fiscal Year 2020-2021.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or “property tax” is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of January 1 of each year.¹ The property appraiser annually determines the assessed or “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation and payment is due by March 31.

The Florida Constitution prohibits the state from levying ad valorem taxes⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the Florida Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida’s aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

¹ Both real property and tangible personal property are subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4 (Fla. 1973).

³ *See* s. 192.001(2) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

Statewide Homestead Exemption

Every person having legal and equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹¹ An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000.¹² This exemption does not apply to ad valorem taxes levied by school districts.

Section 196.031(5), F.S., provides that a person who is receiving or claiming an ad valorem tax exemption or a tax credit in another state where permanent residency is required as a basis for the granting of that exemption or tax credit is not entitled to a homestead exemption in Florida.

Improperly Granted Homestead Exemptions

Florida provides several property tax exemptions for homestead property.¹³ Since Florida's homestead exemption requires that the property owner use the homestead property as a permanent residence, a property owner can only have one homestead exemption.

If a property appraiser determines that for any year or years within the prior 10 years a property owner was granted a homestead exemption, but was not entitled to it, the property appraiser must send the owner a notice of intent to file a tax lien on any property owned by the owner in that county.¹⁴ The property owner has 30 days to pay the taxes owed, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum. If not paid within 30 days of notice, the property appraiser must file a tax lien.¹⁵ The tax lien remains on the property until it is paid or until it expires after 20 years.¹⁶ The lien process applies whether or not the taxpayer applied for the residency-based exemption in the other state.

If a homestead exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the person improperly receiving the exemption shall not be assessed penalty and interest.¹⁷

III. Effect of Proposed Changes:

Section 1 amends s. 196.031, F.S., to specify that a person or family unit that receives or claims an ad valorem tax exemption or tax credit in another state where permanent residency is required as a basis for granting that exemption or credit is disqualified from the homestead tax exemption in Florida, unless the person or family unit demonstrates to the satisfaction of the property appraiser that the person or family unit did not apply for the exemption or credit in the other state and that the person or family unit has relinquished such exemption or credit.

¹¹ FLA. CONST. art VII, s. 6(a).

¹² *Id.*

¹³ *See, e.g.*, ss. 196.031, 196.071, 196.075, 196.081, and 196.091, F.S.

¹⁴ *See* ss. 196.011(9)(a), 196.075, and 196.161(1)(b), F.S.

¹⁵ *Id.*

¹⁶ Section 95.091(1)(b), F.S.

¹⁷ Section 196.161(1)(b), F.S.

Section 2 amends s. 196.121, F.S., to authorize the Department of Revenue to include on its forms for homestead exemptions the requirement that the homestead exemption applicant provide information about tax exemptions or tax credits in another state where permanent residency is required as a basis for the tax exemption or tax credit.

Section 3 provides that the changes made by the bill apply to tax years beginning on or after January 1, 2020.

Section 4 provide an effective date of July 1, 2019.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not determined the fiscal impact of the bill; however, similar legislation (CS/HB 1151 (2019)) is estimated to reduce local property taxes by \$11.9 million beginning in Fiscal Year 2020-2021.

B. Private Sector Impact:

A property owner that has been found to have a Florida homestead exemption and a similar exemption or credit in another state may continue to qualify for the homestead exemption in Florida if he or she did not apply for the tax exemption or tax credit in another state and relinquishes the exemption or credit in the other state.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 196.031 and 196.121.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Finance and Tax on April 5, 2019:

The CS:

- Restructures the bill to put the burden on the taxpayer to show that the person or family unit did not apply for the exemption or credit in the other state.
- Requires the person or family unit to relinquish the tax exemption or tax credit in the other state.
- Authorizes the Department of Revenue's forms to require information about certain tax exemptions or credits received in other states.

B. Amendments:

None.



841894

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
04/04/2019	.	
	.	
	.	
	.	

The Committee on Finance and Tax (Gruters) recommended the following:

Senate Amendment (with title amendment)

Delete everything after the enacting clause
and insert:

Section 1. Subsection (5) of section 196.031, Florida
Statutes, is amended to read:

196.031 Exemption of homesteads.—

(5)(a) A person or family unit who is receiving or claiming
the benefit of an ad valorem tax exemption or a tax credit in
another state where permanent residency is required as a basis



841894

for the granting of that ad valorem tax exemption or tax credit is not entitled to the homestead exemption provided by this section, unless the person or family unit receiving the tax exemption or tax credit in another state demonstrates to the satisfaction of the property appraiser that the person or family unit did not apply for the exemption or credit and that the person or family unit has relinquished the exemption or credit in the other state.

(b) This subsection does not apply to a person who has the legal or equitable title to real estate in Florida and maintains thereon the permanent residence of another legally or naturally dependent upon the owner.

Section 2. Subsection (2) of section 196.121, Florida Statutes, is amended to read:

196.121 Homestead exemptions; forms.—

(2) The forms shall require the taxpayer to furnish certain information to the property appraiser for the purpose of determining that the taxpayer is a permanent resident as defined in s. 196.012(16). Such information may include, but need not be limited to, the factors enumerated in s. 196.015 and any ad valorem tax exemption or tax credit in another state where permanent residency is required as a basis for the granting of the ad valorem tax exemption or tax credit described in s. 196.031(5).

Section 3. The amendments to ss. 196.031 and 196.121, Florida Statutes, made by this act apply to tax years beginning on or after January 1, 2020.

Section 4. This act shall take effect July 1, 2019.



841894

===== T I T L E A M E N D M E N T =====

And the title is amended as follows:

Delete everything before the enacting clause
and insert:

A bill to be entitled

An act relating to homestead exemptions; amending s.
196.031, F.S.; providing that a person or family unit
receiving or claiming the benefit of certain ad
valorem tax exemptions or tax credits in another state
is entitled to the homestead exemption in this state
if the person or family unit demonstrates certain
conditions to the property appraiser; amending s.
196.121, F.S.; providing that homestead exemption
forms prescribed by the Department of Revenue may
include taxpayer information relating to such ad
valorem tax exemptions or tax credits in another
state; providing applicability; providing an effective
date.

By Senator Gruters

23-01127-19

2019856__

A bill to be entitled

An act relating to homestead exemptions; amending s. 196.031, F.S.; specifying that a person must knowingly and intentionally receive or claim a certain ad valorem tax exemption or credit in another state to be disqualified from a certain homestead exemption; amending s. 196.161, F.S.; providing that certain property is not subject to the assessment of exempted taxes, penalties, and interest under certain circumstances; providing that, under such circumstances, a lien may not be filed or must be canceled by the property appraiser; providing an effective date.

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

Section 1. Subsection (5) of section 196.031, Florida Statutes, is amended to read:

196.031 Exemption of homesteads.—

(5) A person who is knowingly and intentionally receiving or claiming the benefit of an ad valorem tax exemption or a tax credit in another state where permanent residency is required as a basis for the granting of that ad valorem tax exemption or tax credit is not entitled to the homestead exemption provided by this section. This subsection does not apply to a person who has the legal or equitable title to real estate in Florida and maintains thereon the permanent residence of another legally or naturally dependent upon the owner.

Section 2. Paragraph (b) of subsection (1) of section

Page 1 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

23-01127-19

2019856__

196.161, Florida Statutes, is amended to read:

196.161 Homestead exemptions; lien imposed on property of person claiming exemption although not a permanent resident.—

(1)

(b) In addition, upon determination by the property appraiser that for any year or years within the prior 10 years a person who was not entitled to a homestead exemption was granted a homestead exemption from ad valorem taxes, it shall be the duty of the property appraiser making such determination to serve upon the owner a notice of intent to record in the public records of the county a notice of tax lien against any property owned by that person in the county, and such property shall be identified in the notice of tax lien. Such property which is situated in this state shall be subject to the taxes exempted thereby, plus a penalty of 50 percent of the unpaid taxes for each year and 15 percent interest per annum, unless the circuit court having jurisdiction over the ancillary administration in this state determines that the person was a permanent resident of this state during the year or years when an exemption was allowed. If the circuit court makes such a determination, a lien may not be filed; or, if filed, the lien must be canceled of record by the property appraiser of the county where the real estate is located. ~~However,~~ If a homestead exemption is improperly granted as a result of a clerical mistake or an omission by the property appraiser, the person improperly receiving the exemption shall not be assessed penalty and interest. Before any ~~such~~ lien under this paragraph may be filed, the owner so notified must be given 30 days to pay the taxes, penalties, and interest.

Page 2 of 3

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

23-01127-19

2019856__

59

Section 3. This act shall take effect July 1, 2019.

COMMITTEE: Finance and Tax
ITEM: SB 856
FINAL ACTION: Favorable with Committee Substitute
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

FINAL VOTE			4/04/2019 Amendment 841894 ¹					
Yea	Nay		Gruters		Yea	Nay	Yea	Nay
X		Baxley						
X		Bracy						
	X	Bradley						
X		Pizzo						
X		Powell						
X		Stargel						
X		Gruters, VICE CHAIR						
X		Gainer, CHAIR						
7	1		RCS	-				
Yea	Nay	TOTALS	Yea	Nay	Yea	Nay	Yea	Nay

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Commerce and Tourism, *Chair*
Finance and Tax, *Vice Chair*
Appropriations Subcommittee on Criminal
and Civil Justice
Banking and Insurance

JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

SENATOR JOE GRUTERS

23rd District

March 26, 2019

The Honorable George Gainer, Chair
Finance and Tax Committee
302 Senate Office Building
404 South Monroe Street
Tallahassee, FL 32399-1100

Dear Chair Gainer:

I am writing to request that Senate Bill 856, Homestead Exemption be placed on the agenda of the next Finance and Tax meeting.

Should you have any questions regarding this bill, please do not hesitate to reach out to me. Thank you for your time and consideration.

Warm regards,

A handwritten signature in black ink that reads "Joe Gruters". The signature is written in a cursive, flowing style.

Joe Gruters

cc: Jose Diez-Arguelles, Staff Director
Lynn Wells, Committee Administrative Assistant

REPLY TO:

- ☐ 381 Interstate Boulevard, Sarasota, Florida 34240 (941) 378-6309
- ☐ 324 Senate Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5023

Senate's Website: www.flsenate.gov

BILL GALVANO
President of the Senate

DAVID SIMMONS
President Pro Tempore

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19

Meeting Date

856

Bill Number (if applicable)

841894

Amendment Barcode (if applicable)

Topic _____

Name Loren Levy

Job Title General Counsel, Property Appraisers' Ass'n of Fla (PAAF)

Address 1828 Riggins Rd Phone 850-219-0220

Tallahassee FL 32308 Email paaf@comcast.net
City State Zip

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing PAAF
of Amendment

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 1 4 12019

Meeting Date

Topic _____

Bill Number 856

Name BRIAN PITTS

(if applicable)

Amendment Barcode _____

(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Street

Phone 727-897-9291

SAINT PETERSBURG

City

FLORIDA

State

33705

Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: SJR 886

INTRODUCER: Senators Brandes and Mayfield

SUBJECT: Homestead Tax Exemption/Surviving Spouse of a Veteran

DATE: April 3, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	Favorable
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	Favorable
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

I. Summary:

SJR 886 proposes an amendment to the Florida Constitution to allow the homestead property tax discount granted to veterans aged 65 or older who have permanent, combat-related disabilities to carry over to the veteran's surviving spouse upon the death of the veteran.

The joint resolution would require approval by a three-fifths vote of the membership of each house of the Legislature for passage.

If approved by the electors, the amendment takes effect January 1, 2021.

The Department of State estimates the publication costs for advertising the proposed amendment based on a rate of \$92.93 per word to be approximately \$115,697.85.

If the amendment is approved by the electors, the Revenue Estimating Conference has determined that the joint resolution will reduce local property taxes by \$1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$5.4 million per fiscal year.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31. The State Constitution prohibits the state from levying ad valorem taxes,⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the State Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida’s aquifers, land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Homestead Exemption

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹¹ An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.¹²

Property Tax Exemptions for Veterans and Surviving Spouses

Florida provides several property tax exemptions for disabled veterans and their surviving spouses. These include:

¹ Both real property and tangible personal property can be subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4, 9 (Fla. 1973).

³ *See* s. 192.001(3) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ FLA. CONST. art VII, s. 6(a).

¹² FLA. CONST. art VII, s. 6(a).

- A veteran with a total and permanent service-connected disability is entitled to a complete exemption for property owned and used as a homestead. Upon the veteran's death, the exemption carries over to the veteran's unremarried surviving spouse.¹³
- A veteran with a total service-connected disability that confines him or her to a wheelchair is entitled to a complete exemption for property owned and used as a homestead. Upon the veteran's death, the exemption carries over to the veteran's unremarried surviving spouse.¹⁴
- A veteran disabled to a degree of 10 percent or more by misfortune or during wartime service is entitled to an exemption for any property up to \$5,000. Upon the death of the veteran, the exemption carries over to the veteran's unremarried surviving spouse.¹⁵
- The unremarried surviving spouse of a veteran who died while on active duty is entitled to a complete exemption for property owned and used as a homestead if the veteran was a permanent resident of Florida on the day he or she died.¹⁶

Tax Discount on Homestead Property for a Combat-disabled Veteran

In addition to the property tax exemptions described above, certain combat-disabled veterans are entitled to a discount on their homestead property taxes.¹⁷ The discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.¹⁸ The discount is applied as a reduction to the taxable value of the homestead property.¹⁹

To qualify for the tax discount, the veteran must:

- Be aged 65 or older;
- Be partially or totally disabled;
- Have become disabled through military combat; and
- Have received an honorable discharge.²⁰

Unlike the exemptions described above, the discount for combat-related, disabled veterans does not carry over to a surviving spouse.²¹

III. Effect of Proposed Changes:

SJR 886 proposes an amendment to the Florida Constitution to allow the homestead property tax discount for a veteran aged 65 or older who has a permanent, combat-related disability to carry over to the veteran's surviving spouse upon the veteran's death, provided that the veteran applied for and received the discount.

¹³ Section 196.081(1)-(3), F.S.

¹⁴ Section 196.091(1) and (3), F.S.

¹⁵ Section 196.24, F.S.

¹⁶ Section 196.081(4), F.S.

¹⁷ Section 196.082, F.S.

¹⁸ Section 196.082(2), F.S.

¹⁹ Section 196.082(5), F.S.

²⁰ Section 196.082(1), F.S.

²¹ See s. 196.082, F.S.

To receive the property tax discount, the surviving spouse must permanently reside at, and hold legal or beneficial title to, the homestead property. The surviving spouse is eligible for the discount until he or she:

- Remarries;
- Sells the property; or
- Otherwise disposes of the property.

After selling the property, however, a surviving spouse may transfer the discount to a new, permanent residence as long as he or she remains unmarried. The amount of the discount transferred may not exceed the dollar amount granted on the most recent ad valorem tax roll of the original property.

If approved by the electors, the amendment takes effect January 1, 2021.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The mandate provisions in Article VII, section 18 of the State Constitution, do not apply to joint resolutions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

Article XI, section 1, of the State Constitution, authorizes the Legislature to propose amendments to the State Constitution by joint resolution approved by a three-fifths vote of the membership of each house. The amendment must be placed before the electorate at the next general election held more than 90 days after the proposal has been filed with the Secretary of State or at a special election held for that purpose.

Article XI, section 5(e), of the State Constitution, requires approval by 60 percent of voters for a constitutional amendment to take effect. The amendment, if approved, becomes effective on the first Tuesday after the first Monday in January following the election, or on such other date specified in the amendment. The joint resolution specifies that the amendment takes effect January 1, 2021.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

If the amendment is approved by the electors, the Revenue Estimating Conference has determined that the joint resolution will reduce local property taxes by \$1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$5.4 million per fiscal year.

B. Private Sector Impact:

A qualifying surviving spouse of a veteran who had received the tax discount on homestead property would be eligible for the same discount, thereby financially benefitting from the bill.

C. Government Sector Impact:

Section 5(d), Art. XI, of the State Constitution requires proposed amendments or constitutional revisions to be published in a newspaper of general circulation in each county in which a newspaper is published.

The Division of Elections is required to twice advertise the full text of proposed constitutional amendments in English and Spanish in the newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with English and Spanish booklets or posters displaying the full text of proposed amendments, for each polling room or early voting area in each county, and to translate the amendments into Spanish. The average cost for Spanish translation, booklet printing and distribution, and newspaper advertising of constitutional amendments for the 2018 election cycle was \$92.93 per English word of the originating document.

Accurate cost estimates cannot be determined until the total number and length of amendments to be translated, printed, distributed, and advertised is known. At this time, no amendments have achieved ballot position for the 2020 election by either joint resolution of the Florida Legislature or by the initiative petition process.

However, the Division of Elections within the Department of State estimates the total publication costs for advertising the proposed amendment based on a rate of \$92.93 per word to be approximately \$115,697.85.²²

VI. Technical Deficiencies:

None.

²² E-mail correspondence with Florida Department of State staff (Mar. 6, 2019) (on file with the Senate Committee on Finance and Tax). Total publishing cost is determined as follows: the number of words estimated in the amendment to be published, 1,245 words, multiplied by the cost per word of \$92.93, is \$115,697.85.

VII. Related Issues:

None.

VIII. Statutes Affected:

The joint resolution amends Article VII, section 6, and creates a new section in Article XII, of the State Constitution.

IX. Additional Information:**A. Committee Substitute – Statement of Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

By Senator Brandes

24-01624-19

2019886__

Senate Joint Resolution

A joint resolution proposing an amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution to provide that the homestead property tax discount for certain veterans who had permanent, combat-related disabilities carries over to the benefit of the veteran's surviving spouse under certain circumstances until he or she remarries or sells or otherwise disposes of the property, to provide that the discount for the surviving spouse is transferrable to another homestead under certain circumstances, and to provide an effective date.

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

That the following amendment to Section 6 of Article VII and the creation of a new section in Article XII of the State Constitution are agreed to and shall be submitted to the electors of this state for approval or rejection at the next general election or at an earlier special election specifically authorized by law for that purpose:

ARTICLE VII

FINANCE AND TAXATION

SECTION 6. Homestead exemptions.—

(a) Every person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, or another legally or naturally dependent upon the owner, shall be exempt from taxation thereon, except assessments for

Page 1 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

24-01624-19

2019886__

special benefits, up to the assessed valuation of twenty-five thousand dollars and, for all levies other than school district levies, on the assessed valuation greater than fifty thousand dollars and up to seventy-five thousand dollars, upon establishment of right thereto in the manner prescribed by law. The real estate may be held by legal or equitable title, by the entirety, jointly, in common, as a condominium, or indirectly by stock ownership or membership representing the owner's or member's proprietary interest in a corporation owning a fee or a leasehold initially in excess of ninety-eight years. The exemption shall not apply with respect to any assessment roll until such roll is first determined to be in compliance with the provisions of section 4 by a state agency designated by general law. This exemption is repealed on the effective date of any amendment to this Article which provides for the assessment of homestead property at less than just value.

(b) Not more than one exemption shall be allowed any individual or family unit or with respect to any residential unit. No exemption shall exceed the value of the real estate assessable to the owner or, in case of ownership through stock or membership in a corporation, the value of the proportion which the interest in the corporation bears to the assessed value of the property.

(c) By general law and subject to conditions specified therein, the Legislature may provide to renters, who are permanent residents, ad valorem tax relief on all ad valorem tax levies. Such ad valorem tax relief shall be in the form and amount established by general law.

(d) The legislature may, by general law, allow counties or

Page 2 of 6

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24-01624-19

2019886

municipalities, for the purpose of their respective tax levies and subject to the provisions of general law, to grant either or both of the following additional homestead tax exemptions:

(1) An exemption not exceeding fifty thousand dollars to a person who has the legal or equitable title to real estate and maintains thereon the permanent residence of the owner, who has attained age sixty-five, and whose household income, as defined by general law, does not exceed twenty thousand dollars; or

(2) An exemption equal to the assessed value of the property to a person who has the legal or equitable title to real estate with a just value less than two hundred and fifty thousand dollars, as determined in the first tax year that the owner applies and is eligible for the exemption, and who has maintained thereon the permanent residence of the owner for not less than twenty-five years, who has attained age sixty-five, and whose household income does not exceed the income limitation prescribed in paragraph (1).

The general law must allow counties and municipalities to grant these additional exemptions, within the limits prescribed in this subsection, by ordinance adopted in the manner prescribed by general law, and must provide for the periodic adjustment of the income limitation prescribed in this subsection for changes in the cost of living.

(e) (1) Each veteran who is age 65 or older who is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property the veteran owns and resides in if the disability was combat related and the veteran was honorably discharged upon

24-01624-19

2019886

separation from military service. The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs. To qualify for the discount granted by this subsection, an applicant must submit to the county property appraiser, by March 1, an official letter from the United States Department of Veterans Affairs stating the percentage of the veteran's service-connected disability and such evidence that reasonably identifies the disability as combat related and a copy of the veteran's honorable discharge. If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing of the reasons for the denial, and the veteran may reapply. The Legislature may, by general law, waive the annual application requirement in subsequent years. This subsection is self-executing and does not require implementing legislation.

(2) If a veteran who is receiving the discount described in paragraph (1) predeceases his or her spouse and if, upon the death of the veteran, the surviving spouse holds the legal or beneficial title to the homestead property and permanently resides thereon, the discount carries over to the benefit of the surviving spouse until he or she remarries, sells the property, or otherwise disposes of the property. If the surviving spouse sells the property, a discount not to exceed the dollar amount granted from the most recent ad valorem tax roll may be transferred to the surviving spouse's new homestead property, if used as his or her permanent residence and he or she does not remarry.

(f) By general law and subject to conditions and

24-01624-19

2019886__

limitations specified therein, the Legislature may provide ad valorem tax relief equal to the total amount or a portion of the ad valorem tax otherwise owed on homestead property to:

(1) The surviving spouse of a veteran who died from service-connected causes while on active duty as a member of the United States Armed Forces.

(2) The surviving spouse of a first responder who died in the line of duty.

(3) A first responder who is totally and permanently disabled as a result of an injury or injuries sustained in the line of duty. Causal connection between a disability and service in the line of duty shall not be presumed but must be determined as provided by general law. For purposes of this paragraph, the term "disability" does not include a chronic condition or chronic disease, unless the injury sustained in the line of duty was the sole cause of the chronic condition or chronic disease.

As used in this subsection and as further defined by general law, the term "first responder" means a law enforcement officer, a correctional officer, a firefighter, an emergency medical technician, or a paramedic, and the term "in the line of duty" means arising out of and in the actual performance of duty required by employment as a first responder.

ARTICLE XII

SCHEDULE

Ad valorem tax discount for surviving spouses of certain deceased veterans who had permanent, combat-related disabilities.-This section and the amendment to Section 6 of Article VII, providing for the ad valorem tax discount for

Page 5 of 6

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24-01624-19

2019886__

certain deceased veterans who had permanent, combat-related disabilities to carry over to the benefit of their surviving spouses, shall take effect January 1, 2021.

BE IT FURTHER RESOLVED that the following statement be placed on the ballot:

CONSTITUTIONAL AMENDMENT

ARTICLE VII, SECTION 6

ARTICLE XII

AD VALOREM TAX DISCOUNT FOR SPOUSES OF CERTAIN DECEASED VETERANS WHO HAD PERMANENT, COMBAT-RELATED DISABILITIES.- Provides that the homestead property tax discount for certain veterans who had permanent, combat-related disabilities carries over to the benefit of the veteran's surviving spouse, if certain conditions are met, until he or she remarries or sells or otherwise disposes of the property. If the surviving spouse sells the property, the discount is transferrable to another homestead used as a permanent residence if he or she remains unmarried. This amendment takes effect January 1, 2021.

Page 6 of 6

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

COMMITTEE: Finance and Tax
ITEM: SJR 886
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator George Gainer
Committee on Finance and Tax

Subject: Committee Agenda Request

Date: March 13, 2019

I respectfully request that **Senate Joint Resolution #886**, relating to **Homestead Tax Exemption/Surviving Spouse of a Veteran**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24

Brown, Cindy

From: Matthews, Maria I. <Maria.Matthews@DOS.MyFlorida.com>
Sent: Wednesday, March 6, 2019 12:21 PM
To: Brown, Cindy
Subject: FW: Request

Cindy:

Per your request, this is the boilerplate language we insert in requests for budget analyses regardless of the nature of the amendment – The \$XXXX is based on the English word and wrapping roughly the translation, printing, distribution and newspaper.

The Division of Elections is required to advertise the full text of proposed constitutional amendments in English and Spanish* twice in a newspaper of general circulation in each county before the election in which the amendment shall be submitted to the electors. The Division is also required to provide each Supervisor of Elections with English and Spanish booklets or posters displaying the full text of proposed amendments, for each polling room or early voting area in each county. The Division is also responsible for translating the amendments into Spanish. The average cost for Spanish translation, booklet printing and distribution, and newspaper advertising of constitutional amendments for the 2018 election cycle was \$92.93 per English word of the originating document.

Using 2018 election cycle rates, the cost to advertise this amendment in newspapers and produce booklets in English and in Spanish for the 2020 general election could be \$XXXXXX, at a minimum. Accurate cost estimates cannot be determined until the total number and length of amendments to be translated, printed, distributed, and advertised is known. At this time, no amendments have achieved ballot position for the 2020 election by either joint resolution of the Florida Legislature or by the initiative petition process.

*The requirement to provide these publications in Spanish stems from Section 203 of the federal Voting Rights act.

Respectfully,

Maria Matthews, Esq.
Division of Elections, Director
Florida Department of State
500 S. Bronough Street
Tallahassee, Florida 32399
850.245.6520

Maria.matthews@dos.myflorida.com

This response is provided for reference only and does not constitute legal advice or representation. As applied to a particular set of facts or circumstances, interested parties should refer to the Florida Statutes and applicable case law, and/or consult a private attorney before drawing any legal conclusions or relying upon the information provided.

Please note: Florida has a broad public records law. Written communications to or from state officials regarding state business constitute public records and are available to the public and media upon request unless the information is subject to a specific statutory exemption. Therefore, your e-mail message may be subject to public disclosure.

From: Matthews, Maria I.
Sent: Wednesday, March 6, 2019 11:34 AM
To: Mosca, Alexander N. <Alexander.Mosca@DOS.MyFlorida.com>
Subject: Request

THE FLORIDA SENATE
APPEARANCE RECORD

4/4/14
Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

886
Bill Number (if applicable)

Topic Veterans

Amendment Barcode (if applicable)

Name Bill Helmick

Job Title _____

Address 303 Johns Dr
Street
Tallahassee FL 32301
City State Zip

Phone 650 251 3126

Email _____

Speaking: ☒ For ☐ Against ☐ Information

Waive Speaking: ☐ In Support ☐ Against
(The Chair will read this information into the record.)

Representing VFW / American Legion

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/2019

Meeting Date

886

Bill Number (if applicable)

Topic Homestead Tax Exemption

Amendment Barcode (if applicable)

Name Jessica Hunter

Job Title Deputy Legislative & Cabinet Affairs Director

Address The Capitol, Suite 2105

Phone (850) 487-1533

Street

Tallahassee

City

FL

State

32399

Zip

Email hunterj@fdva.state.fl

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Florida Department of Veterans' Affairs

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4/4/19

Meeting Date

SSR 886

Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name Loren Levy

Job Title General Counsel, Property Appraisers' Ass'n of Fla (PAAF)

Address 1828 Higgins Rd

Street

Phone 850-219-0200

Tallahassee

City

FL

State

32308

Zip

Email paul@comcast.net

Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing PAAF

Appearing at request of Chair: ☐ Yes ☐ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

4 / 4 / 2019

Meeting Date

Topic _____

Bill Number 886
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH
Street

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: ☐ For ☐ Against ☒ Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☐ Yes ☒ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: CS/SB 888

INTRODUCER: Military and Veterans Affairs and Space Committee and Senator Brandes

SUBJECT: Homestead Property Tax Discount

DATE: April 3, 2019

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Brown</u>	<u>Caldwell</u>	<u>MS</u>	Fav/CS
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	Favorable
3.	<u> </u>	<u> </u>	<u>AP</u>	<u> </u>

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 888 is the implementing legislation for SJR 886, which proposes an amendment to the Florida Constitution to allow the homestead property discount granted to veterans aged 65 or older who have permanent, combat-related disabilities to carry over to the veteran's surviving spouse upon the death of the veteran.

The bill takes effect on the effective date of SJR 886 (2019) or a similar joint resolution having substantially the same specific intent and purpose.

If the related joint resolution (SJR 886 (2019)) is approved by the electors, the Revenue Estimating Conference has determined that the bill will reduce local property taxes by \$1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$5.4 million per fiscal year.

II. Present Situation:

General Overview of Property Taxation

The ad valorem tax or "property tax" is an annual tax levied by counties, municipalities, school districts, and some special districts. The tax is based on the taxable value of property as of

January 1 of each year.¹ The property appraiser annually determines the “just value”² of property within the taxing authority and then applies relevant exclusions, assessment limitations, and exemptions to determine the property’s “taxable value.”³ Tax bills are mailed in November of each year based on the previous January 1 valuation, and payment is due by March 31. The State Constitution prohibits the state from levying ad valorem taxes,⁴ and limits the Legislature’s authority to provide for property valuations at less than just value, unless expressly authorized.⁵

The just valuation standard generally requires the property appraiser to consider the highest and best use of property;⁶ however, the State Constitution authorizes certain types of property to be valued based on their current use (classified use assessments), which often result in lower assessments. Properties that receive classified use treatment in Florida include: agricultural land, land producing high water recharge to Florida’s aquifers, and land used exclusively for noncommercial recreational purposes;⁷ land used for conservation purposes;⁸ historic properties when authorized by the county or municipality;⁹ and certain working waterfront property.¹⁰

Homestead Exemption

Every person having legal or equitable title to real estate and who maintains a permanent residence on the real estate (homestead property) is eligible for a \$25,000 tax exemption applicable to all ad valorem tax levies, including levies by school districts.¹¹ An additional \$25,000 exemption applies to homestead property value between \$50,000 and \$75,000. This exemption does not apply to ad valorem taxes levied by school districts.¹²

Property Tax Exemptions for Veterans and Surviving Spouses

Florida provides several property tax exemptions for disabled veterans and their surviving spouses. These include:

¹ Both real property and tangible personal property can be subject to tax. Section 192.001(12), F.S., defines “real property” as land, buildings, fixtures, and all other improvements to land. Section 192.001(11)(d), F.S., defines “tangible personal property” as all goods, chattels, and other articles of value capable of manual possession and whose chief value is intrinsic to the article itself.

² Property must be valued at “just value” for purposes of property taxation, unless the Florida Constitution provides otherwise. FLA. CONST. art VII, s. 4. Just value has been interpreted by the courts to mean the fair market value that a willing buyer would pay a willing seller for the property in an arm’s-length transaction. *See Walter v. Shuler*, 176 So. 2d 81 (Fla. 1965); *Deltona Corp. v. Bailey*, 336 So. 2d 1163 (Fla. 1976); *Southern Bell Tel. & Tel. Co. v. Dade County*, 275 So. 2d 4, 9 (Fla. 1973).

³ *See* s. 192.001(3) and (16), F.S.

⁴ FLA. CONST. art. VII, s. 1(a).

⁵ *See* FLA. CONST. art. VII, s. 4.

⁶ Section 193.011(2), F.S.

⁷ FLA. CONST. art. VII, s. 4(a).

⁸ FLA. CONST. art. VII, s. 4(b).

⁹ FLA. CONST. art. VII, s. 4(e).

¹⁰ FLA. CONST. art. VII, s. 4(j).

¹¹ FLA. CONST. art VII, s. 6(a).

¹² FLA. CONST. art VII, s. 6(a).

- A veteran with a total and permanent service-connected disability is entitled to a complete exemption for property owned and used as a homestead. Upon the veteran's death, the exemption carries over to the veterans' unremarried surviving spouse.¹³
- A veteran with a total service-connected disability that confines him or her to a wheelchair is entitled to a complete exemption for property owned and used as a homestead. Upon the veteran's death, the exemption carries over to the veteran's unremarried surviving spouse.¹⁴
- A veteran disabled to a degree of 10 percent or more by misfortune or during wartime service is entitled to an exemption for any property up to \$5,000. Upon the death of the veteran, the exemption carries over to the veteran's unremarried surviving spouse.¹⁵
- The unremarried surviving spouse of a veteran who died while on active duty is entitled to a complete exemption for property owned and used as a homestead if the veteran was a permanent resident of Florida on the day he or she died.¹⁶

Tax Discount on Homestead Property for a Combat-disabled Veteran

In addition to the property tax exemptions described above, certain combat-disabled veterans are entitled to a discount on their homestead property taxes.¹⁷ The discount is calculated as a percentage equal to the percentage of the veteran's permanent, service-connected disability.¹⁸ The discount is applied as a reduction to the taxable value of the homestead property.¹⁹

To qualify for the tax discount, the veteran must:

- Be aged 65 or older;
- Be partially or totally disabled;
- Have become disabled through military combat; and
- Have received an honorable discharge.²⁰

Unlike the exemptions described above, the discount for combat-related, disabled veterans does not carry over to a surviving spouse.²¹

III. Effect of Proposed Changes:

CS/SB 888 amends s. 196.082, F.S., to allow the homestead discount for a veteran aged 65 or older who has a permanent, combat-related disability to carry over to the veteran's surviving spouse upon the veteran's death, provided that the veteran applied for, and received the discount.

To receive the property tax discount, the surviving spouse must permanently reside at, and hold legal or beneficial title to, the homestead property. The surviving spouse is eligible for the discount until he or she:

¹³ Section 196.081(1)-(3), F.S.

¹⁴ Section 196.091, F.S.

¹⁵ Section 196.24, F.S.

¹⁶ Section 196.081(4), F.S.

¹⁷ Section 196.082, F.S.

¹⁸ Section 196.082(2), F.S.

¹⁹ Section 196.082(5), F.S.

²⁰ Section 196.082(1), F.S.

²¹ See s. 196.082, F.S.

- Remarries;
- Sells the property; or
- Otherwise disposes of the property.

After selling the property, however, a surviving spouse may transfer the discount to a new, permanent residence as long as he or she remains unmarried. The amount of the discount that can be transferred may not exceed the dollar amount granted on the most recent ad valorem tax roll of the original property.

The bill authorizes applicants for the exemption who do not timely file an application (March 1) to petition the value adjustment board requesting the discount be granted.

The bill authorizes the Department of Revenue to promulgate emergency rules.²² Emergency rules adopted would be effective for 6 months, subject to renewal until the department adopts permanent rules. The emergency rulemaking authority expires January 1, 2022.

The bill takes effect on the effective date of the amendment to the State Constitution proposed by SJR 886 (2019), if the electors approve the amendment at the general election held in November 2020 or at an earlier special election specifically authorized by law for that purpose.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill does not appear to require cities and counties to expend funds or limit their authority to raise revenue or receive state-shared revenues as specified by Article VII, Section 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

²² The Department of Revenue stated that if the bill becomes law, and voters approve the constitutional amendment, the department would need to amend two forms. Specifically, the department would need to include in the benefits chart a category for a qualifying surviving spouse of a combat-disabled veteran. If the constitutional amendment provided in linked bill SJR 886 is on the November 2020 ballot and if it passes, the provisions of the bill would take effect January 1, 2021. Therefore, the department requests legislative authority to initiate emergency rulemaking. Department of Revenue, *2019 Agency Legislative Bill Analysis, SB 888* (Feb. 22, 2019) (on file with the Senate Committee on Finance and Tax).

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

If the related joint resolution (SJR 886 (2019)) is approved by the electors, the Revenue Estimating Conference has determined that the bill will reduce local property taxes by \$1 million, beginning in Fiscal Year 2021-2022, with a recurring reduction of \$5.4 million per fiscal year.

B. Private Sector Impact:

A qualifying surviving spouse of a veteran who had received the tax discount on homestead property would be eligible for the same discount, thereby financially benefitting from the bill.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 196.082 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Military and Veterans Affairs and Space on March 13, 2019:

- Provided emergency rulemaking authority to the Department of Revenue.
- Identified by number the Senate Joint Resolution.

B. Amendments:

None.

By the Committee on Military and Veterans Affairs and Space; and
Senator Brandes

583-02984-19

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A bill to be entitled

An act relating to a homestead property tax discount; amending s. 196.082, F.S.; providing that if certain conditions are met, the homestead property tax discount for certain disabled veterans carries over to the benefit of the veteran's surviving spouse until the surviving spouse remarries or sells or otherwise disposes of the homestead property; providing that if the surviving spouse sells the property, the discount may be transferred to his or her new primary residence, subject to certain conditions; authorizing a qualified applicant who fails to file an application by a specified date to apply for the discount and file a petition with the value adjustment board; specifying procedures for applications and petitions; authorizing the Department of Revenue to adopt emergency rules; providing for expiration of that authorization; providing a contingent effective date.

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

Section 1. Section 196.082, Florida Statutes, is amended to read:

196.082 Discounts for disabled veterans; carryover for surviving spouses.—

(1) Each veteran who is age 65 or older and is partially or totally permanently disabled shall receive a discount from the amount of the ad valorem tax otherwise owed on homestead property that the veteran owns and resides in if:

Page 1 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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(a) The disability was combat-related; and

(b) The veteran was honorably discharged upon separation from military service.

(2) The discount shall be in a percentage equal to the percentage of the veteran's permanent, service-connected disability as determined by the United States Department of Veterans Affairs.

(3) To qualify for the discount granted under this section, an applicant must submit to the county property appraiser by March 1:

(a) An official letter from the United States Department of Veterans Affairs which states the percentage of the veteran's service-connected disability and evidence that reasonably identifies the disability as combat-related;

(b) A copy of the veteran's honorable discharge; and

(c) Proof of age as of January 1 of the year to which the discount will apply.

Any applicant who is qualified to receive a discount under this section and who fails to file an application by March 1 may file an application for the discount and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the discount be granted. Such application and petition shall be subject to the same procedures as for exemptions set forth in s. 196.011(8).

(4) If a veteran receiving the discount under this section predeceases his or her spouse and if, upon the death of the veteran, the surviving spouse holds the legal or beneficial title to the homestead and permanently resides thereon as

Page 2 of 5

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

583-02984-19

2019888c1

specified in s. 196.031, the discount that the veteran received under this section carries over to the benefit of the veteran's surviving spouse until such time as he or she remarries, sells the property, or otherwise disposes of the property. If the surviving spouse sells the property, a discount not to exceed the amount granted from the most recent ad valorem tax roll may be transferred to his or her new residence as long as it is used as his or her primary residence and he or she does not remarry. Any applicant who is qualified to receive a discount pursuant to this subsection and who fails to file an application by March 1 may file an application for the discount and may file, pursuant to s. 194.011(3), a petition with the value adjustment board requesting that the discount be granted. Such application and petition are subject to the same procedures as for exemptions set forth in s. 196.011(8).

(5) If the property appraiser denies the request for a discount, the appraiser must notify the applicant in writing, stating the reasons for denial, on or before July 1 of the year for which the application was filed. The applicant may reapply for the discount in a subsequent year using the procedure in this section. All notifications must specify the right to appeal to the value adjustment board and the procedures to follow in obtaining such an appeal under s. 196.193(5).

~~(6)~~(5) The property appraiser shall apply the discount by reducing the taxable value before certifying the tax roll to the tax collector.

(a) The property appraiser shall first ascertain all other applicable exemptions, including exemptions provided pursuant to local option, and deduct all other exemptions from the assessed

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value.

(b) The percentage discount portion of the remaining value which is attributable to service-connected disabilities shall be subtracted to yield the discounted taxable value.

(c) The resulting taxable value shall be included in the certification for use by taxing authorities in setting millage.

(d) The property appraiser shall place the discounted amount on the tax roll when it is extended.

~~(7)~~(6) An applicant for the discount under this section may apply for the discount before receiving the necessary documentation from the United States Department of Veterans Affairs or its predecessor. Upon receipt of the documentation, the discount shall be granted as of the date of the original application, and the excess taxes paid shall be refunded. Any refund of excess taxes paid shall be limited to those paid during the 4-year period of limitation set forth in s. 197.182(1)(e).

Section 2. The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer this act. Notwithstanding any other law, emergency rules adopted pursuant to 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. This section expires January 1, 2022.

Section 3. This act shall take effect on the effective date of the amendment to the State Constitution proposed by SJR 886 or a similar joint resolution having substantially the same specific intent and purpose, if such amendment to the State

583-02984-19

2019888c1

117 Constitution is approved at the general election held in
118 November 2020 or at an earlier special election specifically
119 authorized by law for that purpose.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Finance and Tax
ITEM: CS/SB 888
FINAL ACTION: Favorable
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting



The Florida Senate

Committee Agenda Request

To: Senator George Gainer
Committee on Finance and Tax

Subject: Committee Agenda Request

Date: March 13, 2019

I respectfully request that **Senate Bill #888**, relating to **Homestead Property Tax Discount**, be placed on the:

☒ committee agenda at your earliest possible convenience.

☐ next committee agenda.

A handwritten signature in black ink, appearing to read "Jeff Brandes", is written over a horizontal line.

Senator Jeff Brandes
Florida Senate, District 24



2019 AGENCY LEGISLATIVE BILL ANALYSIS DEPARTMENT OF REVENUE

BILL INFORMATION

BILL NUMBER:	SJR 886
BILL TITLE:	Homestead Tax Exemption/Surviving Spouse of a Veteran
BILL SPONSOR:	Senator Brandes
EFFECTIVE DATE:	January 1, 2021, if approved by voters

COMMITTEES OF REFERENCE

- 1) Military and Veterans Affairs and Space
- 2) Finance and Tax
- 3) Appropriations
- 4)
- 5)

CURRENT COMMITTEE

Military and Veterans Affairs and Space

SIMILAR BILLS

BILL NUMBER:	HJR 717, Similar
SPONSOR:	Representative Killebrew

IDENTICAL BILLS

BILL NUMBER:	N/A
SPONSOR:	

PREVIOUS LEGISLATION

YEAR BILL NUMBER/SPONSOR/LAST ACTION:

2018 SB 1000/Senator Grimsley/Died in Military and Veterans Affairs, Space, and Domestic Security
2016 SB 816/Senator Altman/Died in Appropriations
2016 HB 813/Representative Plakon/ Died in Finance and Tax Committee
2015 HB 527/Representative Magar/Died in Local, Federal and Veterans Affairs Subcommittee

BILL ANALYSIS INFORMATION

DATE OF ANALYSIS:	February 22, 2019
LEAD AGENCY ANALYST:	Debbie Longman (850) 617-8324

POLICY ANALYSIS

1. ANALYSIS OF EACH SECTION THAT AFFECTS THE DEPARTMENT OF REVENUE.

Article VII, Section 6. Homestead Exemptions (pp. 1-5):

PRESENT SITUATION

Article VII, Section 6, currently states that the legislature may allow counties or municipalities to grant either or both of the following extra homestead exemptions:

- An exemption of up to \$50,000 to a person aged 65 or older, with legal or equitable title to real estate which is his or her permanent residence and whose household income is \$20,000 or less.
- An exemption equal to the assessed value of the property of a person aged 65 or older, with a just value of less than \$250,000 as determined in the first tax year the owner applies. The owner must have maintained permanent residence on the property for at least 25 years and household income is \$20,000 or less.

A veteran aged 65 or older who is partially or totally permanently disabled shall receive a discount from ad valorem tax owed on homestead property which the veteran owns and resides in. The disability must be combat related and the veteran must have been honorably discharged from military service. The discount is a percentage equal to the percentage of the veteran's permanent, service-connected disability, which is determined by the United States Department of Veterans Affairs.

EFFECT OF THE BILL

This joint resolution adds language to Article VII, Section 6., to allow the discount from ad valorem tax a deceased veteran received to carry over to the veteran's spouse if the spouse holds the legal or beneficial title to the homestead and permanently resides there. The spouse will benefit from the discount until he or she remarries or sells or otherwise disposes of the property. If the spouse is not remarried and sells the property, a discount that isn't more than the amount granted from the latest tax roll may be transferred to the spouse's new home. The discount will continue to be in force as long as the new home is the spouse's primary residence and the spouse does not remarry.

Article XII, Schedule (pp. 5-6): A statement will be placed on the ballot proposing an amendment to the State Constitution authorizing the surviving spouse of a deceased veteran to carry over certain discounts on property taxes on homestead property until the surviving spouse remarries or disposes of the property. The discount is transferable to another permanent residence if the surviving spouse remains unmarried. At the time of the veteran's death, he or she must have had permanent, combat-related disabilities. The provision takes effect January 1, 2021.

2. DOES THE DEPARTMENT EXPECT TO DEVELOP, ADOPT, MODIFY OR ELIMINATE ANY RULES, REGULATIONS, POLICIES, OR PROCEDURES?

☐ YES ☒ NO

If yes, explain:	
Rule(s) impacted (provide references to F.A.C., etc.):	

3. WHAT IS THE POSITION OF AFFECTED CITIZENS OR STAKEHOLDER GROUPS? N/A**4. DOES THE BILL REQUIRE THE DEPARTMENT TO SUBMIT, MODIFY OR DELETE ANY REPORTS, STUDIES OR PLANS?** ☐ YES ☒ NO

If yes, provide a description:	
Date Due:	
Bill Section Number(s):	

5. ARE THERE ANY GUBERNATORIAL APPOINTMENTS OR CHANGES TO EXISTING BOARDS, TASK FORCES, COUNCILS, COMMISSIONS, ETC. REQUIRED BY THIS BILL? ☐ YES ☒ NO

Board:	
Board Purpose:	
Who Appoints:	
Changes:	
Bill Section Number(s):	

FISCAL ANALYSIS**6. DOES THE BILL HAVE A FISCAL IMPACT TO LOCAL GOVERNMENT?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to local governments.**7. DOES THE BILL HAVE A FISCAL IMPACT TO STATE GOVERNMENT?**

Revenues:	The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact, if any, to state government.
Expenditures: (only expenditure impacts on the Department are identified)	☐ YES ☒ NO ☐ YES, BUT INSIGNIFICANT ☐ UNABLE TO DETERMINE See Additional Comments section below if it is determined there is a significant operational impact to the Department.
Does the legislation contain an appropriation to the Department?	☐ YES ☒ NO

8. DOES THE BILL HAVE A FISCAL IMPACT TO THE PRIVATE SECTOR? The Department of Revenue does not conduct this analysis.**9. DOES THE BILL INCREASE OR DECREASE TAXES, FEES OR FINES?** The Department of Revenue does not conduct this analysis. The Revenue Estimating Conference will determine the revenue impact on state and local government, if any.**TECHNOLOGY IMPACT**

If any, see attached Fiscal Impact Analysis.

FEDERAL IMPACT

If any, see Additional Comments section below.

ADDITIONAL COMMENTS

10. STATUTE(S) AFFECTED: Section 196.082, F.S.

11. HAS BILL LANGUAGE BEEN ANALYZED EARLIER THIS SESSION? ☐ YES ☒ NO

If no, go to #12. If yes:

A. Identify bill number or source.

B. Were issues/problems identified? ☐ YES ☒ NO

a. If yes, have they been resolved? ☐ YES ☐ NO If no, briefly explain.

C. Are new issues/problems created? ☐ YES ☒ NO If yes, briefly identify.

12. DOES THE BILL PRESENT DIFFICULTY IN IMPLEMENTATION, ADMINISTRATION OR ENFORCEMENT? ☐ YES ☒ NO

13. OTHER:

THE FLORIDA SENATE
APPEARANCE RECORD

4/4/2019

Meeting Date

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

888

Bill Number (if applicable)

Topic Homestead Property Tax Discount

Amendment Barcode (if applicable)

Name Jessica Hunter

Job Title Deputy Legislative & Cabinet Affairs Director

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Phone (850) 487-1533

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Tallahassee

FL

32399

City

State

Zip

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Speaking: ☐ For ☐ Against ☐ Information

Waive Speaking: ☒ In Support ☐ Against
(The Chair will read this information into the record.)

Representing The Florida Department of Veterans' Affairs

Appearing at request of Chair: ☐ Yes ☒ No

Lobbyist registered with Legislature: ☒ Yes ☐ No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/14/14)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Committee on Finance and Tax

BILL: SPB 7104

INTRODUCER: For consideration by the Finance and Tax Committee

SUBJECT: Taxation Transparency

DATE: April 3, 2019

REVISED: _____

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. Diez-Arguelles	Diez-Arguelles		Pre-meeting

I. Summary:

SPB 7104 renames select state government levies as taxes or surtaxes and requires local governments to rename select local government levies as taxes under specific circumstances.

For local government levies, the bill requires that any new impositions or rate increases, or proposed impositions or rate increases, of certain levies imposed by local governments be titled as and represented to the public as “taxes”.

The bill expressly provides that it does not affect, amend or alter a county’s or municipality’s home rule authority under the State Constitution or other provisions of law to impose the affected local government levies. Similarly, it provides that a special district’s authority to levy special assessments under other provisions of law is not affected, amended or altered by the bill.

The bill appropriates \$105,280 in nonrecurring General Revenue Funds to the Department of Highway Safety and Motor Vehicles for programming costs and staffing costs to implement the provisions of the bill. The bill also appropriates \$26,355 in nonrecurring General Revenue Funds to the Agency for Health Care Administration to implement the provisions of the bill.

The effective date of the bill is January 1, 2020.

II. Present Situation:

Governments obtain revenues necessary to fund their operations from a variety of sources. The sources of revenue include taxes, various fees and assessments, charges for goods or services, fines and penalties, gifts, grants, intergovernmental transfers, and bond proceeds. The nature of these revenues and the purposes for which such revenue may be used varies.

Governmental sources of revenue share some common attributes. They are all sources of revenue available to governments to be spent for their operations. There are also important legal and practical differences between these revenue sources and the purposes for which the revenues

they produce can be used. For example, some revenue sources are used to pay for governmental goods or services that are either unrelated or only distantly related to the activity, person, or entity being charged. Other revenue sources provide some direct benefit to the person being charged.

State Government Revenues

Approximately 55 percent¹ of state revenues are levies variously titled as taxes, surtaxes, fees, charges, surcharges, assessments, contributions, and similar other descriptions. Among these levies are:

- Cigarette and Other Tobacco Surcharges.
- Business Filing Fees.
- The Rental Car Surcharge.
- Waste Tire and Lead-Acid Battery Fees.
- The Motor Vehicle “Initial Registration Fee.”
- Hospital and Health Care Entity Assessments.
- Select Auto Title & Lien Fees.
- Select Driver License Fees.
- Select Motor Vehicle Registration Surcharges.

Cigarette and Other Tobacco Surcharges

Chapter 210, F.S., governs the assessment of taxes and surcharges on cigarettes and other tobacco products manufactured in, or imported into, Florida, to be sold in Florida.² Currently, a basic pack of cigarettes is subject to an excise tax in Florida at a rate of \$0.339 cents per pack of 20 standard cigarettes; the rate varies proportionately for non-standard cigarettes or packs.³ Additionally, a \$1.00 surcharge per pack of common size cigarettes is imposed, with rates varying proportionately for cigarettes and packs of non-standard size.⁴ For other tobacco products, the excise tax rate is 25 percent of the wholesale price,⁵ with an additional surcharge of 60 percent of the wholesale price.⁶

The revenues from the surcharges on cigarettes and other tobacco products are distributed as follows:

- Eight percent to the General Revenue Fund, to cover the cost of the General Revenue Service Charge.
- 92 percent to the Health Care Trust Fund within the Agency for Health Care Administration.⁷

¹ Derived from information found in Office of Economic and Demographic Research, The Florida Legislature, *Long-Term Revenue Analysis FY 1970-71 Through FY 2027-28, Volume 34*, Appendix B, Based on the Conference Series (Nov. 5, 2018, through Dec. 21, 2018), available at: <http://edr.state.fl.us/Content/conferences/longtermrevenue/2018longtermrevenueanalysis.pdf> (last visited Mar. 29, 2019).

² Section 210.30(1), F.S.

³ Section 210.02(1) and (3), F.S.

⁴ Section 210.011(1) and (3), F.S.

⁵ Section 210.30(1) and (2), F.S.

⁶ Section 210.276(1) and (2), F.S.

⁷ In accordance with s. 408.16(4), F.S., revenues received from the cigarette and other tobacco products surcharges are deposited in the Health Care Trust Fund to be used by the Agency for Health Care Administration in the

In Fiscal Year 2019-2020, the surcharges on cigarettes and other tobacco products are estimated to generate \$816.3 million. The excise taxes on cigarettes and other tobacco products are estimated to generate \$288.2 million in Fiscal Year 2019-2020.⁸

Business Filing Fees

Florida law⁹ requires certain documents to be filed with the Division of Corporations of the Department of State in order for a business to be organized as a corporation, partnership, or other commercial entity. Some of the documents that a business must file include an annual report, its initial filings, such as articles of incorporation or organization and registered agent designation, and filings related to certain business transactions, such as a certificate or articles of merger and amendments of articles of incorporation. There is a great deal of variation in the cost associated with filing these forms depending on the form and the type of business entity filing the form. The following are business filing fees organized by type of business entity:

Corporations for Profit¹⁰ - In order to organize as a corporation for profit, the person wishing to organize must file articles of incorporation at a cost of \$35 and registration of a designated agent (recipient of service of process) at a cost of \$35 for a total of \$70 in startup costs. Each year the corporation must file an annual report by May 1. The annual report fee is \$61.25. In addition to the annual report fee, the corporation must annually remit a supplemental corporate fee in the amount of \$88.75.¹¹ The annual fees total \$150. Most other corporation filings cost \$35.

Limited Liability Companies¹² - In order to organize as a limited liability company (LLC), the person wishing to organize must file articles of organization at a cost of \$100 and registration of a designated agent at a cost of \$25, for a total of \$125 in startup costs. The cost for the annual report is \$50. The total annual fees, including the supplemental corporate fee, are \$138.75. Most other filings cost \$25.

Corporations Not for Profit¹³ - In order to organize as a corporation not for profit, the person wishing to organize must file articles of incorporation at a cost of \$35 and registration of a designated agent at a cost of \$35, for a total of \$70 in startup costs. The cost of the annual report is \$61.25. Corporations not for profit are not subject to the supplemental corporate fee. Most other filings cost \$35.

Limited Partnerships¹⁴ - In order to organize as a limited partnership, the partners wishing to organize must file a certificate of limited partnership at a cost of \$965, and designation of a registered agent at a cost of \$35, for a total startup cost of \$1,000. The annual report fee is

performance of its functions and duties as provided by law, subject to the fiscal and budgetary provision of general law and the General Appropriations Act.

⁸ Office of Economic and Demographic Research, The Florida Legislature, *Tobacco Tax and Surcharge Conference*, (Feb. 21, 2019) available at <http://edr.state.fl.us/content/conferences/tobaccotaxsurcharge/TobaccoTaxSummary.pdf> (last visited Mar. 29, 2019).

⁹ See e.g., ss. 607.0122, 607.193, 605.0213, 609.02, 617.0122, 620.1109, 620.81055, and 679.525, F.S.

¹⁰ Section 607.0122, F.S.

¹¹ Section 607.193(1), F.S.

¹² Section 605.0213, F.S.

¹³ Section 617.0122, F.S.

¹⁴ Section 620.1109, F.S.

\$411.25. The total annual fee, including the supplemental corporate fee, is \$500. Most other filings cost \$52.50.

General Partnerships¹⁵ - In order to organize as a general partnership, the partners wishing to organize must file a partnership registration statement at a cost of \$50. They do not need to register a designated agent. In the event that it is organized as a limited liability partnership, it must file an annual report at a cost of \$25. General partnerships are not subject to the supplemental corporate fee. Most other fees are \$25.

In Fiscal Year 2019-2020, business filing fees are estimated to generate \$383.2 million,¹⁶ all of which is deposited in the General Revenue Fund.

Rental Car Surcharge

A \$2.00 per day rental car surcharge applies to the first 30 days, or portion of a day, a motor vehicle is continuously leased or rented in Florida to one person, even when the vehicle is licensed outside of Florida.¹⁷

A \$1.00 per usage rental car surcharge applies to the use of a motor vehicle by a member of a car-sharing service for a period of less than 24 hours.¹⁸ If the member uses the motor vehicle for 24 hours or more in a single usage, the \$2.00 per day surcharge applies.

The rental car surcharge is imposed on the lease or rental of, or use under a car-sharing service membership of, motor vehicles designed to accommodate less than nine passengers. The surcharge does not apply to the lease or rental of motorcycles, mopeds, trucks, trailers, recreational vehicles, or van conversions.¹⁹ The lease or rental is exempt from the surcharge when the purchaser issues a sales tax exemption certificate to lease or rent the motor vehicle exempt from sales tax.

The revenues from the rental car surcharge are distributed as follows:

- State Transportation Trust Fund (80 percent).
- Florida International Trade and Promotion Trust Fund (15.75 percent).
- Tourism Promotional Trust Fund (4.25 percent).

In Fiscal Year 2019-2020, the rental car surcharge is estimated to generate \$145.6 million.²⁰

¹⁵ Section 620.81055, F.S.

¹⁶ Office of Economic and Demographic Research, The Florida Legislature, *Long-Term Revenue Analysis FY 1970-71 Through FY 2027-28, Volume 34*, Appendix B, Based on the Conference Series (Nov. 5, 2018, through Dec. 21, 2018), available at: <http://edr.state.fl.us/Content/conferences/longtermrevenue/2018longtermrevenueanalysis.pdf> (last visited Mar. 29, 2019).

¹⁷ Section 212.0606(1), F.S.

¹⁸ Section 212.0606(2), F.S.

¹⁹ See Section 681.102(14) and 212.0606(2), F.S.

²⁰ Office of Economic and Demographic Research, The Florida Legislature, *Revenues to State Transportation Trust Fund*, (Mar. 5, 2019), available at <http://edr.state.fl.us/Content/conferences/transportation/Transresults.pdf> (last visited Mar. 29, 2019).

Waste Tire and Lead-Acid Battery Fees

A \$1.50 fee is imposed on the sale of new or remanufactured batteries for use in motor vehicles (on-road or off-road), vessels, or aircraft. The fee is due whether the battery is sold separately or as a component part of the vehicle, vessel, or aircraft.²¹ The fee is not imposed on the sale of a battery for resale.

A \$1.00 fee is imposed on the retail sale of each new motor vehicle tire, whether a tire is sold separately or as a component part of a vehicle.²² The fee must be separately stated on the sales invoice and included in the total amount subject to sales tax.

A "new tire" is one that has never been used on or off the roads of Florida. This does not include recaps. A "motor vehicle" is one that transports people or cargo, such as automobiles, motorcycles, trucks, trailers, semi-trailers, and truck tractors. It also includes vehicles that operate on and off the roads of Florida, such as golf carts, all-terrain vehicles, and travel trailers.

These fees are imposed on dealers making retail sales of new and remanufactured lead-acid batteries, and new motor vehicle tires; including those sold to governmental entities or to nonprofit organizations, when the sales are made in Florida.

The waste tire fee is deposited into the Solid Waste Management Trust Fund used for solid waste management regulation and research, mosquito control, litter prevention, and small county solid waste management grants. The lead-acid battery fee is deposited in the Water Quality Assurance Trust Fund which helps fund a wide variety of water quality regulatory activities.

These fees are estimated to generate \$34.9 million in Fiscal Year 2019-2020.²³

Motor Vehicle Initial Registration Fee

The motor vehicle initial registration fee is a \$225 fee that is imposed on the initial application for registration of private vehicles and light trucks in Florida.²⁴ It does not apply when the vehicle being registered is replacing a vehicle already registered in Florida in the same category of vehicle.

The revenues from the motor vehicle initial registration fee are distributed as follows:

- State Transportation Trust Fund (44.5 percent).
- General Revenue (41.2 percent).
- Highway Safety Operating Trust Fund (4.25 percent).

²¹ Section 403.7185(1), F.S.

²² Section 403.718(1), F.S.

²³ Based off of the lead-acid battery fee reported as \$11.6 million for 2017-2018 and the estimate for the waste tire fee for 2019-2020 of \$23.3 million. Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook, Including Fiscal Impact of Potential Changes*, 93 (2019), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2018.pdf> (last visited Mar. 29, 2019).

²⁴ Section 320.072(1), F.S.

The motor vehicle initial registration fee is estimated to generate \$272.2 million in Fiscal Year 2019-2020.²⁵

Hospital and Health Care Entity Assessments

Annual assessments are imposed on net operating revenues of hospitals at the rate of 1.5 percent for inpatient services²⁶ and 1.0 percent for outpatient services.²⁷ Florida statutes provide that annual assessments are imposed at the rate of 1.0 percent on net operating revenues of ambulatory surgical centers and clinical laboratories.²⁸ However, the annual assessments on net operating revenues of ambulatory surgical centers and clinical laboratories have been found to be unconstitutional and are not collected.²⁹

Revenue generated from hospital and health care entity assessments are deposited in the Public Medical Assistance Trust Fund,³⁰ used to help fund the state's share of Medicaid spending. These assessments are estimated to generate \$636.4 million in Fiscal Year 2019-2020.³¹

Select Auto Title & Lien Fees³²

Fees are imposed when motor vehicles are titled in Florida. For each original certificate of title and for each duplicate copy, the fee is \$70; except for motor vehicles for hire³³, which are \$49. An additional \$10 fee is imposed on each original certificate of title issued for a motor vehicle previously registered outside Florida. There is also a \$4.25 service charge for the transfer of any certificate of title and a \$2.00 fee for assignment by a lien holder, memorandum certificates, and noting a lien and its satisfaction. There is a \$1.25 service charge for the recordation or notation of a lien which is not in connection with the purchase of a vehicle. A service fee of \$2.50, to be deposited into the Highway Safety Operating Trust Fund, is charged for shipping and handling for each paper title mailed by the department. The department has a separate title office which may be used by private citizens and licensed motor vehicle dealers to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens, and certificates of repossession. A fee of \$10 for motor vehicles and mobile homes and \$5 for vessels is charged for this service, which is in addition to the fees imposed by s. 319.32, F.S. The fee, after deducting the \$1 odometer fee amount referenced by s. 319.324, F.S., and \$3.50 to be retained by the processing agency, shall be deposited into the General Revenue Fund. An additional service charge of not more than \$0.50 may be imposed by any tax collector when any of the above mentioned transactions occur at any tax collector's branch office. Application for title must be made within 30 days of acquisition, subject to a \$20 late fee penalty.

²⁵ Office of Economic and Demographic Research, The Florida Legislature, *Highway Safety Fees*, (Feb. 28, 2019)), available at <http://edr.state.fl.us/Content/conferences/highwaysafetyfees/highwaysafetyresults.pdf> (last visited Mar. 29, 2019).

²⁶ Section 395.701(2)(a), F.S.

²⁷ Section 395.701(2)(b), F.S.

²⁸ Section 395.7015(2)(a), F.S.

²⁹ *Agency for Health Care Admin. v. Hameroff*, 816 So. 2d 1145 (Fla. 1st DCA 2002).

³⁰ Section 395.7015(4), F.S.

³¹ Office of Economic and Demographic Research, The Florida Legislature, *Florida Tax Handbook, Including Fiscal Impact of Potential Changes*, 93 (2019), available at <http://edr.state.fl.us/content/revenues/reports/tax-handbook/taxhandbook2018.pdf> (last visited Mar. 29, 2019).

³² Section 319.32, F.S.

³³ Section 319.32(1) and the definition of vehicles for hire under s. 320.08(6), F.S.

The \$70 fee is distributed between the State Transportation Trust Fund and the General Revenue Fund, excluding \$1 that is deposited into the Highway Safety Operating Trust Fund to fund the DHSMV's efforts to prevent and detect odometer fraud.³⁴ The DHSMV or the tax collector who processes the application retains the \$4.25 service charge.³⁵

Auto title and lien fees are estimated to generate \$479.3 million in Fiscal Year 2019-2020.³⁶

Select Driver License Fees³⁷

Driver license fees are collected from individuals who apply for the following types of licenses (originals, renewals, and replacements): Learners, Class E operators, Class E with motorcycle endorsement, Class E motorcycle only license, and Class A, B, and C commercial driver licenses with or without endorsements. In addition, fees are collected for delinquent renewals, and reinstatements following suspensions, revocations, disqualifications, and cancellations.

Proceeds from driver's license fees are distributed to General Revenue, the Highway Safety Operating Trust Fund, and the Tax Collector office which collected the fees. The specific breakdown varies by individual fee.

Driver license fees are estimated to generate \$398.8 million in Fiscal Year 2019-2020.³⁸

Select Motor Vehicle Registration Surcharges

There are numerous "surcharges" that are related to motor vehicle registration and are normally paid in connection with annual registration taxes, in addition to the base registration tax. These include:

- \$1.20 registration surcharge on each annual motor vehicle registration except for mobile homes (\$1 of each surcharge goes to the State Transportation Trust Fund).³⁹
- \$2.80 motor vehicle license plate replacement fee on each annual motor vehicle registration except for mobile homes.⁴⁰
- \$0.10 on each motor vehicle and on each moped for the Emergency Medical Trust Fund.⁴¹

³⁴ Sections 319.32(5) and 319.324, F.S.; Section 319.32(5), F.S., provides that \$47 of each fee collected for an original or duplicate certificate of title is deposited into the State Transportation Trust Fund, which may receive up to \$200 million in any Fiscal Year. The remainder of the fee and any fees in excess of the \$200 million are deposited into the General Revenue Fund.

³⁵ Section 319.32(2)(b), F.S.

³⁶ Office of Economic and Demographic Research, The Florida Legislature, *Long-Term Revenue Analysis FY 1970-71 Through FY 2027-28, Volume 34*, Appendix B, Based on the Conference Series (Nov. 5, 2018, through Dec. 21, 2018), available at: <http://edr.state.fl.us/Content/conferences/longtermrevenue/2018longtermrevenueanalysis.pdf> (last visited Mar. 29, 2019).

³⁷ Section 322.21, F.S.

³⁸ Office of Economic and Demographic Research, The Florida Legislature, *Long-Term Revenue Analysis FY 1970-71 Through FY 2027-28, Volume 34*, Appendix B, Based on the Conference Series (Nov. 5, 2018, through Dec. 21, 2018), available at: <http://edr.state.fl.us/Content/conferences/longtermrevenue/2018longtermrevenueanalysis.pdf> (last visited Mar. 29, 2019).

³⁹ Section 320.0804, F.S.

⁴⁰ Section 320.06(1)(b), F.S.

⁴¹ Section 320.0801(1), F.S.

- \$1.00 surcharge on each annual motor vehicle registration except for mobile homes for the Grants and Donation Trust Fund in the Department of Juvenile Justice.⁴²
- \$1.00 surcharge on each annual motor vehicle registration except mobile homes for the State Agency Law Enforcement Radio Systems Trust Fund.⁴³
- \$0.50 fee on every license registration for the Florida Real Time Vehicle Information System.⁴⁴
- \$1.00 air pollution surcharge for the Air Pollution Control Trust Fund.⁴⁵
- \$0.50 retro-reflection materials fee.⁴⁶
- \$1.00 mobile home surcharge to be collected only on mobile home registrations for the Florida Mobile Home Relocation Trust Fund.⁴⁷
- \$1.00 surcharge for replacement of a transportation disadvantaged permit.⁴⁸

Except as otherwise indicated above, revenues from these fees are deposited into the Highway Safety Operating Trust Fund.

These motor vehicle registration surcharges are estimated to generate \$242.9 million in Fiscal Year 2019-2020.⁴⁹

Local Government Revenues

The Florida Constitution and statutes give counties⁵⁰ and municipalities⁵¹ home rule authority to raise revenue for their governmental purposes, without specific authorization from the Legislature, as long as they are not inconsistent with general law. The constitution also authorizes counties, school districts and municipalities to levy ad valorem taxes, within prescribed limits. The constitution, however, reserves for the Legislature all other power to tax.⁵² Local governments may not levy taxes, other than ad valorem taxes, except as authorized by general law.⁵³ Among the home rule revenue sources available to counties and municipalities are:

- Special Assessments and non-ad valorem assessments.
- Impact Fees and Mobility Fees.
- Franchise Fees.
- Other charges to pay the cost of regulatory activities.

⁴² Section 320.08046, F.S.

⁴³ Section 320.0802, F.S.

⁴⁴ Section 320.03(5), F.S.

⁴⁵ Section 320.03(6), F.S.

⁴⁶ Section 320.06(3)(b), F.S.

⁴⁷ Section 320.08015(1), F.S.

⁴⁸ Section 320.0848(2)(d), F.S.

⁴⁹ Derived from workpapers supporting the Florida Revenue Estimating Conference, *Highway Safety Fees Conference* (Nov. 2018).

⁵⁰ FLA. CONST. art. VIII, ss. 1(f) and (g), and s. 125.01, F.S.

⁵¹ FLA. CONST. art. VIII, s. 2(b), and s. 166.021, F.S.

⁵² FLA. CONST. art. VII, s. 1(a).

⁵³ FLA. CONST. art. VII, s. 1(a).

Special Assessments and Non-Ad Valorem Assessments

Special assessments are levies against property to pay for an improvement or service that provides a special benefit to the property or properties in question. They are imposed upon the theory that when a local improvement or service enhances the value of neighboring property, that property should pay for the improvement or service in proportion to the benefit it receives.⁵⁴ This contrasts with the common concept of a tax, as an enforced burden imposed on the theory of a state's right to compel all citizens and property therein to contribute to the payment of general government expenses without a return or special benefit to the property.⁵⁵ Although this distinction may not be important to the person required to pay the special assessment or tax, it is important when determining a local government's power to levy the assessment. As discussed above, counties and municipalities have home rule revenue raising authority with respect to special assessments, but must have general law authorization to enact a tax.

Considerable litigation has ensued over the years attempting to determine when a special assessment is a valid levy under home rule authority and not an unauthorized tax. The general rule that has developed is that a special assessment must satisfy a two-pronged test: (1) the improvement or services at issue must provide a special benefit to assessed property; and (2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit.⁵⁶ Generally, special assessments are collected on the annual ad valorem tax bill. Under this statutory collection procedure, the special assessment is characterized as a “non-ad valorem assessment.”⁵⁷

In Fiscal Year 2017-2018, counties, municipalities, and special districts collected a total of \$3,275.1 million in special assessments/non-ad valorem assessments.⁵⁸

Impact Fees and Mobility Fees

Impact Fees - Section 163.31801(2), F.S., provides in part that “[t]he Legislature finds that impact fees are an important source of revenue for a local government to use in funding the infrastructure necessitated by new growth. The Legislature further finds that impact fees are an outgrowth of the home rule power of a local government to provide certain services within its jurisdiction.” Impact fees are levies imposed against new development to provide for the cost of infrastructure made necessary by that growth. Impact fees must meet a “dual rational nexus test” to be valid. The dual rational nexus test established in case law⁵⁹ provides that the amount of impact fees charged must bear a reasonable relationship to the cost of providing public facilities necessitated by new development; and the impact fees collected must be earmarked and spent to construct public facilities reasonably benefiting the development paying the fee.

⁵⁴ *Blake v. City of Tampa*, 115 Fla. 348, 354, 156 So. 97, 99 (1934).

⁵⁵ *Blake v. City of Tampa*, 115 Fla. 348, 354, 156 So. 97, 99 (1934).

⁵⁶ *City of Boca Raton v. State*, 595 So. 2d 25, 29 (Fla. 1992), modified sub nom. *Collier Cty. v. State*, 733 So. 2d 1012 (Fla. 1999), and holding modified by *Sarasota Cty. v. Sarasota Church of Christ, Inc.*, 667 So. 2d 180 (Fla. 1995).

⁵⁷ Section 197.3632(1)(d), F.S.

⁵⁸ Office of Economic and Demographic Research, The Florida Legislature, *Local Government Data*, available at: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/index.cfm> (last visited Mar. 29, 2019).

⁵⁹ See, e.g., *St. Johns Cty. v. Ne. Fla. Builders Ass'n, Inc.*, 583 So. 2d 635, 637 (Fla. 1991).

Mobility Fees⁶⁰ - Historically, the use of transportation impact fees has been limited to infrastructure investments, with most local governments using the fees to fund roadway capital improvements, such as roadway widening or other capacity improvements. A mobility fee is a specific type of impact fee that funds transportation system demands resulting from new development that allows local governments to assess the proportionate cost of transportation improvements needed to serve the demand generated by development. Mobility fee programs have allowed local governments to expand from a narrow focus on roadway improvements to broader funding mechanisms designed to promote the implementation of a full range of multimodal mobility improvements. Mobility fees must meet the dual rational nexus test described above.⁶¹

In Fiscal Year 2016-2017, total collections of impact fees by counties and municipalities was \$908.9 million.⁶²

Franchise Fees

Franchise fees are levies, usually imposed upon a utility, for the grant of a franchise and for the privilege of using a local government's rights-of-way to conduct utility business. Unlike other governmental levies, franchise fees are bargained for in exchange for specific property rights that may be relinquished by local governments.⁶³ Franchise fees constitute a consideration paid by the utility for its franchise.⁶⁴ Franchise fee revenues are not restricted and are often used for local government general fund purposes.

Franchise fees collected by counties and municipalities in Fiscal Year 2016-2017 totaled \$907.4 million.⁶⁵

Charges to Pay the Cost of Regulatory Activities

Charges to pay the cost of regulatory activities are imposed pursuant to a local government's police powers in the exercise of its sovereign functions. Generally, this category can include charges such as permit fees and inspection fees. Florida case law has determined that in order for such regulatory fees to be valid levies under local government home rule authority, the fees cannot exceed the cost of the regulatory activity and are generally required to be applied solely to pay the cost of the regulatory activity for which they are imposed.

⁶⁰ Florida Department of Transportation has created a guidebook titled "*USING MOBILITY FEES TO FUND TRANSIT IMPROVEMENTS*." It is the source for much of the discussion here regarding mobility fees, available at: https://fdotwww.blob.core.windows.net/sitefinity/docs/default-source/content/transit/pages/finalmobilityfeeguidebook111816.pdf?sfvrsn=8186dfe3_0 (last visited Mar. 29, 2019).

⁶¹ Section 163.3180(5)(i), F.S.

⁶² Office of Economic and Demographic Research, The Florida Legislature, *Local Government Data*, available at: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/index.cfm> (last visited Mar. 29, 2019).

⁶³ *City of Plant City v. Mayo*, 337 So. 2d 966, 973 (Fla. 1976).

⁶⁴ *City of Hialeah Gardens v. Dade Cty.*, 348 So. 2d 1174, 1180 (Fla. Dist. Ct. App. 1977).

⁶⁵ Office of Economic and Demographic Research, The Florida Legislature, *Local Government Data*, available at: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/index.cfm> (last visited Mar. 29, 2019).

III. Effect of Proposed Changes:

State Government Revenue

The bill renames select state and local levies as taxes or surtaxes, instead of their current titles as fees, surcharges, assessments or similar terms. It does not affect the actual legal nature of such levies.⁶⁶

The bill renames the following state revenues as taxes or surtaxes:

- Cigarette and Other Tobacco Surcharges.
- Various Business Filing Fees.
- Rental Car Surcharge.
- Waste Tire and Lead-Acid Battery Fees.
- Motor Vehicle Initial Registration Fee.
- Hospital Annual Assessments.
- Select Auto Title & Lien Fees.
- Select Driver License Fees.
- Select Motor Vehicle Registration Surcharges.

The bill also repeals the annual assessments on net operating revenues of ambulatory surgical centers imposed under s. 395.7015, F.S., that were found to be unconstitutional and are no longer collected.⁶⁷

Local Government Revenue

The bill requires any new impositions or rate increases, or proposed impositions or rate increases, in the following levies by counties, municipalities or special districts to be titled as and represented to the public as “taxes” as follows:

- A new or increased special assessment or a non-ad valorem assessment must be titled and represented to the public as a “special benefit tax.”
- A new or increased impact fee or mobility fee must be titled and represented to the public as a “development impact tax.”
- A new or increased franchise fee must be titled and represented to the public as a “franchise tax.”
- A new or increased charge to pay the cost of regulation must be titled and represented to the public as a tax in a manner reasonably consistent with the type of regulation and charge in question.

The bill expressly provides that it does not affect, amend or alter a county or municipality’s home rule authority under the State constitution or other provisions of law to impose the affected

⁶⁶ See *City of De Land v. Fla. Pub. Serv. Co.*, 119 Fla. 819, 823, (1935) (“What controls our judgment in cases...involving the attempted imposition of taxes of the character here...is the underlying reality of the tax ordinance rather than the form or label of the challenged tax.”); *City of Gainesville v. State*, 863 So. 2d 138, 144-45 (Fla. 2003) (when determining whether a charge is an assessment or fee, the name of the charge is only one factor to consider among a list of factors).

⁶⁷ See *Agency for Health Care Admin. v. Hameroff*, 816 So. 2d 1145 (Fla. 1st DCA 2002).

local government levies, and it is the Legislature's intent only that such levies be renamed and represented to the public as taxes. Similarly, it provides that a special district's authority to levy special assessments under other provisions of law is not affected, amended or altered by the bill.

Section by Section Analysis:

Section 1. Amends s. 39.8298, F.S., to make a conforming change.

Section 2. Amends s. 72.011, F.S., to make a conforming change.

Section 3. Creates s. 125.01(8), F.S., to require any new imposition of, or increase in the rate or amount of, certain levies by a municipality to be titled and represented to the public as taxes. The requirement also applies to proposed impositions or increases. This change does not affect, amend or alter the municipality's home rule authority.

Section 4. Creates s. 166.021(10), F.S., to require any new imposition of, or increase in the rate or amount of, certain levies by a county to be titled and represented to the public as taxes. The requirement also applies to proposed impositions or increases. This change does not affect, amend or alter the county's home rule authority.

Section 5. Creates s. 189.011(4), F.S., to require any new imposition of, or increase in the rate or amount of, certain levies by a special district to be titled and represented to the public as taxes. The requirement also applies to proposed impositions or increases.

Section 6. Amends s. 207.004(1) and (5), F.S., to rename a \$45 temporary fuel-use permit fee as a tax and rename a \$4 driveway permit fee a tax.

Section 7. Amends s. 210.01(18) and (19), F.S., to rename the cigarette tax surcharge a surtax; provides clarifying language.

Section 8. Amends s. 210.011, F.S., to rename the cigarette tax surcharge a surtax.

Section 9. Amends s. 210.04(9), F.S., to rename the cigarette tax surcharge a surtax.

Section 10. Amends s. 210.1801, F.S., to rename the cigarette tax surcharge a surtax; provides clarifying language.

Section 11. Amends s. 210.276, F.S., to rename the cigarette tax surcharge a surtax.

Section 12. Amends s. 212.0601(4), F.S., to provide a conforming change.

Section 13. Amends s. 212.0606, F.S., to rename the rental car surcharge a surtax.

Section 14. Amends s. 213.05, F.S., to make conforming changes.

Section 15. Amends s. 213.053(1), (8) and (15), F.S., to make conforming changes.

Section 16. Amends s. 213.24(2) and (3), F.S., to make conforming changes.

Section 17. Amends s. 282.709(3), F.S., to make conforming changes.

Section 18. Amends s. 316.2124, F.S., to rename a \$2.50 surcharge for motorized disability access vehicles a surtax and to make conforming changes.

Section 19. Amends s. 316.545(4), F.S., to make conforming changes.

Section 20. Amends s. 316.550(6), F.S., to rename a \$5 minimum permit fee a tax and to rename an annualized fee for blanket permits a tax.

Section 21. Amends s. 317.0004, F.S., to make conforming changes.

Section 22. Amends s. 317.0006(2), to rename a \$10 fee related to title transfers a tax.

Section 23. Amends s. 317.0007(1) and (6), F.S., to rename a \$29 fee for off-highway vehicle title applications a tax.

Section 24. Amends s. 317.0008(1) and (2), F.S., to rename a \$15 duplicate certificate of title fee a tax.

Section 25. Amends s. 317.0010, F.S., to make conforming changes.

Section 26. Amends s. 317.011(3), F.S., to make conforming changes.

Section 27. Amends s. 317.0014(6), F.S., to make conforming changes.

Section 28. Amends s. 317.0016, F.S., to make conforming changes.

Section 29. Amends s. 318.15(2), F.S., to make conforming changes.

Section 30. Amends s. 319.14(10), F.S., to rename a \$40 fee for low-speed vehicle conversion to a golf cart a tax.

Section 31. Amends s. 319.23(1) and (6), F.S., to rename a \$20 application fee for a certificate of title a tax and to make conforming changes.

Section 32. Amends s. 319.24(6), F.S., to make conforming changes.

Section 33. Amends s. 319.25(2), F.S.; to make conforming changes.

Section 34. Amends s. 319.27(4), F.S., to make conforming changes.

Section 35. Amends s. 319.28(1) and (2), F.S., to make conforming changes.

Section 36. Amends s. 319.29(1) and (3), F.S., to make conforming changes.

Section 37. Amends s. 319.30(8) and (9), F.S., to make conforming changes.

Section 38. Amends s. 319.32, F.S., to rename the \$70 original certificate of title fee a tax; to rename the \$49 motor vehicle for hire original certificate of title fee a tax; to rename a \$2 fee for noting a lien on a title certificate a tax; to rename a \$40 initial examination fee a tax; to rename a \$10 fee for certificates of title issued for a vehicle previously registered outside this state a tax; to rename a \$7 fee for each lien placed on a motor vehicle by the state child support enforcement program a tax; to make conforming changes.

Section 39. Amends s. 319.323, F.S., to make conforming changes.

Section 40. Amends s. 320.01(23), F.S., to make conforming changes.

Section 41. Amends s. 320.02(17), F.S., to make conforming changes.

Section 42. Amends s. 320.03(5), (6), (9) and (10), F.S., to rename a 50 cents fee on International Registration Plan license registrations related to the Florida Real Time Vehicle Information System a tax; to rename a \$1 nonrefundable air pollution fee a tax; to rename a \$1.50 nonrefundable registration fee for transportation disadvantaged a tax and to make conforming changes.

Section 43. Amends s. 320.055(5), F.S., to make conforming changes.

Section 44. Amends s. 320.06(1) and (3), F.S., to rename the \$28 license plate replacement fee a tax; to rename a 50 cents retroreflection material fee a tax and to make conforming changes.

Section 45. Amends s. 320.0607(3), (4), and (5), F.S., to rename a \$28 application fee a tax and to make conforming changes.

Section 46. Amends s. 320.0609(2), (5), and (8), F.S., to rename a \$4.50 license plate transfer fee a tax and to make conforming changes.

Section 47. Amends s. 320.0655(3), F.S., to make conforming changes.

Section 48. Amends s. 320.0657(2), F.S., to rename a \$2 annual fleet management fee a tax; to rename a \$1.50 license plate manufacturing fee a tax; to rename a \$10 per vehicle fee related to fleet size increases a tax; to make conforming changes.

Section 49. Amends s. 320.0659(2), F.S., to make conforming changes.

Section 50. Amends s. 320.07(2) and (3), F.S., to make conforming changes.

Section 51. Amends s. 320.0705, F.S., to rename a \$2.50 semiannual registration fee a tax and to make conforming changes.

Section 52. Amends s. 320.071(2), F.S., to make conforming changes.

Section 53. Amends s. 320.0715(2) and (3), F.S., to rename a \$5 special temporary permit fee a tax; to rename a \$3 temporary operational permit fee a tax; and to make conforming changes.

Section 54. Amends s. 320.072(1), (2), (3), and (5), F.S., to rename the \$225 initial registration fee a tax and to make conforming changes.

Section 55. Amends s. 320.08(4) and (5), F.S., to rename a \$324 license plate fee a tax and to make conforming changes.

Section 56. Amends s. 320.0801(2), F.S., to rename a \$10 additional license surcharge on commercial motor vehicles having a gross vehicle weight of 10,000 pounds or more a surtax and to make conforming changes.

Section 57. Amends s. 320.08015, F.S., to rename a \$1 mobile home license tax surcharge a surtax.

Section 58. Amends s. 320.0802, F.S., to rename a \$2 State Agency Law Enforcement Radio System Trust Fund license tax surcharge a surtax.

Section 59. Amends s. 320.0804, F.S., F.S., to rename a \$2 license tax surcharge a surtax.

Section 60. Amends s. 320.08046, F.S., to rename a \$1 juvenile justice license tax surcharge a surtax.

Section 61. Amends s. 320.08053(2), F.S., to make conforming changes.

Section 62. Amends s. 320.08056(3), F.S., to make conforming changes.

Section 63. Amends s. 320.06068(3), F.S., to make conforming changes.

Section 64. Amends s. 320.0807(1) through (6), F.S., to make conforming changes.

Section 65. Amends s. 320.081(3) and (5), F.S., to make conforming changes.

Section 66. Amends s. 320.0815(2), F.S., to rename a \$3 “RP” series sticker fee a tax.

Section 67. Amends s. 320.0821(1), F.S., to make conforming changes.

Section 68. Amends s. 320.0846, to make conforming changes.

Section 69. Amends s. 320.0848(1) through (4), to rename disabled parking permit fees as taxes.

Section 70. Amends s. 320.086(1) and (2), F.S., to make conforming changes.

Section 71. Amends s. 320.089(2), F.S., to make conforming changes.

Section 72. Amends s. 320.0891(5), F.S., to make conforming changes.

Section 73. Amends s. 320.102, F.S., to make conforming changes.

Section 74. Amends s. 320.13(3), F.S., to rename a \$4.50 dealer and manufacturer license plate transfer fee a tax.

Section 75. Amends s. 320.131(1) and (2), F.S., rename a \$2 temporary tag fee a tax.

Section 76. Amends s. 320.1325, F.S., to rename a \$40, 90-day temporary registration plate fee a tax and to make conforming changes.

Section 77. Amends s. 320.18(1), F.S., to make conforming changes.

Section 78. Amends s. 320.27, F.S., to make conforming changes.

Section 79. Amends s. 320.39(2), F.S., to make conforming changes.

Section 80. Amends s. 320.781(2), F.S., to rename a \$1 mobile home and recreational vehicle protection fee a tax.

Section 81. Amends s. 322.051(1), (3), and (8), F.S., to rename an application fee a fee a tax and to make conforming changes.

Section 82. Amends s. 322.12(2), F.S., to make conforming changes.

Section 83. Amends s. 322.135(1), F.S., to make conforming changes.

Section 84. Amends s. 322.14(1), F.S., to make conforming changes.

Section 85. Amends s. 322.142(1) and (2), F.S., to make conforming changes.

Section 86. Amends s. 322.17(1) and (2), F.S., to make conforming changes.

Section 87. Amends s. 322.18(4) and (8), F.S., to make conforming changes.

Section 88. Amends s. 322.21(1), (4), (5), (7) and (8), F.S., to rename original and renewal Class E and commercial driver license fees as taxes; to rename the hazardous-materials endorsement fee a tax; to rename reinstatement fees that follows a suspension or revocation renaming as taxes; to rename a \$130 fee for refusal to submit to a breath, blood, or urine test a tax; to rename a \$180 fee for certain unsuccessful challenges or a revocation or suspension as a tax; to make conforming changes.

Section 89. Amends s. 322.22(1), F.S., to make conforming changes.

Section 90. Amends s. 322.251(4) and (7), F.S., to rename a \$10 reinstatement fee a tax and to make conforming changes.

Section 91. Amends s. 322.29(1), F.S., to rename a \$60 reinstatement fee a tax and to make conforming changes.

Section 92. Amends s. 376.307(4), F.S., to make conforming changes.

Section 93. Amends s. 395.003(2), F.S., to make conforming changes.

Section 94. Amends s. 395.701(2) through (5), F.S., to rename the annual assessments on net operating revenues for inpatient and outpatient services to fund public medical assistance as taxes and to make conforming changes.

Section 95. Repeals s. 395.7015, F.S., to repeal the one percent annual assessments on the net operating revenues of certain health care entities as taxes and to make conforming changes.

Section 96. Amends s. 395.7016, F.S., to make conforming changes.

Section 97. Amends s. 403.718, F.S., to rename the waste tire fee a surtax and to make conforming changes.

Section 98. Amends s. 403.7185, F.S., to rename the lead-acid battery fee as a surtax and to make conforming changes.

Section 99. Amends s. 408.07(19), F.S., to make conforming changes.

Section 100. Amends s. 427.0159(1), F.S., to make conforming changes.

Section 101. Amends s. 605.0113(4), F.S., to make conforming changes.

Section 102. Amends s. 605.0118(3), F.S., to make conforming changes.

Section 103. Amends s. 605.0206(1), F.S., to make conforming changes.

Section 104. Amends s. 605.0209(5), F.S., to make conforming changes.

Section 105. Amends s. 605.0211(1) and (2), F.S., to make conforming changes.

Section 106. Amends s. 605.0212(6), F.S., to make conforming changes.

Section 107. Amends s. 605.0213, F.S., rename limited liability company business filing fees as taxes and to make conforming changes.

Section 108. Amends s. 605.0707(3), F.S., to make conforming changes.

Section 109. Amends s. 605.0714(1), F.S., to make conforming changes.

Section 110. Amends s. 605.0715(1), (2), and (3), F.S., to make conforming changes.

Section 111. Amends s. 605.0902(1), F.S., to make conforming changes.

Section 112. Amends s. 605.0903(1), F.S., to make conforming changes.

Section 113. Amends s. 605.0904(7), F.S., to make conforming changes.

Section 114. Amends s. 605.0908(1), F.S., to make conforming changes.

Section 115. Amends s. 605.0909(1), (2), and (3), F.S., to make conforming changes.

Section 116. Amends s. 607.0122, F.S., to rename corporation business filing fees as taxes and to make conforming changes.

Section 117. Amends s. 607.0124(4), F.S., to make conforming changes.

Section 118. Amends s. 607.0125(5), F.S., to make conforming changes.

Section 119. Amends s. 607.0128(2), F.S., to make conforming changes.

Section 120. Amends s. 607.0501(4), F.S., to make conforming changes.

Section 121. Amends s. 607.0502(5), F.S., to make conforming changes.

Section 122. Amends s. 607.1420(1), F.S., to make conforming changes.

Section 123. Amends s. 607.1422(1), F.S., to make conforming changes.

Section 124. Amends s. 607.1502(4), F.S., to make conforming changes.

Section 125. Amends s. 607.15315(1), F.S., to make conforming changes.

Section 126. Amends s. 607.193, F.S., to rename the \$88.75 supplemental corporate fee a tax and to make conforming changes.

Section 127. Amends s. 609.02, F.S., to rename a \$350 declaration of trust filing fee a tax.

Section 128. Amends s. 609.03, F.S., to make conforming changes.

Section 129. Amends s. 609.08(9), F.S., to rename a \$350 articles of merger fee a tax.

Section 130. Amends s. 610.104(11) and (12), F.S., to rename a \$10,000 application fee to provide cable or video service a tax.

Section 131. Amends s. 617.01201(9), F.S., to make conforming changes.

Section 132. Amends s. 617.0122, F.S., to rename not for profit corporation business filing fees as taxes.

Section 133. Amends s. 617.0124(4), F.S., to make conforming changes.

Section 134. Amends s. 617.0128(2), F.S., to make conforming changes.

Section 135. Amends s. 617.0501(4), F.S., to make conforming changes.

Section 136. Amends s. 617.0502(5), F.S., to make conforming changes.

Section 137. Amends s. 617.1420(1), F.S., to make conforming changes.

Section 138. Amends s. 617.1422(1), F.S., to make conforming changes.

Section 139. Amends s. 617.1533(1), F.S., to make conforming changes.

Section 140. Amends s. 617.1623(1), F.S., to make conforming changes.

Section 141. Amends s. 617.1807, F.S., to make conforming changes.

Section 142. Amends s. 617.2006(4), F.S., to make conforming changes.

Section 143. Amends s. 617.2102, F.S., to make conforming changes.

Section 144. Amends s. 620.1109, F.S., to rename limited partnership business filing fees as taxes.

Section 145. Amends s. 620.1206(1), F.S., to make conforming changes.

Section 146. Amends s. 620.1207(4), F.S., to make conforming changes.

Section 147. Amends s. 620.1209(1) and (2), F.S., to make conforming changes.

Section 148. Amends s. 620.1809(1), F.S., to make conforming changes.

Section 149. Amends s. 620.1810(1), F.S., to make conforming changes.

Section 150. Amends s. 620.1904, F.S., to make conforming changes.

Section 151. Amends s. 620.1906(1), F.S., to make conforming changes.

Section 152. Amends s. 620.1909(1), F.S., to make conforming changes.

Section 153. Amends s. 620.81054(4), F.S., to make conforming changes.

Section 154. Amends s. 620.81055(1), F.S., to rename partnership business filing fees as taxes.

Section 155. Amends 620.9003(3), F.S., to make conforming changes.

Section 156. Amends s. 658.23(1) and (3), F.S., to make conforming changes.

Section 157. Amends s. 1003.48(4), F.S., to rename a 50 cents driver education license fee a tax and to make conforming changes.

Section 158. Provides the Department of Revenue emergency rulemaking authority to implement the provisions of the act.

Section 159. Provides appropriations.

Section 160. Provides an effective date.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. State Tax or Fee Increases:

None.

E. Other Constitutional Issues:

None identified.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

None.

C. Government Sector Impact:

The bill appropriates \$105,280 in nonrecurring General Revenue Fund to the Department of Highway Safety and Motor Vehicles for programming costs and staffing costs to implement the provisions of the bill relevant to the agency. The bill also appropriates

\$26,355 in nonrecurring General Revenue Funds to the Agency for Health Care Administration for system updates to implement the provisions of the bill relevant to the agency.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 39.8298, 72.011, 125.01, 166.021, 189.011, 207.004, 210.01, 210.011, 210.04, 210.1801, 210.276, 212.0601, 212.0606, 213.05, 213.053, 213.24, 282.709, 316.2124, 316.545, 316.550, 317.0004, 317.0006, 317.0007, 317.0008, 317.0010, 317.0011, 317.0014, 317.0016, 318.15, 319.14, 319.23, 319.24, 319.25, 319.27, 319.28, 319.29, 319.30, 319.32, 319.323, 320.01, 320.02, 320.03, 320.055, 320.06, 320.0607, 320.0609, 320.0655, 320.0657, 320.0659, 320.07, 320.0705, 320.071, 320.0715, 320.072, 320.08, 320.081, 320.0801, 320.08015, 320.0802, 320.0804, 320.08046, 320.08053, 320.08056, 320.08068, 320.0807, 320.0815, 320.0821, 320.0846, 320.0848, 320.086, 320.089, 320.0891, 320.102, 320.13, 320.131, 320.1325, 320.18, 320.27, 320.39, 320.781, 322.051, 322.12, 322.135, 322.14, 322.142, 322.17, 322.18, 322.21, 322.22, 322.251, 322.29, 376.307, 395.003, 395.701, 395.7016, 403.718, 403.7185, 408.07, 427.0159, 605.0113, 605.0118, 605.0206, 605.0209, 605.0211, 605.0212, 605.0213, 605.0707, 605.0714, 605.0715, 605.0902, 605.0903, 605.0904, 605.0908, 605.0909, 607.0122, 607.0124, 607.0125, 607.0128, 607.0501, 607.0502, 607.1420, 607.1422, 607.1502, 607.15315, 607.193, 609.02, 609.03, 609.08, 610.104, 617.01201, 617.0122, 617.0124, 617.0128, 617.0501, 617.0502, 617.1420, 617.1422, 617.1533, 617.1623, 617.1807, 617.2006, 617.2102, 620.1109, 620.1206, 620.1207, 620.1209, 620.1809, 620.1810, 620.1904, 620.1906, 620.1909, 620.81054, 620.81055, 620.9003, 658.23, and 1003.48.

This bill repeals section 395.7015 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Finance and Tax

593-03568B-19

20197104pb

1 A bill to be entitled
 2 An act relating to taxation transparency; amending ss.
 3 39.8298, 72.011, 207.004, 213.24, 282.709, 316.545,
 4 316.550, 317.0004, 317.0006, 317.0007, 317.0008,
 5 317.0010, 317.0011, 317.0014, 317.0016, 318.15,
 6 319.14, 319.23, 319.24, 319.25, 319.27, 319.28,
 7 319.29, 319.30, 319.32, 319.323, 320.01, 320.02,
 8 320.03, 320.055, 320.06, 320.0607, 320.0609, 320.0655,
 9 320.0657, 320.0659, 320.07, 320.0705, 320.071,
 10 320.0715, 320.072, 320.08, 320.08053, 320.08056,
 11 320.08068, 320.0807, 320.0815, 320.0821, 320.0846,
 12 320.0848, 320.086, 320.089, 320.0891, 320.102, 320.13,
 13 320.131, 320.1325, 320.18, 320.27, 320.39, 320.781,
 14 322.051, 322.12, 322.135, 322.14, 322.142, 322.17,
 15 322.18, 322.21, 322.22, 322.251, 322.29, 395.003,
 16 427.0159, 605.0113, 605.0118, 605.0206, 605.0209,
 17 605.0211, 605.0212, 605.0213, 605.0707, 605.0714,
 18 605.0715, 605.0902, 605.0903, 605.0904, 605.0908,
 19 605.0909, 607.0122, 607.0124, 607.0125, 607.0128,
 20 607.0501, 607.0502, 607.1420, 607.1422, 607.1502,
 21 607.15315, 607.193, 609.02, 609.03, 609.08, 610.104,
 22 617.01201, 617.0122, 617.0124, 617.0128, 617.0501,
 23 617.0502, 617.1420, 617.1422, 617.1533, 617.1623,
 24 617.1807, 617.2006, 617.2102, 620.1109, 620.1206,
 25 620.1207, 620.1209, 620.1809, 620.1810, 620.1904,
 26 620.1906, 620.1909, 620.81054, 620.81055, 620.9003,
 27 658.23, and 1003.48, F.S.; renaming certain fees as
 28 taxes; conforming provisions to changes made by the
 29 act; deleting obsolete provisions; amending s. 125.01,

Page 1 of 151

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593-03568B-19

20197104pb

30 F.S.; requiring counties to rename certain levies as
 31 specified taxes; providing legislative intent relating
 32 to existing county powers; amending s. 166.021, F.S.;
 33 requiring municipalities to rename certain levies as
 34 specified taxes; providing legislative intent relating
 35 to existing municipal powers; amending s. 189.011,
 36 F.S.; requiring special districts to rename certain
 37 assessments as specified taxes; providing legislative
 38 intent relating to existing special district powers;
 39 amending ss. 210.01, 210.011, 210.04, 210.1801,
 40 210.276, 212.0601, 212.0606, 320.0801, 320.08015,
 41 320.0802, 320.0804, 320.08046, and 320.081, F.S.;
 42 renaming certain surcharges as surtaxes; amending ss.
 43 213.05, 376.307, 403.718, and 403.7185, F.S.; renaming
 44 certain fees as surtaxes; amending s. 213.053, F.S.;
 45 renaming certain fees and surcharges as surtaxes;
 46 amending s. 316.2124, F.S.; renaming a certain fee as
 47 a tax and a certain surcharge as a surtax; amending
 48 ss. 395.701 and 408.07, F.S.; renaming certain
 49 assessments as taxes; repealing s. 395.7015, F.S.,
 50 relating to annual assessments on health care
 51 entities; amending s. 395.7016, F.S.; conforming a
 52 provision to changes made by the act; authorizing the
 53 Department of Revenue to adopt emergency rules;
 54 providing for expiration of such authority; providing
 55 appropriations; providing effective dates.

57 Be It Enacted by the Legislature of the State of Florida:
 58

Page 2 of 151

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593-03568B-19

20197104pb

Section 1. Paragraph (a) of subsection (1) of section 39.8298, Florida Statutes, is amended to read:

39.8298 Guardian Ad Litem direct-support organization.—

(1) AUTHORITY.—The Statewide Guardian Ad Litem Office created under s. 39.8296 is authorized to create a direct-support organization.

(a) The direct-support organization must be a Florida corporation not for profit, incorporated under the provisions of chapter 617. The direct-support organization shall be exempt from paying taxes fees under s. 617.0122.

Section 2. Paragraph (a) of subsection (1) of section 72.011, Florida Statutes, is amended to read:

72.011 Jurisdiction of circuit courts in specific tax matters; administrative hearings and appeals; time for commencing action; parties; deposits.—

(1)(a) A taxpayer may contest the legality of any assessment or denial of refund of tax, fee, surcharge, permit, interest, surtax, or penalty provided for under s. 125.0104, s. 125.0108, chapter 198, chapter 199, chapter 201, chapter 202, chapter 203, chapter 206, chapter 207, chapter 210, chapter 211, chapter 212, chapter 213, chapter 220, s. 379.362(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 538.09, s. 538.25, chapter 550, chapter 561, chapter 562, chapter 563, chapter 564, chapter 565, chapter 624, or s. 681.117 by filing an action in circuit court; or, alternatively, the taxpayer may file a petition under the applicable provisions of chapter 120. However, once an action has been initiated under s. 120.56, s. 120.565, s. 120.569, s. 120.57, or s. 120.80(14)(b), no action relating to the same subject matter may be filed by the taxpayer

593-03568B-19

20197104pb

in circuit court, and judicial review shall be exclusively limited to appellate review pursuant to s. 120.68; and once an action has been initiated in circuit court, no action may be brought under chapter 120.

Section 3. Subsection (8) is added to section 125.01, Florida Statutes, to read:

125.01 Powers and duties.—

(8)(a) A county that proposes to impose or increase or imposes or increases the rate of a levy, irrespective of how the rate is expressed, must rename and represent to the public the levy as follows:

1. A special assessment or a non-ad valorem assessment must be renamed and represented to the public as a "special benefit tax."

2. An impact fee or mobility fee must be renamed and represented to the public as a "development impact tax."

3. A franchise fee must be renamed and represented to the public as a "franchise tax."

4. A charge to pay the cost of regulation must be renamed and represented to the public as a tax in a manner reasonably consistent with the type of regulation and charge.

(b) This subsection does not affect, amend, or alter a county's power under ss. 1(f), 1(g), or 6(e), Art. VIII of the State Constitution, under this section, or pursuant to other provisions of law as such power exists on January 1, 2020, to impose the levies identified in paragraph (a). It is the Legislature's intent only that such levies be titled and represented to the public as taxes as provided in paragraph (a).

Section 4. Subsection (10) is added to section 166.021,

593-03568B-19

20197104pb

Florida Statutes, to read:

166.021 Powers.—

(10) (a) A municipality that proposes to impose or increase or imposes or increases the rate of a levy, irrespective of how the rate is expressed, must rename and represent the levy to the public as follows:

1. A special assessment or a non-ad valorem assessment must be renamed and represented to the public as a "special benefit tax."

2. An impact fee or mobility fee must be renamed and represented to the public as a "development impact tax."

3. A franchise fee must be renamed and represented to the public as a "franchise tax."

4. A charge to pay the cost of regulation must be renamed and represented to the public as a tax in a manner reasonably consistent with the type of regulation and charge.

(b) This subsection does not affect, amend, or alter a municipality's power under s. 2(b), Art. VIII of the State Constitution, under this section, or pursuant to other provisions of law as such power existed on January 1, 2020, to impose the levies identified in paragraph (a). It is the Legislature's intent only that such levies be renamed and represented to the public as taxes as provided in paragraph (a).

Section 5. Subsection (4) is added to section 189.011, Florida Statutes, to read:

189.011 Statement of legislative purpose and intent;
special benefit taxes.—

(4) (a) A special district that proposes to impose or increase or imposes or increases the rate of a special

593-03568B-19

20197104pb

assessment or non-ad valorem assessment must rename and represent to the public the special assessment or non-ad valorem assessment as a "special benefit tax."

(b) This subsection does not affect, amend, or alter a special district's power pursuant to other provisions of law as such power existed on January 1, 2020, to impose special assessments or non-ad valorem assessments. It is the Legislature's intent only that such assessments be renamed and represented to the public as taxes as provided in paragraph (a).

Section 6. Paragraph (a) of subsection (1) and subsection (5) of section 207.004, Florida Statutes, are amended to read:

207.004 Registration of motor carriers; identifying devices; ~~taxes fees~~; renewals; temporary fuel-use permits and driveway permits.—

(1) (a) No motor carrier shall operate or cause to be operated in this state any commercial motor vehicle, other than a Florida-based commercial motor vehicle that travels Florida intrastate mileage only, that uses diesel fuel or motor fuel until such carrier has registered with the department or has registered under a cooperative reciprocal agreement as described in s. 207.0281, after such time as this state enters into such agreement, and has been issued an identifying device or such carrier has been issued a permit as authorized under subsections (4) and (5) for each vehicle operated. There shall be a ~~tax~~ fee of \$4 per year or any fraction thereof for each such identifying device issued. The identifying device shall be provided by the department and must be conspicuously displayed on the commercial motor vehicle as prescribed by the department while it is being operated on the public highways of this state. The transfer of

593-03568B-19

20197104pb

an identifying device from one vehicle to another vehicle or from one motor carrier to another motor carrier is prohibited.

(5) (a) A registered motor carrier holding a valid certificate of registration may, upon payment of the \$45 tax fee per permit, secure from the department, or any wire service authorized by the department, a temporary fuel-use permit. A blank temporary fuel-use permit, before its use, must be executed by the motor carrier, in ink or type, so as to identify the carrier, the vehicle to which the permit is assigned, and the date that the vehicle is placed in and removed from service. The temporary fuel-use permit shall also show a complete identification of the vehicle on which the permit is to be used, together with the name and address of the owner or lessee of the vehicle. The endorsed temporary fuel-use permit shall then be carried on the vehicle that it identifies and shall be exhibited on demand to any authorized personnel. Temporary fuel-use permits may be transmitted to the motor carrier by electronic means and shall be completed as outlined by department personnel prior to transmittal. The motor carrier to whom a temporary fuel-use permit is issued shall be solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of a temporary fuel-use permit shall render it invalid and of no effect. A motor carrier to whom a temporary fuel-use permit is issued may not knowingly allow the permit to be used by any other person or organization.

(b) An unregistered motor carrier may, upon payment of the \$45 tax fee, secure from any wire service authorized by the department, by electronic means, a temporary fuel-use permit

Page 7 of 151

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593-03568B-19

20197104pb

that shall be valid for a period of 10 days. Such permit must show the name and address of the unregistered motor carrier to whom it is issued, the date the vehicle is placed in and removed from service, a complete identification of the vehicle on which the permit is to be used, and the name and address of the owner or lessee of the vehicle. The temporary fuel-use permit shall then be carried on the vehicle that it identifies and shall be exhibited on demand to any authorized personnel. The unregistered motor carrier to whom a temporary fuel-use permit is issued shall be solely responsible for the proper use of the permit by its employees, consignees, or lessees. Any erasure, alteration, or unauthorized use of a temporary fuel-use permit shall render it invalid and of no effect. The unregistered motor carrier to whom a temporary fuel-use permit is issued may not knowingly allow the permit to be used by any other person or organization.

(c) A registered motor carrier engaged in driveaway transportation, in which the cargo is the vehicle itself and is in transit to stock inventory and the ownership of the vehicle is not vested in the motor carrier, may, upon payment of the \$4 tax fee, secure from the department a driveaway permit. The driveaway permits shall be issued for the period January 1 through December 31. An original permit must be in the possession of the operator of each vehicle and shall be exhibited on demand to any authorized personnel. Vehicle mileage reports must be submitted by the motor carrier, and the road privilege tax must be paid on all miles operated within this state during the reporting period. All other provisions of this chapter shall apply to the holder of a driveaway permit.

Page 8 of 151

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593-03568B-19

20197104pb

Section 7. Subsections (18) and (19) of section 210.01, Florida Statutes, are amended to read:

210.01 Definitions.—When used in this part the following words shall have the meaning herein indicated:

(18) “Unstamped package” or “unstamped cigarettes” means a package on which the surtax on cigarettes under s. 210.011 ~~surcharge~~ and the excise or privilege tax on cigarettes under s. 210.02 required by this part have not been paid, regardless of whether or not such package is stamped or marked with the indicia of any other taxing authority, or a package on which there has been affixed a counterfeit or fraudulent indicium or stamp.

(19) “Stamp” or “stamps” means the indicia required to be placed on cigarette packages which evidence payment of the surtax ~~surcharge~~ on cigarettes under s. 210.011 and the excise or privilege tax on cigarettes under s. 210.02.

Section 8. Section 210.011, Florida Statutes, is amended to read:

210.011 Cigarette surtax ~~surcharge~~ levied; collection.—

(1) A surtax ~~surcharge~~, in addition to all other taxes of every kind levied by law, is levied upon the sale, receipt, purchase, possession, consumption, handling, distribution, and use of cigarettes in this state, in the following amounts, except as otherwise provided in subsections (2)-(5), for cigarettes of standard dimensions:

(a) Upon all cigarettes weighing not more than 3 pounds per thousand, 5 cents on each cigarette.

(b) Upon all cigarettes weighing more than 3 pounds per thousand and not more than 6 inches long, 10 cents on each

593-03568B-19

20197104pb

cigarette.

(c) Upon all cigarettes weighing more than 3 pounds per thousand and more than 6 inches long, 20 cents on each cigarette.

(2) The descriptions of cigarettes contained in subsection (1) are declared to be standard as to dimensions for the purpose of levying a surtax ~~surcharge~~ as provided in this section. If any cigarette is received, purchased, possessed, sold, offered for sale, given away, or used which is of a size other than those standard dimensions, the cigarette is subject to a surtax ~~surcharge~~ at the rate of 4.2 cents on each cigarette.

(3) When cigarettes as described in paragraph (1)(a) are packed in varying quantities of 20 cigarettes or fewer, except the manufacturer’s free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or fewer require a surtax ~~surcharge~~ of 50 cents.

(b) Packages containing more than 10 but not more than 20 cigarettes require a surtax ~~surcharge~~ of \$1.

(4) When cigarettes as described in paragraph (1)(b) are packed in varying quantities of 20 cigarettes or fewer, except the manufacturer’s free samples authorized under s. 210.04(9), the following rates shall govern:

(a) Packages containing 10 cigarettes or fewer require a surtax ~~surcharge~~ of \$1.

(b) Packages containing more than 10 but not more than 20 cigarettes require a surtax ~~surcharge~~ of \$2.

(5) When cigarettes as described in paragraph (1)(c) are packed in varying quantities of 20 cigarettes or fewer, except

593-03568B-19

20197104pb

the manufacturer's free samples authorized under s. 210.04(9),
the following rates shall govern:

(a) Packages containing 10 cigarettes or fewer require a
surtax surcharge of \$2.

(b) Packages containing more than 10 but not more than 20
cigarettes require a surtax surcharge of \$4.

(6) This surtax surcharge shall be paid by the dealer to
the division for deposit and distribution as hereinafter
provided upon the first sale or transaction within the state,
whether such sale or transfer is to the ultimate purchaser or
consumer. The seller or dealer shall collect the surtax
surcharge from the purchaser or consumer, and the purchaser or
consumer shall pay the surtax surcharge to the seller. The
seller or dealer is responsible for the collection of the surtax
surcharge and payment of the surtax surcharge to the division.
All surtaxes surcharges are due not later than the 10th day of
the month following the calendar month in which they were
incurred, and thereafter shall bear interest at the rate of 1
percent per month. If the amount of surtax surcharge due for a
given period is assessed without allocating it to any particular
month, the interest begins accruing on the date of the
assessment. Whenever cigarettes are shipped from outside the
state to anyone other than a distributing agent or wholesale
dealer, the person receiving the cigarettes is responsible for
the surtax surcharge on the cigarettes and payment of the surtax
surcharge to the division.

(7) It is the legislative intent that the surtax surcharge
on cigarettes be uniform throughout the state.

(8) The surtax surcharge levied under this section shall be

Page 11 of 151

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593-03568B-19

20197104pb

administered, collected, and enforced in the same manner as the
excise or privilege tax imposed under s. 210.02.

(9) Revenue produced from the surtax surcharge levied under
this section shall be deposited into the Health Care Trust Fund
within the Agency for Health Care Administration.

Section 9. Subsection (9) of section 210.04, Florida
Statutes, is amended to read:

210.04 Construction; exemptions; collection.—

(9) Agents, located within or without the state, shall
purchase stamps and affix such stamps in the manner prescribed
to packages or containers of cigarettes to be sold, distributed,
or given away within the state, in which case any dealer
subsequently receiving such stamped packages of cigarettes will
not be required to purchase and affix stamps on such packages of
cigarettes. However, the division may, in its discretion,
authorize manufacturers to distribute in the state free sample
packages of cigarettes containing not less than 2 or more than
20 cigarettes without affixing any surtax surcharge and tax
stamps provided copies of shipping invoices on such cigarettes
are furnished, and payment of all surtaxes surcharges and taxes
imposed on such cigarettes by law is made, directly to the
division not later than the 10th day of each calendar month. The
surtax surcharge and tax on cigarettes in sample packages shall
be based on a unit in accordance with the surtaxes surcharges
levied under s. 210.011(1) and the taxing provisions of s.
210.02(1).

Section 10. Section 210.1801, Florida Statutes, is amended
to read:

210.1801 Exempt cigarettes for members of recognized Indian

Page 12 of 151

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593-03568B-19

20197104pb

tribes.—

(1) Notwithstanding any provision of this chapter to the contrary, a member of an Indian tribe recognized in this state who purchases cigarettes on an Indian reservation for his or her own use is exempt from paying a cigarette tax and a surtax ~~surcharge~~. However, such member purchasing cigarettes outside of an Indian reservation or a nontribal member purchasing cigarettes on an Indian reservation is not exempt from paying the cigarette tax or surtax ~~surcharge~~ when purchasing cigarettes within this state. Accordingly, the tax and surtax ~~surcharge~~ shall apply to all cigarettes sold on an Indian reservation to a nontribal member, and evidence of such tax or surtax ~~surcharge~~ shall be by means of an affixed cigarette tax and surtax ~~surcharge~~ stamp.

(2) In order to ensure an adequate quantity of cigarettes on Indian reservations which may be purchased by tribal members who are exempt from the cigarette tax and surtax ~~surcharge~~, the division shall provide recognized Indian tribes within this state with Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons as set forth in this section. A reservation cigarette seller shall present such Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons to a wholesale dealer licensed in this state in order to purchase stamped cigarettes that are exempt from the imposition of the cigarette tax and surtax ~~surcharge~~. A tribal member may purchase cigarettes that are exempt from the cigarette tax and surtax ~~surcharge~~ from a reservation cigarette seller even though such cigarettes have an affixed cigarette tax-and-surtax ~~tax-and-surcharge~~ stamp.

593-03568B-19

20197104pb

(3) Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons shall be provided to the recognized governing body of each Indian tribe to ensure that each Indian tribe can obtain cigarettes that are exempt from the tax and surtax ~~surcharge~~ which are for the use of the tribe or its members. The Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons shall be provided to the Indian tribes quarterly. It is intended that each Indian tribe will distribute the Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons to reservation cigarette sellers on such tribe's reservation. Only Indian tribes or reservation cigarette sellers on their reservations may redeem such Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons pursuant to this section.

(a) The number of Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons to be given to the recognized governing body of each Indian tribe shall be based upon the probable demand of the tribal members on the tribe's reservation plus the number needed for official tribal use. The annual total number of Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons to be given to the recognized governing body of each Indian tribe shall be calculated by multiplying the number of members of the tribe times five packs of cigarettes times 365.

(b) Each wholesale dealer shall keep records of transactions involving Indian-tax-and-surtax-exemption ~~Indian-tax-and-surcharge-exemption~~ coupons and shall submit appropriate documentation to the division when claiming a refund as set forth in this section. Documentation must contain at least the

593-03568B-19

20197104pb

following information:

1. The identity of the Indian tribe from which an Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupon is received;

2. The identity and the quantity of the product for which an Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupon is provided;

3. The date of issuance and the date of expiration of the Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupon; and

4. Any other information as the division may deem appropriate.

(4) (a) An Indian tribe may purchase cigarettes for its own official use from a wholesale dealer without payment of the cigarette tax and surtax ~~surtax~~ to the extent that the Indian tribe provides the wholesale dealer with Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupons entitling the Indian tribe to purchase such quantities of cigarettes as allowed by each Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupon without paying the cigarette tax and surtax ~~surtax~~.

(b) A tribal member may purchase cigarettes for his or her own use without payment of the cigarette tax and surtax ~~surtax~~ if the tribal member makes such purchase on a qualified reservation.

(c) A reservation cigarette seller may purchase cigarettes for resale without payment of the cigarette tax from a wholesale dealer licensed pursuant to this chapter:

1. If the reservation cigarette seller brings the

593-03568B-19

20197104pb

cigarettes or causes them to be delivered onto a qualified reservation for resale on the reservation;

2. To the extent that the reservation cigarette seller provides the wholesale dealer with Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupons entitling the reservation cigarette seller to purchase such quantities of cigarettes as allowed on each Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupon without paying the cigarette tax and surtax ~~surtax~~; and

3. If the cigarettes are affixed with a cigarette tax and surtax ~~surtax~~ stamp.

(d) A wholesale dealer may not collect the cigarette tax and surtax ~~surtax~~ from any purchaser if the purchaser gives the dealer Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupons that entitle the purchaser to purchase such quantities of cigarettes as allowed on each such Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupon without paying the cigarette tax and surtax ~~surtax~~.

(5) A wholesale dealer who has one or more Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupons may file a claim for a refund with respect to any cigarette tax previously paid on cigarettes that the wholesale dealer sold without collecting the tax because the dealer accepted an Indian-tax-and-surtax-exemption ~~Indian-tax-and-surtax-exemption~~ coupon from a purchaser pursuant to this section.

(6) If an Indian tribe enters into an agreement with the state and the Legislature approves such agreement regarding the sale and distribution of cigarettes on the tribe's reservation,

593-03568B-19

20197104pb

the terms of the agreement take precedence over the provisions of this section and exempt the tribe from the tax and surtax ~~surcharge~~ if the tax and surtax ~~surcharge~~ are specifically addressed in the agreement. The sale or distribution, including transportation, of any cigarettes to the tribe's reservation shall be in accordance with the provisions of the agreement. The agreement must provide for revenue sharing between the tribe and the state relating to the imposition and collection of the taxes imposed by ss. 210.02 and 210.30 and the surtaxes ~~surcharges~~ imposed by ss. 210.011 and 210.276 and must, at a minimum, provide for the state to receive as revenue sharing from the tribe the full amounts of the surtaxes ~~surcharges~~ imposed by ss. 210.011 and 210.276.

Section 11. Section 210.276, Florida Statutes, is amended to read:

210.276 Surtax ~~surcharge~~ on tobacco products.—

(1) A surtax ~~surcharge~~ is levied upon all tobacco products in this state and upon any person engaged in business as a distributor of tobacco products at the rate of 60 percent of the wholesale sales price. The surtax ~~surcharge~~ shall be levied at the time the distributor:

(a) Brings or causes to be brought into this state from without the state tobacco products for sale;

(b) Makes, manufactures, or fabricates tobacco products in this state for sale in this state; or

(c) Ships or transports tobacco products to retailers in this state, to be sold by those retailers. A surtax ~~surcharge~~ may not be levied on tobacco products shipped or transported outside this state for sale or use outside this state.

593-03568B-19

20197104pb

(2) A surtax ~~surcharge~~ is imposed upon the use or storage by consumers of tobacco products in this state and upon such consumers at the rate of 60 percent of the wholesale sales price. The surtax ~~surcharge~~ imposed by this subsection does not apply if the surtax ~~surcharge~~ imposed by subsection (1) on such tobacco products has been paid. This surtax ~~surcharge~~ does not apply to the use or storage of tobacco products in quantities of less than 1 pound in the possession of any one consumer.

(3) Any tobacco product with respect to which a surtax ~~surcharge~~ has once been imposed under this section is not again subject to surtax ~~surcharge~~ under this section.

(4) No surtax ~~surcharge~~ shall be imposed by this section upon tobacco products not within the taxing power of the state under the Commerce Clause of the United States Constitution.

(5) The exemptions provided for cigarettes under s. 210.04(4) also apply to tobacco products subject to a surtax ~~surcharge~~ under this section.

(6) The surtax ~~surcharge~~ levied under this section shall be administered, collected, and enforced in the same manner as the tax imposed under s. 210.30.

(7) Revenue produced from the surtax ~~surcharge~~ levied under this section shall be deposited into the Health Care Trust Fund within the Agency for Health Care Administration.

Section 12. Subsection (4) of section 212.0601, Florida Statutes, is amended to read:

212.0601 Use taxes of vehicle dealers.—

(4) Notwithstanding the provisions of a motor vehicle rental agreement, no sales or use tax and no rental car surtax ~~surcharge~~ pursuant to s. 212.0606 shall accrue to the use of a

593-03568B-19

20197104pb

motor vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

Section 13. Section 212.0606, Florida Statutes, is amended to read:

212.0606 Rental car surtax ~~surcharge~~.—

(1) Except as provided in subsection (2), a surtax ~~surcharge~~ of \$2 per day or any part of a day is imposed upon the lease or rental of a motor vehicle licensed for hire and designed to carry fewer than nine passengers regardless of whether the motor vehicle is licensed in this state. The surtax ~~surcharge~~ applies to only the first 30 days of the term of a lease or rental. The surtax ~~surcharge~~ is subject to all applicable taxes imposed by this chapter.

(2) A member of a car-sharing service who uses a motor vehicle as described in subsection (1) for less than 24 hours pursuant to an agreement with the car-sharing service shall pay a surtax ~~surcharge~~ of \$1 per usage. A member of a car-sharing service who uses the same motor vehicle for 24 hours or more shall pay a surtax ~~surcharge~~ of \$2 per day or any part of a day as provided in subsection (1). For purposes of this subsection, the term "car-sharing service" means a membership-based organization or business, or division thereof, which requires the payment of an application or membership fee and provides member access to motor vehicles:

(a) Only at locations that are not staffed by car-sharing service personnel employed solely for the purpose of interacting with car-sharing service members;

(b) Twenty-four hours per day, 7 days per week;

593-03568B-19

20197104pb

(c) Only through automated means, including, but not limited to, smartphone applications or electronic membership cards;

(d) On an hourly basis or for a shorter increment of time;

(e) Without a separate fee for refueling the motor vehicle;

(f) Without a separate fee for minimum financial

responsibility liability insurance; and

(g) Owned or controlled by the car-sharing service or its affiliates.

The surtax ~~surcharge~~ imposed under this subsection does not apply to the lease, rental, or use of a motor vehicle from a location owned, operated, or leased by or for the benefit of an airport or airport authority.

(3) (a) Notwithstanding s. 212.20, and less the costs of administration, 80 percent of the proceeds of this surtax ~~surcharge~~ shall be deposited in the State Transportation Trust Fund, 15.75 percent of the proceeds of this surtax ~~surcharge~~ shall be deposited in the Tourism Promotional Trust Fund created in s. 288.122, and 4.25 percent of the proceeds of this surtax ~~surcharge~~ shall be deposited in the Florida International Trade and Promotion Trust Fund. For the purposes of this subsection, "proceeds" of the surtax ~~surcharge~~ means all funds collected and received by the department under this section, including interest and penalties on delinquent surtaxes ~~surcharges~~. The department shall provide the Department of Transportation rental car surtax ~~surcharge~~ revenue information for the previous state fiscal year by September 1 of each year.

(b) Notwithstanding any other provision of law, the

593-03568B-19

20197104pb

proceeds deposited in the State Transportation Trust Fund shall be allocated on an annual basis in the Department of Transportation's work program to each department district, except the Turnpike District. The amount allocated to each district shall be based on the amount of proceeds attributed to the counties within each respective district.

(4) Except as provided in this section, the department shall administer, collect, and enforce the surtax ~~surcharge~~ as provided in this chapter.

(a) The department shall require dealers to report surtax ~~surcharge~~ collections according to the county to which the surtax ~~surcharge~~ was attributed. For purposes of this section, the surtax ~~surcharge~~ shall be attributed to the county where the rental agreement was entered into.

(b) Dealers who collect the rental car surtax ~~surcharge~~ shall report to the department all surtax ~~surcharge~~ revenues attributed to the county where the rental agreement was entered into on a timely filed return for each required reporting period. The provisions of this chapter which apply to interest and penalties on delinquent taxes apply to the surtax ~~surcharge~~. The surtax ~~surcharge~~ shall not be included in the calculation of estimated taxes pursuant to s. 212.11. The dealer's credit provided in s. 212.12 does not apply to any amount collected under this section.

(5) The surtax ~~surcharge~~ imposed by this section does not apply to a motor vehicle provided at no charge to a person whose motor vehicle is being repaired, adjusted, or serviced by the entity providing the replacement motor vehicle.

Section 14. Section 213.05, Florida Statutes, is amended to

593-03568B-19

20197104pb

read:

213.05 Department of Revenue; control and administration of revenue laws.—The Department of Revenue shall have only those responsibilities for ad valorem taxation specified to the department in chapter 192, taxation, general provisions; chapter 193, assessments; chapter 194, administrative and judicial review of property taxes; chapter 195, property assessment administration and finance; chapter 196, exemption; chapter 197, tax collections, sales, and liens; chapter 199, intangible personal property taxes; and chapter 200, determination of millage. The Department of Revenue shall have the responsibility of regulating, controlling, and administering all revenue laws and performing all duties as provided in s. 125.0104, the Local Option Tourist Development Act; s. 125.0108, tourist impact tax; chapter 198, estate taxes; chapter 201, excise tax on documents; chapter 202, communications services tax; chapter 203, gross receipts taxes; chapter 206, motor and other fuel taxes; chapter 211, tax on production of oil and gas and severance of solid minerals; chapter 212, tax on sales, use, and other transactions; chapter 220, income tax code; ss. 336.021 and 336.025, taxes on motor fuel and special fuel; s. 376.11, pollutant spill prevention and control; s. 403.718, waste tire surtaxes ~~fees~~; s. 403.7185, lead-acid battery surtaxes ~~fees~~; s. 538.09, registration of secondhand dealers; s. 538.25, registration of secondary metals recyclers; s. 624.4621, group self-insurer's fund premium tax; s. 624.5091, retaliatory tax; s. 624.475, commercial self-insurance fund premium tax; ss. 624.509-624.511, insurance code: administration and general provisions; s. 624.515, State Fire Marshal regulatory

593-03568B-19

20197104pb

assessment; s. 627.357, medical malpractice self-insurance premium tax; s. 629.5011, reciprocal insurers premium tax; and s. 681.117, motor vehicle warranty enforcement.

Section 15. Paragraphs (p) and (q) of subsection (1), paragraph (u) of subsection (8), and paragraph (b) of subsection (15) of section 213.053, Florida Statutes, are amended to read:

213.053 Confidentiality and information sharing.—

(1) This section applies to:

(p) Section 403.718, waste tire surtaxes fees;

(q) Section 403.7185, lead-acid battery surtaxes fees;

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

(u) Rental car surtax surcharge revenues authorized by s. 212.0606, reported according to the county to which the surtax surcharge was attributed to the Department of Transportation.

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.

(15)(b) The Division of Corporations shall use such information only in the pursuit of its official duties relative to nonqualified foreign or dissolved corporations in the recovery of taxes, fees, and penalties due and owing the state.

Section 16. Paragraph (b) of subsection (2) and paragraphs

(a) and (b) of subsection (3) of section 213.24, Florida

593-03568B-19

20197104pb

Statutes, are amended to read:

213.24 Accrual of penalties and interest on deficiencies; deficiency billing costs.—

(2)

(b) The cost of issuing billings or automated refunds for any tax, surtax, or fee enumerated in s. 213.05 or chapter 443 shall be computed in a study performed by the inspector general of the department. The study shall be conducted every 3 years and at such other times as deemed necessary by the inspector general. A minimum billing and automated refund amount shall be established and adjusted in accordance with the results of such study.

(3) An administrative collection processing fee shall be imposed to offset payment processing and administrative costs incurred by the state due to late payment of a collection event.

(a) As used in this subsection, the term:

1. "Collection event" means when a taxpayer fails to:

a. Timely file a complete return;

b. Timely pay the full amount of tax reported on a return;

or

c. Timely pay the full amount due resulting from an audit after all appeal rights have expired or the result has been finally determined.

2. "Extraordinary circumstances" means events beyond the control of the taxpayer, including, but not limited to, the taxpayer's death; acts of war or terrorism; natural disaster, fire, or other casualty; or the nonfeasance or misfeasance of the taxpayer's employee or representative responsible for complying with the taxes, surtaxes, and fees listed in s. 213.05

593-03568B-19

20197104pb

and chapter 443. With respect to acts of the taxpayer's employee or representative, the taxpayer must show that the principals of the business lacked actual knowledge of the collection event and any notification of the collection event.

(b) The department shall collect the fee from a taxpayer who fails to pay the full amount of tax, penalty, and interest due within 90 days following initial notification of the collection event. The department may waive or reduce the fee if the taxpayer demonstrates that the failure to pay the full amount due within 90 days following the initial notification was due to extraordinary circumstances. The fee applies to those taxes, surtaxes, and fees listed in s. 213.05 and chapter 443 and administered by the department.

Section 17. Subsection (3) of section 282.709, Florida Statutes, is amended to read:

282.709 State agency law enforcement radio system and interoperability network.—

(3) The State Agency Law Enforcement Radio System Trust Fund is established in the department and funded from taxes and surtaxes ~~surecharges~~ collected under ss. 318.18, 320.0802, and 328.72. Upon appropriation, moneys in the trust fund may be used by the department to acquire by competitive procurement the equipment, software, and engineering, administrative, and maintenance services it needs to construct, operate, and maintain the statewide radio system. Moneys in the trust fund from taxes and surtaxes ~~surecharges~~ shall be used to help fund the costs of the system. Upon completion of the system, moneys in the trust fund may also be used by the department for payment of the recurring maintenance costs of the system.

593-03568B-19

20197104pb

Section 18. Section 316.2124, Florida Statutes, is amended to read:

316.2124 Motorized disability access vehicles.—The Department of Highway Safety and Motor Vehicles is directed to provide, by rule, for the regulation of motorized disability access vehicles as described in s. 320.01. The department shall provide that motorized disability access vehicles shall be registered in the same manner as motorcycles and shall pay the same registration tax fee as for a motorcycle. There shall also be assessed, in addition to the registration tax fee, a \$2.50 surtax ~~surecharge~~ for motorized disability access vehicles. This surtax ~~surecharge~~ shall be paid into the Highway Safety Operating Trust Fund. Motorized disability access vehicles shall not be required to be titled by the department. The department shall require motorized disability access vehicles to be subject to the same safety requirements as set forth in this chapter for motorcycles.

Section 19. Paragraph (b) of subsection (4) of section 316.545, Florida Statutes, is amended to read:

316.545 Weight and load unlawful; special fuel and motor fuel tax enforcement; inspection; penalty; review.—

(4) (b) In addition to the penalty provided for in paragraph (a), the vehicle may be detained until the owner or operator of the vehicle furnishes evidence that the vehicle has been properly registered pursuant to s. 207.004. Any officer of the Florida Highway Patrol or agent of the Department of Transportation may issue a temporary fuel use permit and collect the appropriate tax ~~fee~~ as provided for in s. 207.004(4). Notwithstanding the provisions of subsection (6), all permit

593-03568B-19

20197104pb

~~taxes fees~~ collected pursuant to this paragraph shall be transferred to the Department of Highway Safety and Motor Vehicles to be allocated pursuant to s. 207.026.

Section 20. Subsection (6) of section 316.550, Florida Statutes, is amended to read:

316.550 Operations not in conformity with law; special permits.—

(6) The Department of Transportation or such local authority is authorized to promulgate rules and regulations concerning the issuance of such permits and to charge a tax fee for the issuance thereof, which rules, regulations, and taxes fees shall have the force and effect of law. The minimum tax fee for issuing any such permit shall be \$5. The Department of Transportation may issue blanket permits for not more than 36 months. The department may charge an annualized tax fee for blanket permits not to exceed \$500.

Section 21. Subsection (1) of section 317.0004, Florida Statutes, is amended to read:

317.0004 Administration of off-highway vehicle titling laws; records.—

(1) The administration of off-highway vehicle titling laws in this chapter is under the Department of Highway Safety and Motor Vehicles, which shall provide for the issuing, handling, and recording of all off-highway vehicle titling applications and certificates, including the receipt and accounting of off-highway vehicle titling taxes and fees. The provisions of chapter 319 are applicable to this chapter, unless otherwise explicitly stated.

Section 22. Subsection (2) of section 317.0006, Florida

593-03568B-19

20197104pb

Statutes, are amended to read:

317.0006 Certificate of title required.—

(2) A person may not sell, assign, or transfer an off-highway vehicle titled by the state without delivering to the purchaser or transferee a valid certificate of title with an assignment on it showing the transfer of title to the purchaser or transferee. A person may not purchase or otherwise acquire an off-highway vehicle required to be titled without obtaining a certificate of title for the vehicle in his or her name. The purchaser or transferee shall, within 30 days after a change in off-highway vehicle ownership, file an application for a title transfer with the county tax collector. An additional \$10 tax fee shall be charged against a purchaser or transferee who files a title transfer application after the 30-day period. The county tax collector may retain \$5 of the additional amount.

Section 23. Subsections (1) and (6) of section 317.0007, Florida Statutes, are amended to read:

317.0007 Application for and issuance of certificate of title.—

(1) The owner of an off-highway vehicle that is required to be titled must apply to the county tax collector for a certificate of title. The application must include the true name of the owner, the residence or business address of the owner, and a complete description of the off-highway vehicle. The application must be signed by the owner and must be accompanied by a tax fee of \$29.

(6) In addition to a certificate of title, the department may issue a validation sticker to be placed on the off-highway vehicle as proof of the issuance of title required pursuant to

593-03568B-19

20197104pb

s. 317.0006(1). A validation sticker that is lost or destroyed may, upon application, be replaced by the department or county tax collector. The department and county tax collector may charge and deposit the taxes and fees established in ss. 320.03(5), 320.031, and 320.04 for all original and replacement decals.

Section 24. Subsections (1) and (2) of section 317.0008, Florida Statutes, are amended to read:

317.0008 Duplicate certificate of title.—

(1) The department may issue a duplicate certificate of title upon application by the person entitled to hold such a certificate if the department is satisfied that the original certificate has been lost, destroyed, or mutilated. A tax fee of \$15 shall be charged for issuing a duplicate certificate.

(2) If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the off-highway vehicle or the holder of a lien thereon may, within 180 days after the date of issuance of the certificate, apply to the department for reissuance of the certificate. An additional tax fee may not be charged for reissuance under this subsection.

Section 25. Section 317.0010, Florida Statutes, is amended to read:

317.0010 Disposition of taxes and fees.—The department shall deposit all funds received under this chapter, less administrative costs of \$2 per title transaction, into the Incidental Trust Fund of the Florida Forest Service of the Department of Agriculture and Consumer Services.

593-03568B-19

20197104pb

Section 26. Subsection (3) of section 317.0011, Florida Statutes, is amended to read:

317.0011 Refusal to issue and authority to cancel a certificate of title.—

(3) The department may cancel any pending application or any certificate if it finds that any title tax, fee, or sales tax pertaining to such application or certificate has not been paid, unless the fee or tax is paid within a reasonable time after the department has given notice.

Section 27. Subsection (6) of section 317.0014, Florida Statutes, is amended to read:

317.0014 Certificate of title; issuance in duplicate; delivery; liens and encumbrances.—

(6) When the original certificate of title cannot be returned to the department by the lienholder and evidence satisfactory to the department is produced that all liens or encumbrances have been satisfied, upon application by the owner for a duplicate copy of the certificate upon the form prescribed by the department, accompanied by the tax fee prescribed in this chapter, a duplicate copy of the certificate of title, without statement of liens or encumbrances, shall be issued by the department and delivered to the owner.

Section 28. Section 317.0016, Florida Statutes, is amended to read:

317.0016 Expedited service; applications; fees.—The department shall provide, through its agents and for use by the public, expedited service on title transfers, title issuances, duplicate titles, and recordation of liens. A fee of \$7 shall be charged for this service, which is in addition to the taxes fees

593-03568B-19

20197104pb

871 imposed by ss. 317.0007 and 317.0008, and \$3.50 of this fee
 872 shall be retained by the processing agency. All remaining fees
 873 shall be deposited in the Incidental Trust Fund of the Florida
 874 Forest Service of the Department of Agriculture and Consumer
 875 Services. Application for expedited service may be made by mail
 876 or in person. The department shall issue each title applied for
 877 pursuant to this section within 5 working days after receipt of
 878 the application except for an application for a duplicate title
 879 certificate covered by s. 317.0008(3), in which case the title
 880 must be issued within 5 working days after compliance with the
 881 department's verification requirements.

882 Section 29. Subsection (2) of section 318.15, Florida
 883 Statutes, is amended to read:

884 318.15 Failure to comply with civil penalty or to appear;
 885 penalty.—

886 (2) After the suspension of a person's driver license and
 887 privilege to drive under subsection (1), the license and
 888 privilege may not be reinstated until the person complies with
 889 the terms of a periodic payment plan or a revised payment plan
 890 with the clerk of the court pursuant to ss. 318.14 and 28.246 or
 891 with all obligations and penalties imposed under s. 318.18 and
 892 presents to a driver license office a certificate of compliance
 893 issued by the court, together with a nonrefundable service
 894 charge of \$60 imposed under s. 322.29, or presents a certificate
 895 of compliance and pays the service tax ~~charge~~ to the clerk of
 896 the court or a driver licensing agent authorized under s.
 897 322.135 clearing such suspension. Of the charge collected,
 898 \$22.50 shall be remitted to the Department of Revenue to be
 899 deposited into the Highway Safety Operating Trust Fund. Such

593-03568B-19

20197104pb

900 person must also be in compliance with requirements of chapter
 901 322 before reinstatement.

902 Section 30. Paragraphs (a) and (b) of subsection (10) of
 903 section 319.14, Florida Statutes, are amended to read:

904 319.14 Sale of motor vehicles registered or used as
 905 taxicabs, police vehicles, lease vehicles, rebuilt vehicles,
 906 nonconforming vehicles, custom vehicles, or street rod vehicles;
 907 conversion of low-speed vehicles.—

908 (10)(a) A vehicle titled or branded and registered as a
 909 low-speed vehicle may be converted to a golf cart pursuant to
 910 the following:

911 1. The owner of the converted vehicle must contact the
 912 regional office of the department to verify the conversion,
 913 surrender the registration license plate and the current
 914 certificate of title, and pay the appropriate tax ~~fee~~
 915 established under paragraph (b).

916 2. The owner of the converted vehicle must provide an
 917 affidavit to the department attesting that the vehicle has been
 918 modified to comply with the speed restrictions provided in s.
 919 320.01(22) and acknowledging that the vehicle must be operated
 920 in accordance with s. 316.212, s. 316.2125, s. 316.2126, or s.
 921 316.21265.

922 3. Upon verification of the conversion, the department
 923 shall note in the vehicle record that the low-speed vehicle has
 924 been converted to a golf cart and shall cancel the certificate
 925 of title and registration of the vehicle.

926 (b) The department shall establish a tax ~~fee~~ of \$40 to
 927 cover the cost of verification and associated administrative
 928 costs for carrying out its responsibilities under this

593-03568B-19

20197104pb

subsection.

Section 31. Subsection (1) and paragraph (a) of subsection (6) of section 319.23, Florida Statutes, are amended to read:

319.23 Application for, and issuance of, certificate of title.—

(1) Application for a certificate of title shall be made upon a form prescribed by the department, shall be filed with the department, and shall be accompanied by the tax fee prescribed in this chapter. If a certificate of title has previously been issued for a motor vehicle or mobile home in this state, the application for a certificate of title shall be accompanied by the certificate of title duly assigned, or assigned and reassigned, unless otherwise provided for in this chapter. If the motor vehicle or mobile home for which application for a certificate of title is made is a new motor vehicle or new mobile home for which one or more manufacturers' statements of origin are required by the provisions of s. 319.21, the application for a certificate of title shall be accompanied by all such manufacturers' statements of origin.

(6) (a) In the case of the sale of a motor vehicle or mobile home by a licensed dealer to a general purchaser, the certificate of title must be obtained in the name of the purchaser by the dealer upon application signed by the purchaser, and in each other case the certificate must be obtained by the purchaser. In each case of transfer of a motor vehicle or mobile home, the application for a certificate of title, a corrected certificate, or an assignment or reassignment must be filed within 30 days after the delivery of the motor vehicle or after consummation of the sale of the mobile home to

593-03568B-19

20197104pb

the purchaser. An applicant must pay a tax fee of \$20, in addition to all other ~~taxes~~, ~~fees~~, and penalties required by law, for failing to file such application within the specified time. In the case of the sale of a motor vehicle by a licensed motor vehicle dealer to a general purchaser who resides in another state or country, the dealer is not required to apply for a certificate of title for the motor vehicle; however, the dealer must transfer ownership and reassign the certificate of title or manufacturer's certificate of origin to the purchaser, and the purchaser must sign an affidavit, as approved by the department, that the purchaser will title and register the motor vehicle in another state or country.

Section 32. Subsection (6) of section 319.24, Florida Statutes, is amended to read:

319.24 Issuance in duplicate; delivery; liens and encumbrances.—

(6) When the original certificate of title cannot be returned to the department by the lienholder and evidence satisfactory to the department is produced that all liens or encumbrances have been satisfied, upon application by the owner for a duplicate copy of the certificate upon the form prescribed by the department, accompanied by the tax fee prescribed in this chapter, a duplicate copy of the certificate of title, without statement of liens or encumbrances, shall be issued by the department and delivered to the owner.

Section 33. Subsection (2) of section 319.25, Florida Statutes, is amended to read:

319.25 Cancellation of certificates.—

(2) The department is authorized, upon application of any

593-03568B-19

20197104pb

person and payment of the proper taxes and fees, to prepare and furnish lists containing title information in such form as the department may authorize, to search the records of the department and make reports thereof, and to make photographic copies of the department records and attestations thereof, except as provided in chapter 119.

Section 34. Paragraph (a) of subsection (4) of section 319.27, Florida Statutes, is amended to read:

319.27 Notice of lien on motor vehicles or mobile homes; notation on certificate; recording of lien.—

(4) (a) Notwithstanding the provisions of subsection (2), any person holding a lien for purchase money or as security for a debt in the form of a security agreement, retain title contract, conditional bill of sale, chattel mortgage, or other similar instrument covering a motor vehicle or mobile home previously titled or registered outside this state upon which no Florida certificate of title has been issued may use the facilities of the department for the recording of such lien as constructive notice of such lien to creditors and purchasers of such motor vehicle or mobile home in this state provided such lienholder files a sworn notice of such lien in the department, showing the following information:

1. The date of the lien;
2. The name and address of the registered owner;
3. A description of the motor vehicle or mobile home, showing the make, type, and vehicle identification number; and
4. The name and address of the lienholder.

Upon the filing of such notice of lien and the payment of the

593-03568B-19

20197104pb

~~tax fee~~ provided in s. 319.32, the lien shall be recorded in the department.

Section 35. Paragraph (a) of subsection (1) and paragraph (b) of subsection (2) of section 319.28, Florida Statutes, are amended to read:

319.28 Transfer of ownership by operation of law.—

(1) (a) In the event of the transfer of ownership of a motor vehicle or mobile home by operation of law as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, attachment, execution, or other judicial sale or whenever the engine of a motor vehicle is replaced by another engine or whenever a motor vehicle is sold to satisfy storage or repair charges or repossession is had upon default in performance of the terms of a security agreement, chattel mortgage, conditional sales contract, trust receipt, or other like agreement, and upon the surrender of the prior certificate of title or, when that is not possible, presentation of satisfactory proof to the department of ownership and right of possession to such motor vehicle or mobile home, and upon payment of the taxes and fees ~~fee~~ prescribed by law and presentation of an application for certificate of title, the department may issue to the applicant a certificate of title thereto.

(2)

(b) In case of repossession of a motor vehicle or mobile home pursuant to the terms of a security agreement or similar instrument, an affidavit by the party to whom possession has passed stating that the vehicle or mobile home was repossessed upon default in the terms of the security agreement or other instrument shall be considered satisfactory proof of ownership

593-03568B-19

20197104pb

and right of possession. At least 5 days prior to selling the repossessed vehicle, any subsequent lienholder named in the last issued certificate of title shall be sent notice of the repossession by certified mail, on a form prescribed by the department. If such notice is given and no written protest to the department is presented by a subsequent lienholder within 15 days after the date on which the notice was mailed, the certificate of title shall be issued showing no liens. If the former owner or any subsequent lienholder files a written protest under oath within such 15-day period, the department shall not issue the certificate of title for 10 days thereafter. If within the 10-day period no injunction or other order of a court of competent jurisdiction has been served on the department commanding it not to deliver the certificate of title, the department shall deliver the certificate of title to the applicant or as may otherwise be directed in the application showing no other liens than those shown in the application. Any lienholder who has repossessed a vehicle in this state in compliance with the provisions of this section must apply to a tax collector's office in this state or to the department for a certificate of title pursuant to s. 319.323. Proof of the required notice to subsequent lienholders shall be submitted together with regular title taxes and fees. Any person found guilty of violating any requirements of this paragraph shall be guilty of a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 36. Subsections (1) and (3) of section 319.29, Florida Statutes, are amended to read:

319.29 Lost or destroyed certificates.—

593-03568B-19

20197104pb

(1) If a certificate of title is lost or destroyed, application for a duplicate copy thereof shall be made to the department by the owner of the motor vehicle or mobile home or the holder of a lien thereon upon a form prescribed by the department and accompanied by the tax ~~fee~~ prescribed in this chapter. The application shall be signed and sworn to by the applicant. Thereupon the department shall issue a duplicate copy of the certificate of title to the person entitled to receive the certificate of title under the provisions of this chapter. The duplicate copy and all subsequent certificates of title issued in the chain of title originated by such duplicate copy shall be plainly marked across their faces "duplicate copy," and any subsequent purchaser of the motor vehicle or mobile home in the chain of title originating through such duplicate copy shall acquire only such rights in the motor vehicle or mobile home as the original holder of the duplicate copy himself or herself had.

(3) If, following the issuance of an original, duplicate, or corrected certificate of title by the department, the certificate is lost in transit and is not delivered to the addressee, the owner of the motor vehicle or mobile home, or the holder of a lien thereon, may, within 180 days of the date of issuance of the title, apply to the department for reissuance of the certificate of title. No additional tax ~~fee~~ shall be charged for reissuance under this subsection.

Section 37. Paragraph (i) of subsection (8) and paragraph (d) of subsection (9) of section 319.30, Florida Statutes, are amended to read:

319.30 Definitions; dismantling, destruction, change of

593-03568B-19

20197104pb

identity of motor vehicle or mobile home; salvage.—

(8)

(i) The department shall charge a tax fee of \$3 for each derelict motor vehicle certificate delivered to the department or one of its agents for processing and shall mark the title record canceled. A service charge may be collected under s. 320.04.

(9)

(d) Upon applying for a certificate of destruction or salvage certificate of title, the independent entity shall provide a copy of the release statement from the insurance company to the independent entity, proof of providing the 30-day notice to the owner, proof of notification to the National Motor Vehicle Title Information System, and applicable taxes fees.

Section 38. Section 319.32, Florida Statutes, is amended to read:

319.32 Taxes Fees; service charges; disposition.—

(1) The department shall charge a tax fee of \$70 for each original certificate of title, except for a certificate of title for a motor vehicle for hire registered under s. 320.08(6) for which the title tax fee shall be \$49; \$70 for each duplicate copy of a certificate of title, except for a certificate of title for a motor vehicle for hire registered under s. 320.08(6) for which the title tax fee shall be \$49; \$2 for each salvage certificate of title; and \$3 for each assignment by a lienholder. The department shall also charge a tax fee of \$2 for noting a lien on a title certificate, which tax fee includes the services for the subsequent issuance of a corrected certificate or cancellation of lien when that lien is satisfied. If an

593-03568B-19

20197104pb

application for a certificate of title is for a vehicle that is required by s. 319.14(1)(b) to have a physical examination, the department shall charge an additional tax fee of \$40 for the initial examination and \$20 for each subsequent examination. The initial examination tax fee shall be deposited into the General Revenue Fund, and each subsequent examination tax fee shall be deposited into the Highway Safety Operating Trust Fund. The physical examination of the vehicle includes, but is not limited to, verification of the vehicle identification number and verification of the bill of sale or title for major components. In addition to all other fees charged, a sum of \$1 shall be paid for the issuance of an original or duplicate certificate of title to cover the cost of materials used for security purposes. A service fee of \$2.50, to be deposited into the Highway Safety Operating Trust Fund, shall be charged for shipping and handling for each paper title mailed by the department.

(2) (a) There shall be a service charge of \$4.25 for each application that is handled in connection with the issuance, duplication, or transfer of any certificate of title. There shall be a service charge of \$1.25 for each application that is handled in connection with the recordation or notation of a lien on a motor vehicle or mobile home which is not in connection with the purchase of such vehicle.

(b) The service charges specified in paragraph (a) shall be collected by the department on any application handled directly from its office. Otherwise, these service charges shall be collected and retained by the tax collector who handles the application.

(3) The department shall charge a tax fee of \$10 in

593-03568B-19

20197104pb

addition to that charged in subsection (1) for each original certificate of title issued for a vehicle previously registered outside this state.

(4) The department shall charge a tax ~~fee~~ of \$7 for each lien placed on a motor vehicle by the state child support enforcement program pursuant to s. 319.24.

(5) (a) Forty-seven dollars of each tax ~~fee~~ collected, except for taxes ~~fees~~ charged on a certificate of title for a motor vehicle for hire registered under s. 320.08(6), for each applicable original certificate of title and each applicable duplicate copy of a certificate of title, after deducting the service charges imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund. Deposits to the State Transportation Trust Fund pursuant to this paragraph may not exceed \$200 million in any fiscal year, and any collections in excess of that amount during the fiscal year shall be paid into the General Revenue Fund.

(b) All taxes ~~fees~~ collected pursuant to subsection (3) shall be paid into the Nongame Wildlife Trust Fund. Twenty-one dollars of each tax ~~fee~~, except for taxes ~~fees~~ charged on a certificate of title for a motor vehicle for hire registered under s. 320.08(6), for each applicable original certificate of title and each applicable duplicate copy of a certificate of title, after deducting the service charges imposed by s. 215.20, shall be deposited into the State Transportation Trust Fund. All other taxes ~~fees~~ collected by the department under this chapter shall be paid into the General Revenue Fund.

(6) Notwithstanding chapter 116, each county officer within this state authorized to collect funds provided for in this

593-03568B-19

20197104pb

chapter shall pay all sums officially received by the officer into the State Treasury no later than 5 working days after the close of the business day in which the officer received the funds. Payment by county officers to the state shall be made by means of electronic funds transfer.

(7) Notwithstanding any other provision of this section, the department and tax collector may not charge any tax, fee, or service charge, except for the expedited title fee, if applicable, for a certificate of title issued for a motor vehicle solely to remove a deceased coowner from a title registered in the names of two persons if the other coowner is the surviving spouse.

Section 39. Section 319.323, Florida Statutes, is amended to read:

319.323 Expedited service; applications; fees.—The department shall establish a separate title office which may be used by private citizens and licensed motor vehicle dealers to receive expedited service on title transfers, title issuances, duplicate titles, and recordation of liens. A fee of \$10 shall be charged for this service, which fee is in addition to the taxes ~~fees~~ imposed by s. 319.32. The fee, after deducting the amount referenced by s. 319.324 and \$3.50 to be retained by the processing agency, shall be deposited into the General Revenue Fund. Application for expedited service may be made by mail or in person. The department shall issue each title applied for under this section within 5 working days after receipt of the application except for an application for a duplicate title certificate covered by s. 319.23(4), in which case the title must be issued within 5 working days after compliance with the

593-03568B-19

20197104pb

1219 department's verification requirements.

1220 Section 40. Subsection (23) of section 320.01, Florida
1221 Statutes, is amended to read:

1222 320.01 Definitions, general.—As used in the Florida
1223 Statutes, except as otherwise provided, the term:

1224 (23) "International Registration Plan" means a registration
1225 reciprocity agreement among states of the United States and
1226 provinces of Canada providing for payment of license taxes ~~fees~~
1227 on the basis of fleet miles operated in various jurisdictions.

1228 Section 41. Paragraph (a) of subsection (17) of section
1229 320.02, Florida Statutes, is amended to read:

1230 320.02 Registration required; application for registration;
1231 forms.—

1232 (17) The department is authorized to withhold registration
1233 or re-registration of a motor vehicle if the name of the owner
1234 or of a coowner appears on a list submitted to the department by
1235 a licensed motor vehicle dealer for a previous registration of
1236 that vehicle. The department shall place the name of the
1237 registered owner of that vehicle on the list of those persons
1238 who may not be issued a license plate, revalidation sticker, or
1239 replacement plate for the vehicle purchased from the licensed
1240 motor vehicle dealer. The motor vehicle dealer must maintain
1241 signed evidence that the owner or coowner acknowledged the
1242 dealer's authority to submit the list to the department if he or
1243 she failed to pay and must note the amount for which the owner
1244 or coowner would be responsible for the vehicle registration.
1245 The dealer must maintain the necessary documentation required in
1246 this subsection or face penalties as provided in s. 320.27. This
1247 subsection does not affect the issuance of a title to a motor

593-03568B-19

20197104pb

1248 vehicle.

1249 (a) The motor vehicle owner or coowner may dispute the
1250 claim that money is owed to a dealer for registration taxes ~~fees~~
1251 by submitting a form to the department if the motor vehicle
1252 owner or coowner has documentary proof that the registration
1253 taxes ~~fees~~ have been paid to the dealer for the disputed amount.
1254 Without clear evidence of the amounts owed for the vehicle
1255 registration and repayment, the department will assume initial
1256 payments are applied to government-assessed taxes ~~fees~~ first.

1257 Section 42. Subsections (5), (6), (9), and (10) of section
1258 320.03, Florida Statutes, are amended to read:

1259 320.03 Registration; duties of tax collectors;
1260 International Registration Plan.—

1261 (5) In addition to the taxes ~~fees~~ required under s. 320.08,
1262 a tax ~~fee~~ of 50 cents shall be charged on every license
1263 registration sold to cover the costs of the Florida Real Time
1264 Vehicle Information System. The taxes ~~fees~~ collected shall be
1265 deposited into the Highway Safety Operating Trust Fund to be
1266 used exclusively to fund the system. The tax ~~fee~~ may only be
1267 used to fund the system equipment, software, personnel
1268 associated with the maintenance and programming of the system,
1269 and networks used in the offices of the county tax collectors as
1270 agents of the department and the ancillary technology necessary
1271 to integrate the system with other tax collection systems. The
1272 department shall administer this program upon consultation with
1273 the Florida Tax Collectors, Inc., to ensure that each county tax
1274 collector's office is technologically equipped and functional
1275 for the operation of the Florida Real Time Vehicle Information
1276 System. Any designated revenue collected to support functions of

593-03568B-19

20197104pb

the county tax collectors and not used in a given year must remain exclusively in the trust fund as a carryover to the following year.

(6) A nonrefundable tax ~~fee~~ of \$1 shall be charged on every license registration sold, transferred, or replaced. This tax ~~fee~~ must be deposited in the Air Pollution Control Trust Fund established in the Department of Environmental Protection and used only for purposes of air pollution control pursuant to chapter 403, except that, if any county has an approved local air pollution control program as provided in s. 403.182, 50 cents of the tax ~~fee~~ from each license registration sold in the county must be returned to that county for deposit into a local air pollution control program trust fund, which must be established by the county and used only for air pollution control programs relating to the control of emissions from mobile sources and toxic and odor emissions, air quality monitoring, and facility inspections pursuant to chapter 403 or any similar local ordinance. Any county that has a Department of Environmental Protection approved local air pollution control program shall receive 75 cents of the tax ~~fee~~ from each license registration sold, transferred, or replaced in the county. However, if the approved local air pollution control program trust fund has an unencumbered balance at the end of the preceding fiscal year of more than 50 percent of the preceding year's allocation from the taxes ~~fees~~ authorized in this subsection, the department may, after consultation with the approved local air pollution control program, retain any amount above 50 cents of the taxes ~~fees~~ from each license registration sold, transferred, or replaced in the county for the following

593-03568B-19

20197104pb

fiscal year. The Department of Environmental Protection is authorized to adopt rules necessary to implement this subsection.

(9) A nonrefundable tax ~~fee~~ of \$1.50 shall be charged on the initial and renewal registration of each automobile for private use, and on the initial and renewal registration of each truck having a net weight of 5,000 pounds or less. Such taxes ~~fees~~ shall be deposited in the Transportation Disadvantaged Trust Fund created in part I of chapter 427 and shall be used as provided therein, except that priority shall be given to the transportation needs of those who, because of age or physical and mental disability, are unable to transport themselves and are dependent upon others to obtain access to health care, employment, education, shopping, or other life-sustaining activities.

(10) Jurisdiction over the electronic filing system for use by authorized electronic filing system agents to electronically title or register motor vehicles, vessels, mobile homes, or off-highway vehicles; issue or transfer registration license plates or decals; electronically transfer taxes and fees due for the title and registration process; and perform inquiries for title, registration, and lienholder verification and certification of service providers is expressly preempted to the state, and the department shall have regulatory authority over the system. The electronic filing system shall be available for use statewide and applied uniformly throughout the state. An entity that, in the normal course of its business, sells products that must be titled or registered, provides title and registration services on behalf of its consumers and meets all established

593-03568B-19

20197104pb

requirements may be an authorized electronic filing system agent and shall not be precluded from participating in the electronic filing system in any county. Upon request from a qualified entity, the tax collector shall appoint the entity as an authorized electronic filing system agent for that county. The department shall adopt rules in accordance with chapter 120 to replace the December 10, 2009, program standards and to administer the provisions of this section, including, but not limited to, establishing participation requirements, certification of service providers, electronic filing system requirements, and enforcement authority for noncompliance. The December 10, 2009, program standards, excluding any standards which conflict with this subsection, shall remain in effect until the rules are adopted. An authorized electronic filing agent may charge a fee to the customer for use of the electronic filing system.

Section 43. Subsection (5) of section 320.055, Florida Statutes, is amended to read:

320.055 Registration periods; renewal periods.—The following registration periods and renewal periods are established:

(5) For a vehicle subject to apportioned registration under s. 320.08(4), (5)(a)1., (e), (6)(b), or (14), the registration period shall be a period of 12 months beginning in a month designated by the department and ending on the last day of the 12th month. For a vehicle subject to this registration period, the renewal period is the last month of the registration period. The registration period may be shortened or extended at the discretion of the department, on receipt of the appropriate

593-03568B-19

20197104pb

prorated taxes ~~fees~~, in order to evenly distribute such registrations on a monthly basis. For a vehicle subject to nonapportioned registration under s. 320.08(4), (5)(a)1., (6)(b), or (14), the registration period begins December 1 and ends November 30. The renewal period is the 31-day period beginning December 1.

Section 44. Subsection (1) and paragraph (b) of subsection (3) of section 320.06, Florida Statutes, are amended to read:

320.06 Registration certificates, license plates, and validation stickers generally.—

(1)(a) Upon the receipt of an initial application for registration and payment of the appropriate license tax and other taxes and fees required by law, the department shall assign to the motor vehicle a registration license number consisting of letters and numerals or numerals and issue to the owner or lessee a certificate of registration and one registration license plate, unless two plates are required for display by s. 320.0706, for each vehicle so registered.

(b)~~1-~~ Registration license plates bearing a graphic symbol and the alphanumeric system of identification shall be issued for a 10-year period. At the end of the 10-year period, upon renewal, the plate shall be replaced. ~~The department shall extend the scheduled license plate replacement date from a 6-year period to a 10-year period.~~ The tax fee for such replacement is \$28, \$2.80 of which shall be paid each year before the plate is replaced, to be credited toward the next \$28 replacement tax ~~fee~~. The taxes ~~fees~~ shall be deposited into the Highway Safety Operating Trust Fund. A credit or refund may not be given for any prior years' payments of the prorated

593-03568B-19

20197104pb

replacement tax fee if the plate is replaced or surrendered before the end of the 10-year period, except that a credit may be given if a registrant is required by the department to replace a license plate under s. 320.08056(8)(a). With each license plate, a validation sticker shall be issued showing the owner's birth month, license plate number, and the year of expiration or the appropriate renewal period if the owner is not a natural person. The validation sticker shall be placed on the upper right corner of the license plate. The license plate and validation sticker shall be issued based on the applicant's appropriate renewal period. The registration period is 12 months, the extended registration period is 24 months, and all expirations occur based on the applicant's appropriate registration period. A vehicle that has an apportioned registration shall be issued an annual license plate and a cab card that denote the declared gross vehicle weight for each apportioned jurisdiction in which the vehicle is authorized to operate.

~~2. In order to retain the efficient administration of the taxes and fees imposed by this chapter, the 80-cent fee increase in the replacement fee imposed by chapter 2009-71, Laws of Florida, is negated as provided in s. 320.0804.~~

(c) Registration license plates equipped with validation stickers subject to the registration period are valid for not more than 12 months and expire at midnight on the last day of the registration period. A registration license plate equipped with a validation sticker subject to the extended registration period is valid for not more than 24 months and expires at midnight on the last day of the extended registration period.

593-03568B-19

20197104pb

For each registration period after the one in which the metal registration license plate is issued, and until the license plate is required to be replaced, a validation sticker showing the month and year of expiration shall be issued upon payment of the proper license tax amount and other taxes and fees and is valid for not more than 12 months. For each extended registration period occurring after the one in which the metal registration license plate is issued and until the license plate is required to be replaced, a validation sticker showing the year of expiration shall be issued upon payment of the proper license tax amount and other taxes and fees and is valid for not more than 24 months. When license plates equipped with validation stickers are issued in any month other than the owner's birth month or the designated registration period for any other motor vehicle, the effective date shall reflect the birth month or month and the year of renewal. However, when a license plate or validation sticker is issued for a period of less than 12 months, the applicant shall pay the appropriate amount of license tax and the applicable tax fee under s. 320.14 in addition to all other taxes and fees. Validation stickers issued for vehicles taxed under s. 320.08(6)(a), for any company that owns 250 vehicles or more, or for semitrailers taxed under the provisions of s. 320.08(5)(a), for any company that owns 50 vehicles or more, may be placed on any vehicle in the fleet so long as the vehicle receiving the validation sticker has the same owner's name and address as the vehicle to which the validation sticker was originally assigned.

(3)

(b) An additional tax fee of 50 cents shall be collected on

593-03568B-19

20197104pb

each motor vehicle registration or motor vehicle renewal registration issued in this state in order for all license plates and validation stickers to be fully treated with retroreflection material. The ~~tax fee~~ shall be deposited into the Highway Safety Operating Trust Fund.

Section 45. Subsections (3), (4), and (5) of section 320.0607, Florida Statutes, are amended to read:

320.0607 Replacement license plates, validation decal, or mobile home sticker.—

(3) Except as provided in subsection (2), upon filing of an application accompanied by a tax fee of \$28 plus applicable service charges, the department shall issue a replacement plate, sticker, or decal, as applicable, if it is satisfied that the information reported in the application is true. The replacement tax fee shall be deposited into the Highway Safety Operating Trust Fund.

(4) Any license plate, sticker, or decal lost in the mail may be replaced at no charge. Neither the service charge nor the replacement tax fee shall be applied to this replacement. However, the application for a replacement shall contain a statement of such fact, the audit number of the lost item, and the date issued.

(5) Upon the issuance of an original license plate, the applicant shall pay a tax fee of \$28 to be deposited in the Highway Safety Operating Trust Fund.

Section 46. Subsections (2) and (5) and paragraph (a) of subsection (8) of section 320.0609, Florida Statutes, are amended to read:

320.0609 Transfer and exchange of registration license

593-03568B-19

20197104pb

plates; transfer tax fee.—

(2) (a) Upon a sale, trade, transfer, or other disposition of a motor vehicle, the owner shall remove the registration license plate therefrom and either return it or transfer it to a replacement motor vehicle. No registration license plate shall be temporarily or permanently attached to any new or used replacement or substitute vehicle without filing an application for transfer of such registration license plate and paying the transfer tax fee of \$4.50 to the department.

(b) The requirement to pay a transfer tax fee does not apply when the replacement vehicle is classified under s. 320.08(2)(b), (c), or (d) or (3)(a), (b), or (c) and the original vehicle to be replaced is also classified under s. 320.08(2)(b), (c), or (d) or (3)(a), (b), or (c).

(5) For a transfer or exchange other than one specified in paragraph (2)(b), the following provisions apply:

(a) If the replacement motor vehicle requires the same amount of license tax under s. 320.08 as the original vehicle to be replaced, no additional tax other than the transfer tax fee of \$4.50, accompanied by an application for transfer on a form supplied by the department, is required to transfer or exchange a registration license plate for use on a replacement vehicle for the duration of a current registration period and to issue a new certificate of registration.

(b) If the replacement motor vehicle is within a classification requiring a higher license tax than that of the original vehicle to be replaced, the original license plate shall be surrendered in exchange for a plate within the appropriate classification, and an amount representing the pro

593-03568B-19

20197104pb

1509 rata difference in the tax required shall be paid for the
 1510 remaining months of the registration period. Such payment is in
 1511 addition to the transfer tax ~~fee~~ authorized in this section. The
 1512 minimum charge for issuance of a license plate provided in s.
 1513 320.14 does not apply to an exchange of license plates under
 1514 this section.

1515 (8) (a) When the owner of a vehicle transfers a registration
 1516 license plate to a replacement or substitute vehicle acquired
 1517 from a motor vehicle dealer licensed under this chapter, the
 1518 dealer shall timely provide to the department, via an electronic
 1519 system administered by the department for this purpose,
 1520 information regarding the transfer which is required by the
 1521 department. The dealer shall also give the owner written notice
 1522 documenting the transfer if the dealer cannot timely provide the
 1523 required transfer information to the department due to system or
 1524 connectivity problems. The dealer shall maintain all records
 1525 required by the department which must be open to inspection by
 1526 the department or its agents during reasonable business hours.
 1527 The dealer may charge the vehicle owner a fee to comply with
 1528 this subsection. The department may charge a tax ~~fee~~ of \$2 to be
 1529 deposited into the Highway Safety Operating Trust Fund for each
 1530 transfer in addition to any other tax ~~or~~ fee imposed by law.

1531 Section 47. Subsection (3) of section 320.0655, Florida
 1532 Statutes, is amended to read:

1533 320.0655 Permanent license plates for governmental entities
 1534 and volunteer fire departments.—

1535 (3) Any motor vehicle issued a license plate pursuant to
 1536 this section is exempt from the requirement to pay annual
 1537 license taxes pursuant to s. 320.08 but must pay the tax ~~fee~~

593-03568B-19

20197104pb

1538 provided by s. 320.10(2).

1539 Section 48. Paragraph (c) of subsection (2) of section
 1540 320.0657, Florida Statutes, is amended to read:

1541 320.0657 Permanent registration; fleet license plates.—
 1542 (2)

1543 (c) In addition to the license tax prescribed by s.
 1544 320.08(2), (3), (4), (5) (a) and (b), (6) (a), (7), and (8), an
 1545 annual fleet management tax ~~fee~~ of \$2 shall be charged. A one-
 1546 time license plate manufacturing tax ~~fee~~ of \$1.50 shall be
 1547 charged for plates issued for the established number of vehicles
 1548 in the fleet. If the size of the fleet is increased, an issuance
 1549 tax ~~fee~~ of \$10 per vehicle will be charged to include the
 1550 license plate manufacturing tax ~~fee~~. If the license plate
 1551 manufacturing cost increases, the department shall increase the
 1552 license plate manufacturing tax ~~fee~~ to recoup its cost. Taxes
 1553 ~~Fees~~ collected shall be deposited into the Highway Safety
 1554 Operating Trust Fund. Payment of registration license taxes ~~tax~~
 1555 ~~and fees~~ shall be made annually and be evidenced only by the
 1556 issuance of a single receipt by the department. The provisions
 1557 of s. 320.0605 do not apply to vehicles registered in accordance
 1558 with this section, and no annual validation sticker is required.

1559 Section 49. Subsection (2) of section 320.0659, Florida
 1560 Statutes, is amended to read:

1561 320.0659 Permanent registration of trailer for hire and
 1562 semitrailers.—

1563 (2) If apportionment is required for a permanent
 1564 semitrailer, the apportionment must be indicated by means of a
 1565 serially numbered decal, or decals, with the name of the state
 1566 for which apportionment is granted and the year for which the

593-03568B-19

20197104pb

apportionment is valid. The apportionment must be for 1 calendar year and must be renewed as necessary. For jurisdictions that do not require additional trailer taxes fees, the tax fee provided in s. 320.08(5)(a)2. applies.

Section 50. Subsection (2) and paragraph (e) of subsection (3) of section 320.07, Florida Statutes, are amended to read:

320.07 Expiration of registration; renewal required; penalties.—

(2) Registration shall be renewed semiannually, annually, or biennially, as provided in this subsection, during the applicable renewal period, upon payment of the applicable license tax amounts required by s. 320.08, service charges required by s. 320.04, and any additional taxes or fees required by law.

(a) Any person who owns a motor vehicle registered under s. 320.08(4), (6)(b), or (13) may register semiannually as provided in s. 320.0705.

(b) Any person who owns a motor vehicle or mobile home registered under s. 320.08(1), (2), (3), (4)(a) or (b), (6), (7), (8), (9), (10), or (11) may renew the vehicle registration biennially during the applicable renewal period upon payment of the 2-year cumulative total of all applicable license tax amounts required by s. 320.08 and taxes, service charges, or surtaxes ~~surcharges~~ required by ss. 320.03, 320.04, 320.0801, 320.08015, 320.0802, 320.0804, 320.0805, 320.08046, and 320.08056 and payment of the 2-year cumulative total of any additional taxes or fees required by law for an annual registration.

(3) The operation of any motor vehicle without having

593-03568B-19

20197104pb

attached thereto a registration license plate and validation stickers, or the use of any mobile home without having attached thereto a mobile home sticker, for the current registration period shall subject the owner thereof, if he or she is present, or, if the owner is not present, the operator thereof to the following penalty provisions:

(e) Any servicemember, as defined in s. 250.01, whose mobile home registration expired while he or she was serving on active duty or state active duty shall not be charged with a violation of this subsection if, at the time of the offense, the servicemember was serving on active duty or state active duty 35 miles or more from the mobile home. The servicemember must present to the department either a copy of the official military orders or a written verification signed by the servicemember's commanding officer to receive a waiver of taxes and charges.

Section 51. Section 320.0705, Florida Statutes, is amended to read:

320.0705 Semiannual registration or renewal for certain vehicles.—

(1) The owner of a motor vehicle taxed under s. 320.08(4) or (6)(b) may register his or her vehicle semiannually, if the amount of license tax due annually is more than \$100 and the vehicle registration tax fee is not required to be apportioned, upon payment of a tax fee of \$2.50 for each semiannual registration.

(2) During the first 3 months of the semiannual registration period beginning either June 1 or December 1, the semiannual tax shall be one-half of the respective annual amount set forth in s. 320.08. The tax fee for registration during the

593-03568B-19

20197104pb

fourth month of the semiannual period or thereafter shall be at the rate of one-twelfth of the annual amount for the month of registration and one-twelfth of the annual amount for each month of the semiannual registration period succeeding the month of registration. However, any vehicle not registered in this state during the prior semiannual period and not subject to registration during such prior registration period may be registered in any month of the semiannual registration period beginning June 1 or December 1 at the rate of one-twelfth of the annual amount for the month of registration and one-twelfth of the annual amount for each month of the semiannual period succeeding the month of registration. The provisions of s. 320.14 do not apply to such vehicles.

(3) The owner of a motor vehicle taxed under s. 320.08(6)(a) may register such vehicle for any 6-month period upon payment of one-half the annual license tax plus an additional tax fee of \$2.50 for each period; provided, notwithstanding any other provision of law, such person is not entitled to a refund of any tax imposed under s. 320.08(6) upon such vehicle.

Section 52. Subsection (2) of section 320.071, Florida Statutes, is amended to read:

320.071 Advance registration renewal; procedures.—

(2) Upon the filing of the application and payment of the appropriate license tax under s. 320.08, service charges required by s. 320.04, and any additional taxes or fees required by law, the department or its agent shall issue to the owner of the motor vehicle or mobile home a validation sticker or mobile home sticker, as appropriate, which, when affixed to the license

593-03568B-19

20197104pb

plate or mobile home, shall renew the registration for the appropriate registration period.

Section 53. Subsection (2) and paragraph (a) of subsection (3) of section 320.0715, Florida Statutes, are amended to read:

320.0715 International Registration Plan; motor carrier services; permits; retention of records.—

(2)(a) An International Registration Plan motor vehicle trip permit registration may be issued for any vehicle which could be lawfully operated in the International Registration Plan jurisdiction if full registration or proportional registration were obtained. A Florida trip permit shall expire 10 days after issuance. The cost of a trip permit shall be \$30, payment of which shall exempt the vehicle from payment of Florida apportioned license plate taxes fees during the term for which the permit is valid. Any vehicle for which a trip permit has been issued may be operated in interstate or intrastate commerce in the jurisdiction for the period allowed under such permit. No motor carrier to whom a trip permit is issued shall knowingly allow the permit to be used by any other person, organization, or vehicle.

(b) A motor carrier may, upon payment of the \$30 tax fee, secure from the department or a designated authorized agent of the department a Florida International Registration Plan motor vehicle trip permit which shall be valid for 10 days. Such trip permit shall show the name and address of the motor carrier to whom it is issued, the date the vehicle is placed in and removed from service, a complete identification of the vehicle on which the permit is to be used, and the name and address of the owner or lessee of the vehicle. The permit shall then be carried on

593-03568B-19

20197104pb

the vehicle which it identifies and shall be exhibited on demand to any authorized personnel. The motor carrier to whom a permit is issued shall be solely responsible for the proper use of the permit by its employees and lessees. Any erasure, alteration, or unauthorized use of such permit shall render it invalid and of no effect. Florida International Registration Plan motor vehicle trip permits may be transmitted to the motor carrier by electronic means and shall be complete as outlined by department personnel prior to transmittal.

(c) Special temporary permits shall be provided to owner-operators not operating as a lessor, for a tax fee of \$5. Such permit shall be valid for 10 days and shall only be utilized for owner-operator vehicles with a registered gross weight not in excess of the empty or unladen weight of the vehicle. Special temporary permits may be issued by the department or by any of its designated authorized agents. A special temporary permit may be transmitted to the owner-operator by electronic means and must be completed as outlined by department personnel prior to transmittal.

(3) (a) If the department is unable to immediately issue the apportioned license plate to an applicant currently registered in this state under the International Registration Plan or to a vehicle currently titled in this state, the department or its designated agent may issue a 60-day temporary operational permit. The department or agent of the department shall charge a \$3 tax fee and the service charge authorized by s. 320.04 for each temporary operational permit it issues.

Section 54. Subsections (1), (2), (3), and (5) of section 320.072, Florida Statutes, are amended to read:

593-03568B-19

20197104pb

320.072 Additional tax fee imposed on certain motor vehicle registration transactions.—

(1) A tax fee of \$225 is imposed upon the initial application for registration pursuant to s. 320.06 of every motor vehicle classified in s. 320.08(2), (3), and (9)(c) and (d).

(2) The tax fee imposed by subsection (1) shall not apply to:

(a) Any registration renewal transaction.

(b) A transfer or exchange of a registration license plate from a motor vehicle that has been disposed of to a newly acquired motor vehicle pursuant to s. 320.0609(2) or (5).

(c) Any initial registration resulting from transfer of title between coowners as provided by s. 319.22, transfer of ownership by operation of law as provided by s. 319.28, or transfer of title from a person to a member of that person's immediate family as defined in s. 657.002 who resides in the same household.

(d) The registration of any motor vehicle owned by and operated exclusively for the personal use of:

1. Any member of the United States Armed Forces, or his or her spouse or dependent child, who is not a resident of this state and who is stationed in this state while in compliance with military orders.

2. Any former member of the United States Armed Forces, or his or her spouse or dependent child, who purchased such motor vehicle while stationed outside of Florida, who has separated from the Armed Forces and was not dishonorably discharged or discharged for bad conduct, who was a resident of this state at

593-03568B-19

20197104pb

the time of enlistment and at the time of discharge, and who applies for registration of such motor vehicle within 6 months after discharge.

3. Any member of the United States Armed Forces, or his or her spouse or dependent child, who was a resident of this state at the time of enlistment, who purchased such motor vehicle while stationed outside of Florida, and who is now reassigned by military order to this state.

4. Any spouse or dependent child of a member of the United States Armed Forces who loses his or her life while on active duty or who is listed by the Armed Forces as "missing-in-action." Such spouse or child must be a resident of this state and the servicemember must have been a resident of this state at the time of enlistment. Registration of such motor vehicle must occur within 1 year of the notification of the servicemember's death or of his or her status as "missing-in-action."

5. Any member of the United States Armed Forces, or his or her spouse or dependent child, who was a resident of this state at the time of enlistment, who purchased a motor vehicle while stationed outside of Florida, and who continues to be stationed outside of Florida.

(e) The registration of any motor vehicle owned or exclusively operated by the state or by any county, municipality, or other governmental entity.

(f) The registration of a truck defined in s. 320.08(3)(d).

(g) Any ancient or antique automobile or truck for private use registered pursuant to s. 320.086(1) or (2).

(3) A refund of the tax fee imposed under subsection (1) shall be granted to anyone who, within 3 months after paying

593-03568B-19

20197104pb

such tax fee, sells, transfers, or otherwise disposes of a motor vehicle classified in s. 320.08(2), (3), or (9)(c) or (d) in any transaction not exempt from the tax fee pursuant to paragraph (2)(b), paragraph (2)(c), or paragraph (2)(d). A person requesting a refund must present proof of having paid the tax fee pursuant to subsection (1) and must surrender the license plate of the disposed-of vehicle.

(5) The tax fee imposed in subsection (1) shall not apply if it is determined, pursuant to an affidavit submitted by the owner on a form approved by the department, that the registration being transferred is from a vehicle that is not operational, is in storage, or will not be operated on the streets and highways of this state.

Section 55. Subsections (4) and (5) of section 320.08, Florida Statutes, are amended to read:

320.08 License taxes.—Except as otherwise provided herein, there are hereby levied and imposed annual license taxes for the operation of motor vehicles, mopeds, motorized bicycles as defined in s. 316.003(4), tri-vehicles as defined in s. 316.003, and mobile homes as defined in s. 320.01, which shall be paid to and collected by the department or its agent upon the registration or renewal of registration of the following:

(4) HEAVY TRUCKS, TRUCK TRACTORS, TAXES ~~FEES~~ ACCORDING TO GROSS VEHICLE WEIGHT.—

(a) Gross vehicle weight of 5,001 pounds or more, but less than 6,000 pounds: \$60.75 flat, of which \$15.75 shall be deposited into the General Revenue Fund.

(b) Gross vehicle weight of 6,000 pounds or more, but less than 8,000 pounds: \$87.75 flat, of which \$22.75 shall be

593-03568B-19

20197104pb

1799 deposited into the General Revenue Fund.

1800 (c) Gross vehicle weight of 8,000 pounds or more, but less
1801 than 10,000 pounds: \$103 flat, of which \$27 shall be deposited
1802 into the General Revenue Fund.

1803 (d) Gross vehicle weight of 10,000 pounds or more, but less
1804 than 15,000 pounds: \$118 flat, of which \$31 shall be deposited
1805 into the General Revenue Fund.

1806 (e) Gross vehicle weight of 15,000 pounds or more, but less
1807 than 20,000 pounds: \$177 flat, of which \$46 shall be deposited
1808 into the General Revenue Fund.

1809 (f) Gross vehicle weight of 20,000 pounds or more, but less
1810 than 26,001 pounds: \$251 flat, of which \$65 shall be deposited
1811 into the General Revenue Fund.

1812 (g) Gross vehicle weight of 26,001 pounds or more, but less
1813 than 35,000: \$324 flat, of which \$84 shall be deposited into the
1814 General Revenue Fund.

1815 (h) Gross vehicle weight of 35,000 pounds or more, but less
1816 than 44,000 pounds: \$405 flat, of which \$105 shall be deposited
1817 into the General Revenue Fund.

1818 (i) Gross vehicle weight of 44,000 pounds or more, but less
1819 than 55,000 pounds: \$773 flat, of which \$201 shall be deposited
1820 into the General Revenue Fund.

1821 (j) Gross vehicle weight of 55,000 pounds or more, but less
1822 than 62,000 pounds: \$916 flat, of which \$238 shall be deposited
1823 into the General Revenue Fund.

1824 (k) Gross vehicle weight of 62,000 pounds or more, but less
1825 than 72,000 pounds: \$1,080 flat, of which \$280 shall be
1826 deposited into the General Revenue Fund.

1827 (l) Gross vehicle weight of 72,000 pounds or more: \$1,322

593-03568B-19

20197104pb

1828 flat, of which \$343 shall be deposited into the General Revenue
1829 Fund.

1830 (m) Notwithstanding the declared gross vehicle weight, a
1831 truck tractor used within the state or within a 150-mile radius
1832 of its home address is eligible for a license plate for a tax
1833 ~~fee~~ of \$324 flat if:

1834 1. The truck tractor is used exclusively for hauling
1835 forestry products; or

1836 2. The truck tractor is used primarily for the hauling of
1837 forestry products, and is also used for the hauling of
1838 associated forestry harvesting equipment used by the owner of
1839 the truck tractor.

1840
1841 Of the tax ~~fee~~ imposed by this paragraph, \$84 shall be deposited
1842 into the General Revenue Fund.

1843 (n) A truck tractor or heavy truck, not operated as a for-
1844 hire vehicle and which is engaged exclusively in transporting
1845 raw, unprocessed, and nonmanufactured agricultural or
1846 horticultural products within the state or within a 150-mile
1847 radius of its home address is eligible for a restricted license
1848 plate for a tax ~~fee~~ of:

1849 1. If such vehicle's declared gross vehicle weight is less
1850 than 44,000 pounds, \$87.75 flat, of which \$22.75 shall be
1851 deposited into the General Revenue Fund.

1852 2. If such vehicle's declared gross vehicle weight is
1853 44,000 pounds or more and such vehicle only transports from the
1854 point of production to the point of primary manufacture; to the
1855 point of assembling the same; or to a shipping point of a rail,
1856 water, or motor transportation company, \$324 flat, of which \$84

593-03568B-19

20197104pb

shall be deposited into the General Revenue Fund.

Such not-for-hire truck tractors and heavy trucks used exclusively in transporting raw, unprocessed, and nonmanufactured agricultural or horticultural products may be incidentally used to haul farm implements and fertilizers delivered direct to the growers. The department may require any documentation deemed necessary to determine eligibility before issuance of this license plate. For the purpose of this paragraph, "not-for-hire" means the owner of the motor vehicle must also be the owner of the raw, unprocessed, and nonmanufactured agricultural or horticultural product, or the user of the farm implements and fertilizer being delivered.

(5) SEMITRAILERS, TAXES ~~FEES~~ ACCORDING TO GROSS VEHICLE WEIGHT; SCHOOL BUSES; SPECIAL PURPOSE VEHICLES.—

(a)1. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$13.50 flat per registration year or any part thereof, of which \$3.50 shall be deposited into the General Revenue Fund.

2. A semitrailer drawn by a GVW truck tractor by means of a fifth-wheel arrangement: \$68 flat per permanent registration, of which \$18 shall be deposited into the General Revenue Fund.

(b) A motor vehicle equipped with machinery and designed for the exclusive purpose of well drilling, excavation, construction, spraying, or similar activity, and which is not designed or used to transport loads other than the machinery described above over public roads: \$44 flat, of which \$11.50 shall be deposited into the General Revenue Fund.

(c) A school bus used exclusively to transport pupils to

593-03568B-19

20197104pb

and from school or school or church activities or functions within their own county: \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.

(d) A wrecker, as defined in s. 320.01, which is used to tow a vessel as defined in s. 327.02, a disabled, abandoned, stolen-recovered, or impounded motor vehicle as defined in s. 320.01, or a replacement motor vehicle as defined in s. 320.01: \$41 flat, of which \$11 shall be deposited into the General Revenue Fund.

(e) A wrecker that is used to tow any nondisabled motor vehicle, a vessel, or any other cargo unless used as defined in paragraph (d), as follows:

1. Gross vehicle weight of 10,000 pounds or more, but less than 15,000 pounds: \$118 flat, of which \$31 shall be deposited into the General Revenue Fund.

2. Gross vehicle weight of 15,000 pounds or more, but less than 20,000 pounds: \$177 flat, of which \$46 shall be deposited into the General Revenue Fund.

3. Gross vehicle weight of 20,000 pounds or more, but less than 26,000 pounds: \$251 flat, of which \$65 shall be deposited into the General Revenue Fund.

4. Gross vehicle weight of 26,000 pounds or more, but less than 35,000 pounds: \$324 flat, of which \$84 shall be deposited into the General Revenue Fund.

5. Gross vehicle weight of 35,000 pounds or more, but less than 44,000 pounds: \$405 flat, of which \$105 shall be deposited into the General Revenue Fund.

6. Gross vehicle weight of 44,000 pounds or more, but less than 55,000 pounds: \$772 flat, of which \$200 shall be deposited

593-03568B-19

20197104pb

into the General Revenue Fund.

7. Gross vehicle weight of 55,000 pounds or more, but less than 62,000 pounds: \$915 flat, of which \$237 shall be deposited into the General Revenue Fund.

8. Gross vehicle weight of 62,000 pounds or more, but less than 72,000 pounds: \$1,080 flat, of which \$280 shall be deposited into the General Revenue Fund.

9. Gross vehicle weight of 72,000 pounds or more: \$1,322 flat, of which \$343 shall be deposited into the General Revenue Fund.

(f) A hearse or ambulance: \$40.50 flat, of which \$10.50 shall be deposited into the General Revenue Fund.

Section 56. Subsection (2) of section 320.0801, Florida Statutes, is amended to read:

320.0801 Additional license tax on certain vehicles.—

(2) In addition to the license taxes imposed by s. 320.08 and by subsection (1), there is imposed an additional surtax ~~surcharge~~ of \$10 on each commercial motor vehicle having a gross vehicle weight of 10,000 pounds or more, which surtax ~~surcharge~~ must be paid to the department or its agent upon the registration or renewal of registration of the commercial motor vehicle. Notwithstanding the provisions of s. 320.20, 50 percent of the revenues collected from the surtax ~~surcharge~~ imposed in this subsection shall be deposited into the State Transportation Trust Fund, and 50 percent shall be deposited in the General Revenue Fund.

Section 57. Section 320.08015, Florida Statutes, is amended to read:

320.08015 License surtax ~~tax-surcharge~~.—

Page 67 of 151

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593-03568B-19

20197104pb

(1) Except as provided in subsection (2), there is levied on each license tax imposed under s. 320.08(11) a surtax ~~surcharge~~ in the amount of \$1, which shall be collected in the same manner as the license tax and shall be deposited in the Florida Mobile Home Relocation Trust Fund, as created in s. 723.06115. This surtax ~~surcharge~~ may not be imposed during the next registration and renewal period if the balance in the Florida Mobile Home Relocation Trust Fund exceeds \$10 million on June 30. The surtax ~~surcharge~~ shall be reinstated in the next registration and renewal period if the balance in the Florida Mobile Home Relocation Trust Fund is below \$6 million on June 30.

(2) Any mobile home that is not located in a mobile home park regulated under chapter 723 is exempt from the surtax ~~surcharge~~.

Section 58. Section 320.0802, Florida Statutes, is amended to read:

320.0802 Surtax ~~Surcharge~~ on license tax.—There is hereby levied and imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), a surtax ~~surcharge~~ in the amount of \$1, which shall be collected in the same manner as the license tax and deposited into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services.

Section 59. Section 320.0804, Florida Statutes, is amended to read:

320.0804 Surtax ~~Surcharge~~ on license tax.—A surtax ~~surcharge~~ of \$2 shall be imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), which

Page 68 of 151

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593-03568B-19 20197104pb

shall be collected in the same manner as the license tax. This ~~surtax surcharge~~ shall be further reduced to \$1.20 on September 1, 2014, in order to negate the license plate increase of 80 cents imposed by chapter 2009-71, Laws of Florida. Of this amount, \$1 shall be deposited into the State Transportation Trust Fund, and 20 cents shall be deposited into the Highway Safety Operating Trust Fund.

Section 60. Section 320.08046, Florida Statutes, is amended to read:

320.08046 Juvenile programs ~~surtax surcharge~~ on license tax.—A ~~surtax surcharge~~ of \$1 shall be imposed on each license tax imposed under s. 320.08, except those set forth in s. 320.08(11), which shall be collected in the same manner as the license tax and deposited into the Grants and Donations Trust Fund in the Department of Juvenile Justice to fund the juvenile crime prevention programs and the community juvenile justice partnership grants program.

Section 61. Paragraph (a) of subsection (2) of section 320.08053, Florida Statutes, is amended to read:

320.08053 Requirements for requests to establish specialty license plates.—

(2)(a) Within 120 days following the specialty license plate becoming law, the department shall establish a method to issue a specialty license plate voucher to allow for the presale of the specialty license plate. The processing fee as prescribed in s. 320.08056, the service charge and branch fee as prescribed in s. 320.04, and the annual use fee as prescribed in s. 320.08056 shall be charged for the voucher. All other applicable taxes and fees shall be charged at the time of issuance of the

593-03568B-19 20197104pb

license plates.

Section 62. Subsection (3) of section 320.08056, Florida Statutes, are amended to read:

320.08056 Specialty license plates.—

(3) Each request must be made annually to the department or an authorized agent serving on behalf of the department, accompanied by the following taxes ~~tax~~ and fees:

(a) The license tax required for the vehicle as set forth in s. 320.08.

(b) A processing fee of \$5, to be deposited into the Highway Safety Operating Trust Fund.

(c) A license plate tax fee as required by s. 320.06(1)(b).

(d) A license plate annual use fee as required in subsection (4).

A request may be made any time during a registration period. If a request is made for a specialty license plate to replace a current valid license plate, the specialty license plate must be issued with appropriate decals attached at no tax for the plate, but all taxes, fees, and service charges must be paid. If a request is made for a specialty license plate at the beginning of the registration period, the tax, together with all applicable taxes, fees, and service charges, must be paid.

Section 63. Subsection (3) of section 320.08068, Florida Statutes, is amended to read:

320.08068 Motorcycle specialty license plates.—

(3) Each request must be made annually to the department, accompanied by the following taxes and fees:

(a) The license tax required under s. 320.08.

593-03568B-19

20197104pb

2031 (b) A license plate tax fee as required by s. 320.06(1)(b).

2032 (c) A processing fee of \$2.

2033 (d) A license plate annual use fee as required in

2034 subsection (4).

2035 Section 64. Subsections (1) through (5) and paragraphs (a)

2036 and (c) of subsection (6) of section 320.0807, Florida Statutes,

2037 are amended to read:

2038 320.0807 Special license plates for Governor and federal

2039 and state legislators.—

2040 (1) Upon application by any member of the House of

2041 Representatives of Congress and payment of the taxes and fees

2042 prescribed by s. 320.0805, the department may issue to such

2043 member of Congress a license plate stamped "Official Congress"

2044 followed by the number of the appropriate congressional district

2045 and the letters "MC," or any other configuration chosen by the

2046 member which is not already in use. Upon application by a United

2047 States Senator and payment of the taxes and fees prescribed by

2048 s. 320.0805, the department may issue a license plate stamped

2049 "USS," followed by the numeral II in the case of the junior

2050 senator.

2051 (2) Upon application by any member of the state House of

2052 Representatives and payment of the taxes and fees prescribed by

2053 s. 320.0805, the department may issue the state representative

2054 license plates stamped "Official House," followed by the number

2055 of the appropriate House of Representatives district and the

2056 letters "HR," or any other configuration chosen by the member

2057 which is not already in use. Upon application by a state senator

2058 and payment of the taxes and fees prescribed by s. 320.0805, the

2059 department may issue license plates stamped "Official Senate,"

Page 71 of 151

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593-03568B-19

20197104pb

2060 followed by the number of the appropriate Senate district and

2061 the letters "SN," or any other configuration chosen by the

2062 member which is not already in use.

2063 (3) Upon application by the Governor and payment of the

2064 appropriate taxes and fees, the department may issue to the

2065 Governor two license plates stamped "Florida 1" and "Florida 2."

2066 (4) License plates purchased under subsection (1),

2067 subsection (2), or subsection (3) shall be replaced by the

2068 department at no cost, other than the taxes and fees required

2069 under ss. 320.04 and 320.06(3)(b), when the person to whom the

2070 plates have been issued leaves the elective office with respect

2071 to which the license plates were issued. Within 30 days after

2072 leaving office, the person to whom the license plates have been

2073 issued must apply to the department for a replacement license

2074 plate. The person may return the prestige license plates to the

2075 department or retain the plates as souvenirs. Upon receipt of

2076 the replacement license plate, the person may not display on any

2077 vehicle the prestige license plate or plates issued with respect

2078 to his or her former office.

2079 (5) Upon application by any current or former President of

2080 the Senate and payment of the taxes and fees prescribed by s.

2081 320.0805, the department may issue a license plate stamped

2082 "Senate President" followed by the number assigned by the

2083 department or chosen by the applicant if it is not already in

2084 use. Upon application by any current or former Speaker of the

2085 House of Representatives and payment of the taxes and fees

2086 prescribed by s. 320.0805, the department may issue a license

2087 plate stamped "House Speaker" followed by the number assigned by

2088 the department or chosen by the applicant if it is not already

Page 72 of 151

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593-03568B-19

20197104pb

in use.

(6) (a) Upon application by any former member of Congress or former member of the state Legislature, payment of the taxes and fees prescribed by s. 320.0805, and payment of a one-time tax fee of \$500, the department may issue a former member of Congress, state senator, or state representative a license plate stamped "Retired Congress," "Retired Senate," or "Retired House," as appropriate, for a vehicle owned by the former member.

(c) Four hundred fifty dollars of the one-time tax fee collected under paragraph (a) shall be distributed to the account of the direct-support organization established pursuant to s. 272.136 and used for the benefit of the Florida Historic Capitol Museum, and the remaining \$50 shall be deposited into the Highway Safety Operating Trust Fund.

Section 65. Subsections (3) and (5) of section 320.081, Florida Statutes, are amended to read:

320.081 Collection and distribution of annual license tax imposed on the following type units.—

(3) The owner shall make application for such sticker in the manner provided in s. 320.02, and the tax collectors in the several counties of the state shall collect the license taxes imposed by s. 320.08(10) and (11) and the license tax surtax ~~surcharge~~ imposed by s. 320.08015 in the same manner and under the same conditions and requirements as provided in s. 320.03.

(5) The department shall keep records showing the total number of stickers issued to each type unit governed by this section, the total amount of license taxes collected, and the county or municipality where each such unit is located and shall

593-03568B-19

20197104pb

from month to month certify to the Chief Financial Officer the amount derived from license taxes in each county and each municipality within the county. Such amount, less the amount of \$1.50 collected on each license and the \$1 license tax surtax ~~surcharge~~ imposed by s. 320.08015, shall be paid to the counties and municipalities within the counties where the unit or units are located as follows: one-half to the district school board and the remainder to the board of county commissioners, for units that are located within the unincorporated areas of the county, or to any municipality within such county, for units that are located within its corporate limits. Payment shall be by warrant drawn monthly by the Chief Financial Officer upon the treasury out of the License Tax Collection Trust Fund.

Section 66. Subsection (2) of section 320.0815, Florida Statutes, is amended to read:

320.0815 Mobile homes and recreational vehicle-type units required to have appropriate license plates or stickers.—

(2) A mobile home or recreational vehicle-type unit which is permanently affixed to the land shall be issued a mobile home sticker at the tax fee prescribed in s. 320.08(11) unless the mobile home or recreational vehicle-type unit is qualified and taxed as real property, in which case the mobile home or recreational vehicle-type unit shall be issued an "RP" series sticker. Series "RP" stickers shall be provided by the department to the tax collectors, and such a sticker will be issued by the tax collector to the registered owner of such a mobile home or recreational vehicle-type unit upon the production of a certificate of the respective property appraiser that such mobile home or recreational vehicle-type unit is

593-03568B-19

20197104pb

included in an assessment of the property of such registered owner for ad valorem taxation. An "RP" series sticker shall be issued by the tax collector for an aggregate ~~tax fee~~ of \$3 each, to be distributed as follows: \$2.50 shall be retained by the tax collector as a service charge; 25 cents shall be remitted to the property appraiser; and 25 cents shall be remitted to the department to defray the cost of manufacture and handling. Mobile home stickers and "RP" series stickers shall be of a size to be determined by the department. A mobile home sticker or "RP" series sticker shall be affixed to the lower left corner of the window closest to the street or road providing access to such residence.

Section 67. Subsection (1) of section 320.0821, Florida Statutes, are amended to read:

320.0821 Wrecker license plates.—

(1) The department shall issue a wrecker license plate to the owner of any motor vehicle that is used to tow, carry, or otherwise transport motor vehicles and that is equipped for that purpose with a boom, winch, carrier, or other similar equipment, except a motor vehicle registered under the International Registration Plan, upon application and payment of the appropriate license tax ~~and fees~~ in accordance with s. 320.08(5)(d) or (e).

Section 68. Section 320.0846, Florida Statutes, is amended to read:

320.0846 Free motor vehicle license plates to active members of the Florida National Guard.—

(1) Any owner or lessee of a motor vehicle who resides in this state and is an active member of the Florida National Guard

593-03568B-19

20197104pb

may, upon application and proof of eligibility, be issued one standard license plate without charge. Applications for any additional license plates must be accompanied by appropriate taxes and fees established in this chapter.

(2) Eligible applicants of the Florida National Guard may apply for a specialty license plate as provided in s. 320.08056 upon payment of the taxes and fees required in that section. All other taxes and fees will be waived. Applications for any additional specialty license plates must be accompanied by all appropriate taxes and fees established in this chapter.

Section 69. Paragraph (a) of subsection (1), paragraph (d) of subsection (2), paragraph (c) of subsection (3), and subsection (4) of section 320.0848, Florida Statutes, are amended to read:

320.0848 Persons who have disabilities; issuance of disabled parking permits; temporary permits; permits for certain providers of transportation services to persons who have disabilities.—

(1)(a) The Department of Highway Safety and Motor Vehicles or its authorized agents shall, upon application and receipt of the tax fee, issue a disabled parking permit for a period of up to 4 years, which period ends on the applicant's birthday, to any person who has long-term mobility impairment, or a temporary disabled parking permit not to exceed 6 months to any person who has a temporary mobility impairment. No person will be required to pay a tax fee for a parking permit for disabled persons more than once in a 12-month period from the date of the prior tax fee payment.

(2) DISABLED PARKING PERMIT; PERSONS WITH LONG-TERM

593-03568B-19

20197104pb

2205 MOBILITY PROBLEMS.—

2206 (d) To obtain a replacement for a disabled parking permit
 2207 that has been lost or stolen, a person must submit an
 2208 application on a form prescribed by the department, provide a
 2209 certificate of disability issued within the last 12 months
 2210 pursuant to subsection (1), and pay a replacement tax fee in the
 2211 amount of \$1, to be retained by the issuing agency. If the
 2212 person submits with the application a police report documenting
 2213 that the permit was stolen, there is no replacement tax fee. A
 2214 veteran who has been previously evaluated and certified by the
 2215 United States Department of Veterans Affairs or any branch of
 2216 the United States Armed Forces as permanently and totally
 2217 disabled from a service-connected disability may provide a
 2218 United States Department of Veterans Affairs Form Letter 27-333,
 2219 or its equivalent, issued within the last 12 months in lieu of a
 2220 certificate of disability.

2221 (3) DISABLED PARKING PERMIT; TEMPORARY.—

2222 (c) The tax fee for a temporary disabled parking permit is
 2223 \$15.

2224 (4) From the proceeds of the temporary disabled parking
 2225 permit taxes fees:

2226 (a) The Department of Highway Safety and Motor Vehicles
 2227 must receive \$3.50 for each temporary permit, to be deposited
 2228 into the Highway Safety Operating Trust Fund and used for
 2229 implementing the real-time disabled parking permit database and
 2230 for administering the disabled parking permit program.

2231 (b) The tax collector, for processing, must receive \$2.50
 2232 for each temporary permit.

2233 (c) The remainder must be distributed monthly as follows:

Page 77 of 151

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593-03568B-19

20197104pb

2234 1. To be deposited in the Grants and Donations Trust Fund
 2235 of the Division of Vocational Rehabilitation of the Department
 2236 of Education for the purpose of improving employment and
 2237 training opportunities for persons who have disabilities, with
 2238 special emphasis on removing transportation barriers, \$4.

2239 2. To be deposited in the Transportation Disadvantaged
 2240 Trust Fund to be used for funding matching grants to counties
 2241 for the purpose of improving transportation of persons who have
 2242 disabilities, \$5.

2243 Section 70. Subsection (1) and paragraph (a) of subsection
 2244 (2) of section 320.086, Florida Statutes, are amended to read:

2245 320.086 Ancient or antique motor vehicles; horseless
 2246 carriage, antique, or historical license plates; former military
 2247 vehicles.—

2248 (1) The owner of a motor vehicle for private use
 2249 manufactured in model year 1945 or earlier and operated on the
 2250 streets and highways of this state shall, upon application in
 2251 the manner and at the time prescribed by the department and upon
 2252 payment of the license tax for an ancient motor vehicle
 2253 prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a
 2254 special license plate for such motor vehicle. The license plate
 2255 shall be permanent and valid for use without renewal so long as
 2256 the vehicle is in existence. In addition to the payment of all
 2257 other taxes and fees required by law, the applicant shall pay
 2258 such tax fee for the issuance of the special license plate as
 2259 may be prescribed by the department commensurate with the cost
 2260 of its manufacture. The registration numbers and special license
 2261 plates assigned to such motor vehicles shall run in a separate
 2262 numerical series, commencing with "Horseless Carriage No. 1,"

Page 78 of 151

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593-03568B-19

20197104pb

and the plates shall be of a distinguishing color.

(2) (a) The owner of a motor vehicle for private use manufactured in a model year after 1945 and of the age of 30 years or more after the model year and operated on the streets and highways of this state may, upon application in the manner and at the time prescribed by the department and upon payment of the license tax prescribed by s. 320.08(1)(d), (2)(a), or (3)(e), be issued a special license plate for such motor vehicle. In addition to the payment of all other taxes and fees required by law, the applicant shall pay the tax ~~fee~~ for the issuance of the special license plate prescribed by the department, commensurate with the cost of its manufacture. The registration numbers and special license plates assigned to such motor vehicles shall run in a separate numerical series, commencing with "Antique No. 1," and the plates shall be of a distinguishing color. The owner of the motor vehicle may, upon application and payment of the license tax prescribed by s. 320.08, be issued a regular Florida license plate or specialty license plate in lieu of the special "Antique" license plate.

Section 71. Subsection (3) of section 320.089, Florida Statutes, is amended to read:

320.089 Veterans of the United States Armed Forces; members of National Guard; survivors of Pearl Harbor; Purple Heart medal recipients; active or retired United States Armed Forces reservists; Combat Infantry Badge, Combat Medical Badge, or Combat Action Badge recipients; Combat Action Ribbon recipients; Air Force Combat Action Medal recipients; Distinguished Flying Cross recipients; former prisoners of war; Korean War Veterans; Vietnam War Veterans; Operation Desert Shield Veterans;

Page 79 of 151

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593-03568B-19

20197104pb

Operation Desert Storm Veterans; Operation Enduring Freedom Veterans; Operation Iraqi Freedom Veterans; Women Veterans; World War II Veterans; and Navy Submariners; special license plates; taxes and fees ~~fee~~.-

(3) Each owner or lessee of an automobile or truck for private use, a truck weighing not more than 7,999 pounds, or a recreational vehicle as specified in s. 320.08(9)(c) or (d), which is not used for hire or commercial use who is a resident of this state and who is the unremarried surviving spouse of a recipient of the Purple Heart medal, upon application to the department accompanied by the payment of the required taxes and fees, shall be issued a license plate as provided in s. 320.06 which is stamped with the words "Purple Heart" and the likeness of the Purple Heart medal followed by the serial number. Each application shall be accompanied by proof that the applicant is the unremarried surviving spouse of a recipient of the Purple Heart medal.

Section 72. Paragraph (c) of subsection (5) of section 320.0891, Florida Statutes, are amended to read:

320.0891 U.S. Paratroopers license plate.-

(5) Each request must be made annually to the department, accompanied by the following taxes ~~tax~~ and fees:

(c) A license plate tax ~~fee~~ as required under s. 320.06(1)(b).

Section 73. Section 320.102, Florida Statutes, is amended to read:

320.102 Marine boat trailers owned by nonprofit organizations; exemptions.-The registration or renewal of a registration of any marine boat trailer owned and operated by a

Page 80 of 151

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593-03568B-19

20197104pb

nonprofit organization that is exempt from federal income tax under s. 501(c)(3) of the Internal Revenue Code and which is used exclusively in carrying out its customary nonprofit activities is exempt from paying the fees, taxes, surtaxes ~~surcharges~~, and charges in ss. 320.03(5), (6), and (9), 320.031(2), 320.04(1), 320.06(1)(b) and (3)(b), 320.0801, 320.0802, 320.0804, and 320.08046.

Section 74. Subsection (3) of section 320.13, Florida Statutes, is amended to read:

320.13 Dealer and manufacturer license plates and alternative method of registration.—

(3) When a licensed dealer or a marine boat trailer dealer chooses to register any motor vehicle or boat trailer he or she owns and has for sale and secure a regular motor vehicle license plate therefor, the dealer may, upon sale thereof, submit to the department a transfer tax fee of \$4.50 and an application for transfer of the license plate to a comparable motor vehicle or boat trailer owned by the dealer of the same weight series as set forth under s. 320.08.

Section 75. Paragraph (h) of subsection (1) and subsection (2) of section 320.131, Florida Statutes, are amended to read:

320.131 Temporary tags.—

(1) The department is authorized and empowered to design, issue, and regulate the use of temporary tags to be designated "temporary tags" for use in the following cases:

(h) For a rental car company which possesses a motor vehicle dealer license and which may use temporary tags on vehicles offered for lease by such company in accordance with the provisions of rules established by the department. However,

593-03568B-19

20197104pb

the original issuance date of a temporary tag shall be the date which determines the applicable license plate tax ~~fee~~.

Further, the department is authorized to disallow the purchase of temporary tags by licensed dealers, common carriers, or financial institutions in those cases where abuse has occurred.

(2) The department is authorized to sell temporary tags, in addition to those listed above, to their agents and where need is demonstrated by a consumer complainant. The tax ~~fee~~ shall be \$2 each. One dollar from each tag sold shall be deposited into the Brain and Spinal Cord Injury Program Trust Fund, with the remaining proceeds being deposited into the Highway Safety Operating Trust Fund. Agents of the department shall sell temporary tags for \$2 each and shall charge the service charge authorized by s. 320.04 per transaction, regardless of the quantity sold. Requests for purchase of temporary tags to the department or its agents shall be made, where applicable, on letterhead stationery and notarized. Except as specifically provided otherwise, a temporary tag shall be valid for 30 days, and no more than two shall be issued to the same person for the same vehicle.

Section 76. Section 320.1325, Florida Statutes, is amended to read:

320.1325 Registration required for the temporarily employed.—Motor vehicles owned or leased by persons who are temporarily employed within the state but are not residents are required to be registered. Upon payment of the taxes ~~fees~~ prescribed in this section and proof of insurance coverage as required by the applicant's resident state, the department shall

593-03568B-19

20197104pb

provide a temporary registration plate and a registration certificate valid for 90 days to an applicant who is temporarily employed in this state. The temporary registration plate may be renewed one time for an additional 90-day period. At the end of the 180-day period of temporary registration, the applicant shall apply for a permanent registration if there is a further need to remain in this state. A temporary license registration plate may not be issued for any commercial motor vehicle as defined in s. 320.01. The tax ~~fee~~ for the 90-day temporary registration plate shall be \$40 plus the applicable service charge required by s. 320.04. Subsequent permanent registration and titling of a vehicle registered hereunder shall subject the applicant to providing proof of Florida insurance coverage as specified in s. 320.02 and payment of the taxes ~~fees~~ required by s. 320.072, in addition to all other taxes and fees required.

Section 77. Subsection (1) of section 320.18, Florida Statutes, is amended to read:

320.18 Withholding registration.—

(1) The department may withhold the registration of any motor vehicle or mobile home the owner or coowner of which has failed to register it under the provisions of law for any previous period or periods for which it appears registration should have been made in this state until the tax for such period or periods is paid. The department may cancel any vehicle or vessel registration, driver license, identification card, or fuel-use tax decal if the owner or coowner pays for any vehicle or vessel registration, driver license, identification card, or fuel-use tax decal; pays any administrative, delinquency, or reinstatement tax or fee; or pays any tax liability, penalty, or

Page 83 of 151

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593-03568B-19

20197104pb

interest specified in chapter 207 by a dishonored check, or if the vehicle owner or motor carrier has failed to pay a penalty for a weight or safety violation issued by the Department of Transportation or the Department of Highway Safety and Motor Vehicles. The Department of Transportation and the Department of Highway Safety and Motor Vehicles may impound any commercial motor vehicle that has a canceled license plate or fuel-use tax decal until the tax liability, penalty, and interest specified in chapter 207, the license tax, or the fuel-use decal tax fee, and applicable administrative taxes and fees have been paid for by certified funds.

Section 78. Paragraph (b) of subsection (9) of section 320.27, Florida Statutes, are amended to read:

320.27 Motor vehicle dealers.—

(9) DENIAL, SUSPENSION, OR REVOCATION.—

(b) The department may deny, suspend, or revoke any license issued hereunder or under the provisions of s. 320.77 or s. 320.771 upon proof that a licensee has committed, with sufficient frequency so as to establish a pattern of wrongdoing on the part of a licensee, violations of one or more of the following activities:

1. Representation that a demonstrator is a new motor vehicle, or the attempt to sell or the sale of a demonstrator as a new motor vehicle without written notice to the purchaser that the vehicle is a demonstrator. For the purposes of this section, a "demonstrator," a "new motor vehicle," and a "used motor vehicle" shall be defined as under s. 320.60.

2. Unjustifiable refusal to comply with a licensee's responsibility under the terms of the new motor vehicle warranty

Page 84 of 151

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593-03568B-19 20197104pb

2437 issued by its respective manufacturer, distributor, or importer.
 2438 However, if such refusal is at the direction of the
 2439 manufacturer, distributor, or importer, such refusal shall not
 2440 be a ground under this section.

2441 3. Misrepresentation or false, deceptive, or misleading
 2442 statements with regard to the sale or financing of motor
 2443 vehicles which any motor vehicle dealer has, or causes to have,
 2444 advertised, printed, displayed, published, distributed,
 2445 broadcast, televised, or made in any manner with regard to the
 2446 sale or financing of motor vehicles.

2447 4. Failure by any motor vehicle dealer to provide a
 2448 customer or purchaser with an odometer disclosure statement and
 2449 a copy of any bona fide written, executed sales contract or
 2450 agreement of purchase connected with the purchase of the motor
 2451 vehicle purchased by the customer or purchaser.

2452 5. Failure of any motor vehicle dealer to comply with the
 2453 terms of any bona fide written, executed agreement, pursuant to
 2454 the sale of a motor vehicle.

2455 6. Failure to apply for transfer of a title as prescribed
 2456 in s. 319.23(6).

2457 7. Use of the dealer license identification number by any
 2458 person other than the licensed dealer or his or her designee.

2459 8. Failure to continually meet the requirements of the
 2460 licensure law.

2461 9. Representation to a customer or any advertisement to the
 2462 public representing or suggesting that a motor vehicle is a new
 2463 motor vehicle if such vehicle lawfully cannot be titled in the
 2464 name of the customer or other member of the public by the seller
 2465 using a manufacturer's statement of origin as permitted in s.

593-03568B-19 20197104pb

2466 319.23(1).

2467 10. Requirement by any motor vehicle dealer that a customer
 2468 or purchaser accept equipment on his or her motor vehicle which
 2469 was not ordered by the customer or purchaser.

2470 11. Requirement by any motor vehicle dealer that any
 2471 customer or purchaser finance a motor vehicle with a specific
 2472 financial institution or company.

2473 12. Requirement by any motor vehicle dealer that the
 2474 purchaser of a motor vehicle contract with the dealer for
 2475 physical damage insurance.

2476 13. Perpetration of a fraud upon any person as a result of
 2477 dealing in motor vehicles, including, without limitation, the
 2478 misrepresentation to any person by the licensee of the
 2479 licensee's relationship to any manufacturer, importer, or
 2480 distributor.

2481 14. Violation of any of the provisions of s. 319.35 by any
 2482 motor vehicle dealer.

2483 15. Sale by a motor vehicle dealer of a vehicle offered in
 2484 trade by a customer prior to consummation of the sale, exchange,
 2485 or transfer of a newly acquired vehicle to the customer, unless
 2486 the customer provides written authorization for the sale of the
 2487 trade-in vehicle prior to delivery of the newly acquired
 2488 vehicle.

2489 16. Willful failure to comply with any administrative rule
 2490 adopted by the department or the provisions of s. 320.131(8).

2491 17. Violation of chapter 319, this chapter, or ss. 559.901-
 2492 559.9221, which has to do with dealing in or repairing motor
 2493 vehicles or mobile homes. Additionally, in the case of used
 2494 motor vehicles, the willful violation of the federal law and

593-03568B-19

20197104pb

rule in 15 U.S.C. s. 2304, 16 C.F.R. part 455, pertaining to the consumer sales window form.

18. Failure to maintain evidence of notification to the owner or coowner of a vehicle regarding registration taxes ~~or titling fees~~ owed as required in s. 320.02(17).

19. Failure to register a mobile home salesperson with the department as required by this section.

Section 79. Subsection (2) of section 320.39, Florida Statutes, are amended to read:

320.39 Reciprocal agreements for nonresident exemption.—

(2) The Department of Highway Safety and Motor Vehicles is authorized to continue membership in the International Registration Plan, a reciprocal agreement among the states and the provinces of Canada which provides for proportional payment of license fees and taxes.

Section 80. Subsection (2) of section 320.781, Florida Statutes, is amended to read:

320.781 Mobile Home and Recreational Vehicle Protection Trust Fund.—

(2) ~~Beginning October 1, 1990,~~ The department shall charge and collect an additional tax fee of \$1 for each new mobile home and new recreational vehicle title transaction for which it charges a tax fee. This additional tax fee shall be deposited into the trust fund. The Department of Highway Safety and Motor Vehicles shall charge a fee of \$40 per annual dealer and manufacturer license and license renewal, which shall be deposited into the trust fund. The sums deposited in the trust fund shall be used exclusively for carrying out the purposes of this section. These sums may be invested and reinvested by the

Page 87 of 151

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593-03568B-19

20197104pb

Chief Financial Officer under the same limitations as apply to investment of other state funds, with all interest from these investments deposited to the credit of the trust fund.

Section 81. Subsections (1), (3), and (8) of section 322.051, Florida Statutes, are amended to read:

322.051 Identification cards.—

(1) Any person who is 5 years of age or older, or any person who has a disability, regardless of age, who applies for a disabled parking permit under s. 320.0848, may be issued an identification card by the department upon completion of an application and payment of an application tax fee.

(a) The application must include the following information regarding the applicant:

1. Full name (first, middle or maiden, and last), gender, proof of social security card number satisfactory to the department, which may include a military identification card, county of residence, mailing address, proof of residential address satisfactory to the department, country of birth, and a brief description.

2. Proof of birth date satisfactory to the department.

3. Proof of identity satisfactory to the department. Such proof must include one of the following documents issued to the applicant:

a. A driver license record or identification card record from another jurisdiction that required the applicant to submit a document for identification which is substantially similar to a document required under sub-subparagraph b., sub-subparagraph c., sub-subparagraph d., sub-subparagraph e., sub-subparagraph f., sub-subparagraph g., or sub-subparagraph h.;

Page 88 of 151

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

593-03568B-19

20197104pb

2553 b. A certified copy of a United States birth certificate;
 2554 c. A valid, unexpired United States passport;
 2555 d. A naturalization certificate issued by the United States
 2556 Department of Homeland Security;
 2557 e. A valid, unexpired alien registration receipt card
 2558 (green card);
 2559 f. A Consular Report of Birth Abroad provided by the United
 2560 States Department of State;
 2561 g. An unexpired employment authorization card issued by the
 2562 United States Department of Homeland Security; or
 2563 h. Proof of nonimmigrant classification provided by the
 2564 United States Department of Homeland Security, for an original
 2565 identification card. In order to prove nonimmigrant
 2566 classification, an applicant must provide at least one of the
 2567 following documents. In addition, the department may require
 2568 applicants to produce United States Department of Homeland
 2569 Security documents for the sole purpose of establishing the
 2570 maintenance of, or efforts to maintain, continuous lawful
 2571 presence:
 2572 (I) A notice of hearing from an immigration court
 2573 scheduling a hearing on any proceeding.
 2574 (II) A notice from the Board of Immigration Appeals
 2575 acknowledging pendency of an appeal.
 2576 (III) A notice of the approval of an application for
 2577 adjustment of status issued by the United States Citizenship and
 2578 Immigration Services.
 2579 (IV) An official documentation confirming the filing of a
 2580 petition for asylum or refugee status or any other relief issued
 2581 by the United States Citizenship and Immigration Services.

Page 89 of 151

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593-03568B-19

20197104pb

2582 (V) A notice of action transferring any pending matter from
 2583 another jurisdiction to Florida, issued by the United States
 2584 Citizenship and Immigration Services.
 2585 (VI) An order of an immigration judge or immigration
 2586 officer granting relief that authorizes the alien to live and
 2587 work in the United States, including, but not limited to,
 2588 asylum.
 2589 (VII) Evidence that an application is pending for
 2590 adjustment of status to that of an alien lawfully admitted for
 2591 permanent residence in the United States or conditional
 2592 permanent resident status in the United States, if a visa number
 2593 is available having a current priority date for processing by
 2594 the United States Citizenship and Immigration Services.
 2595 (VIII) On or after January 1, 2010, an unexpired foreign
 2596 passport with an unexpired United States Visa affixed,
 2597 accompanied by an approved I-94, documenting the most recent
 2598 admittance into the United States.
 2599
 2600 An identification card issued based on documents required in
 2601 sub-subparagraph g. or sub-subparagraph h. is valid for a period
 2602 not to exceed the expiration date of the document presented or 1
 2603 year, whichever occurs first.
 2604 (b) An application for an identification card must be
 2605 signed and verified by the applicant in a format designated by
 2606 the department before a person authorized to administer oaths
 2607 and payment of the applicable tax fee pursuant to s. 322.21.
 2608 (3) If an identification card issued under this section is
 2609 lost, destroyed, or mutilated or a new name is acquired, the
 2610 person to whom it was issued may obtain a duplicate upon

Page 90 of 151

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593-03568B-19

20197104pb

furnishing satisfactory proof of such fact to the department and upon payment of a tax fee as provided in s. 322.21. The tax fee must include payment for the color photograph or digital image of the applicant. Any person who loses an identification card and who, after obtaining a duplicate, finds the original card shall immediately surrender the original card to the department. The same documentary evidence shall be furnished for a duplicate as for an original identification card.

(8) (a) The department shall, upon receipt of the required tax fee, issue to each qualified applicant for an identification card a color photographic or digital image identification card bearing a fullface photograph or digital image of the identification cardholder. Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the identification cardholder may not be waived. A space shall be provided upon which the identification cardholder shall affix his or her usual signature, as required in s. 322.14, in the presence of an authorized agent of the department so as to ensure that such signature becomes a part of the identification card.

(b) 1. The word "Veteran" must be exhibited on the identification card of a veteran upon the presentation of a copy of the person's:

a. DD Form 214, issued by the United States Department of Defense;

b. Veteran health identification card, issued by the United States Department of Veterans Affairs;

c. Veteran identification card, issued by the United States Department of Veterans Affairs pursuant to the Veterans

593-03568B-19

20197104pb

Identification Card Act of 2015, Pub. L. No. 114-31; or

d. Other acceptable form specified by the Department of Veterans' Affairs.

2. Until a veteran's identification card is next renewed, the veteran may have the word "Veteran" added to his or her identification card upon surrender of his or her current identification card and presentation of any of the forms of identification specified in subparagraph 1. If the applicant is not conducting any other transaction affecting the identification card, a replacement identification card must be issued with the word "Veteran" without payment of the tax fee required in s. 322.21(1)(f)3.

(c) The international symbol for the deaf and hard of hearing shall be exhibited on the identification card of a person who is deaf or hard of hearing upon the payment of an additional \$1 fee for the identification card and the presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. Until a person's identification card is next renewed, the person may have the symbol added to his or her identification card upon surrender of his or her current identification card, payment of a \$2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. If the applicant is not conducting any other transaction affecting the identification card, a replacement identification card may be issued with the symbol without payment of the tax fee required in s. 322.21(1)(f)3. For purposes of this paragraph, the international symbol for the deaf and hard of hearing is

593-03568B-19

20197104pb

substantially as follows:

(d) The department shall include symbols representing the following on an identification card upon the payment of an additional \$1 fee by an applicant who meets the requirements of subsection (1) and presents his or her:

1. Lifetime freshwater fishing license;
2. Lifetime saltwater fishing license;
3. Lifetime hunting license;
4. Lifetime sportsman's license; or
5. Lifetime boater safety identification card.

A person may replace his or her identification card before its expiration date with a card that includes his or her status as a lifetime licensee or boater safety cardholder upon surrender of his or her current identification card, payment of a \$2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of the person's lifetime license or card. If the sole purpose of the replacement identification card is the inclusion of the applicant's status as a lifetime licensee or cardholder, the replacement identification card must be issued without payment of the tax fee required in s. 322.21(1)(f)3.

(e)1. Upon request by a person who has a developmental disability, or by a parent or guardian of a child or ward who has a developmental disability, the department shall issue an identification card exhibiting a capital "D" for the person, child, or ward if the person or the parent or guardian of the child or ward submits:

- a. Payment of a ~~an additional~~ \$1 fee; and

593-03568B-19

20197104pb

b. Proof acceptable to the department of a diagnosis by a licensed physician of a developmental disability as defined in s. 393.063.

2. The department shall deposit the ~~additional~~ \$1 fee into the Agency for Persons with Disabilities Operations and Maintenance Trust Fund under s. 20.1971(2).

3. A replacement identification card that includes the designation may be issued without payment of the tax fee required under s. 322.21(1)(f).

4. The department shall develop rules to facilitate the issuance, requirements, and oversight of developmental disability identification cards under this section.

Section 82. Subsection (2) of section 322.12, Florida Statutes, is amended to read:

322.12 Examination of applicants.—

(2) The department shall examine every applicant for a driver license, including an applicant who is licensed in another state or country, except as otherwise provided in this chapter. A person who holds a learner's driver license as provided for in s. 322.1615 is not required to pay a tax fee for successfully completing the examination showing his or her ability to operate a motor vehicle as provided for herein and need not pay the tax fee for a replacement license as provided in s. 322.17(2).

Section 83. Paragraph (c) of subsection (1) of section 322.135, Florida Statutes, is amended to read:

322.135 Driver license agents.—

(1) The department shall, upon application, authorize by interagency agreement any or all of the tax collectors who are

593-03568B-19

20197104pb

constitutional officers under s. 1(d), Art. VIII of the State Constitution in the several counties of the state, subject to the requirements of law, in accordance with rules of the department, to serve as its agent for the provision of specified driver license services.

(c) A service fee of \$6.25 must be charged, in addition to the taxes ~~fees~~ set forth in this chapter, for providing all services pursuant to this chapter. The service fee may not be charged:

1. More than once per customer during a single visit to a tax collector's office.

2. For a reexamination requested by the Medical Advisory Board or required pursuant to s. 322.221.

3. For a voter registration transaction.

4. In violation of any federal or state law.

5. To a veteran receiving any service pursuant to this chapter, upon presentation of a copy of the veteran's:

a. DD Form 214, issued by the United States Department of Defense;

b. Veteran health identification card, issued by the United States Department of Veterans Affairs;

c. Veteran identification card, issued by the United States Department of Veterans Affairs pursuant to the Veterans Identification Card Act of 2015, Pub. L. No. 114-31; or

d. Other acceptable form specified by the Department of Veterans' Affairs.

Section 84. Paragraphs (a), (c), (d), and (e) of subsection (1) of section 322.14, Florida Statutes, are amended to read:

322.14 Licenses issued to drivers.—

593-03568B-19

20197104pb

(1) (a) The department shall, upon successful completion of all required examinations and payment of the required taxes and fees ~~fee~~, issue to every qualified applicant a driver license that must bear a color photograph or digital image of the licensee; the name of the state; a distinguishing number assigned to the licensee; and the licensee's full name, date of birth, and residence address; a brief description of the licensee, including, but not limited to, the licensee's gender and height; and the dates of issuance and expiration of the license. A space shall be provided upon which the licensee shall affix his or her usual signature. A license is invalid until it has been signed by the licensee except that the signature of the licensee is not required if it appears thereon in facsimile or if the licensee is not present within the state at the time of issuance.

(c) The international symbol for the deaf and hard of hearing provided in s. 322.051(8)(c) shall be exhibited on the driver license of a person who is deaf or hard of hearing upon the payment of an additional \$1 fee for the license and the presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. Until a person's license is next renewed, the person may have the symbol added to his or her license upon the surrender of his or her current license, payment of a \$2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of sufficient proof that the person is deaf or hard of hearing as determined by the department. If the applicant is not conducting any other transaction affecting the driver license, a replacement license may be issued with the symbol without payment of the tax ~~fee~~

593-03568B-19

20197104pb

required in s. 322.21(1)(e).

(d)1. The word "Veteran" must be exhibited on the driver license of a veteran upon the presentation of a copy of the person's:

a. DD Form 214, issued by the United States Department of Defense;

b. Veteran health identification card, issued by the United States Department of Veterans Affairs;

c. Veteran identification card, issued by the United States Department of Veterans Affairs pursuant to the Veterans Identification Card Act of 2015, Pub. L. No. 114-31; or

d. Other acceptable form specified by the Department of Veterans' Affairs.

2. Until a veteran's license is next renewed, the veteran may have the word "Veteran" added to his or her license upon surrender of his or her current license and presentation of any of the forms of identification specified in subparagraph 1. If the applicant is not conducting any other transaction affecting the driver license, a replacement license must be issued with the word "Veteran" without payment of the tax ~~fee~~ required in s. 322.21(1)(e).

(e) The department shall include symbols representing the following on a driver license upon the payment of an additional \$1 fee by an applicant who meets the requirements of s. 322.08 and presents his or her:

1. Lifetime freshwater fishing license;
2. Lifetime saltwater fishing license;
3. Lifetime hunting license;
4. Lifetime sportsman's license; or

593-03568B-19

20197104pb

5. Lifetime boater safety identification card.

A person may replace his or her driver license before its expiration date with a license that includes his or her status as a lifetime licensee or boater safety cardholder upon surrender of his or her current driver license, payment of a \$2 fee to be deposited into the Highway Safety Operating Trust Fund, and presentation of the person's lifetime license or identification card. If the sole purpose of the replacement driver license is the inclusion of the applicant's status as a lifetime licensee or cardholder, the replacement driver license must be issued without payment of the tax ~~fee~~ required in s. 322.21(1)(e).

Section 85. Subsections (1) and (2) of section 322.142, Florida Statutes, are amended to read:

322.142 Color photographic or digital imaged licenses.—

(1) The department shall, upon receipt of the required taxes and fees ~~fee~~, issue to each qualified applicant for a driver license a color photographic or digital imaged driver license bearing a fullface photograph or digital image of the licensee. Notwithstanding chapter 761 or s. 761.05, the requirement for a fullface photograph or digital image of the licensee may not be waived. A space shall be provided upon which the licensee shall affix his or her usual signature, as required in s. 322.14, in the presence of an authorized agent of the department so as to ensure that such signature becomes a part of the license.

(2) The department shall, upon receipt of the required taxes and fees ~~fee~~, issue to each qualified licensee applying

593-03568B-19

20197104pb

for a renewal license in accordance with s. 322.18 a color photographic or digital imaged license as provided for in subsection (1).

Section 86. Paragraph (a) of subsection (1) and subsection (2) of section 322.17, Florida Statutes, are amended to read:
322.17 Replacement licenses and permits.—

(1) (a) In the event that an instruction permit or driver license issued under the provisions of this chapter is lost or destroyed, the person to whom the same was issued may, upon payment of the appropriate taxes ~~fee~~ pursuant to s. 322.21, obtain a replacement upon furnishing proof satisfactory to the department that such permit or license has been lost or destroyed, and further furnishing the full name, date of birth, sex, residence and mailing address, proof of birth satisfactory to the department, and proof of identity satisfactory to the department.

(2) Upon the surrender of the original license and the payment of the appropriate taxes ~~fees~~ pursuant to s. 322.21, the department shall issue a replacement license to make a change in name, address, or restrictions.

Section 87. Paragraph (a) of subsection (4), and paragraphs (a) and (b) of subsection (8) of section 322.18, Florida Statutes, are amended to read:

322.18 Original applications, licenses, and renewals; expiration of licenses; delinquent licenses.—

(4) (a) Except as otherwise provided in this chapter, all licenses shall be renewable every 8 years and shall be issued or renewed upon application, payment of the taxes ~~fees~~ required by s. 322.21, and successful passage of any required examination,

593-03568B-19

20197104pb

unless the department has reason to believe that the licensee is no longer qualified to receive a license.

(8) The department shall issue 8-year renewals using a convenience service without reexamination to drivers who have not attained 80 years of age. The department shall issue 6-year renewals using a convenience service when the applicant has satisfied the requirements of subsection (5).

(a) If the department determines from its records that the holder of a license about to expire is eligible for renewal, the department shall mail a renewal notice to the licensee at his or her last known address, not less than 30 days prior to the licensee's birthday. The renewal notice shall direct the licensee to appear at a driver license office for in-person renewal or to transmit the completed renewal notice and the taxes ~~fees~~ required by s. 322.21 to the department using a convenience service.

(b) Upon receipt of a properly completed renewal notice, payment of the required taxes ~~and fees~~, and upon determining that the licensee is still eligible for renewal, the department shall send a new license to the licensee as evidence that the license term has been extended.

Section 88. Subsections (1), (4), (5), (7), and (8) of section 322.21, Florida Statutes, are amended to read:

322.21 License taxes ~~fees~~; procedure for handling and collecting taxes ~~and fees~~ ~~fees~~.—

(1) Except as otherwise provided herein, the tax ~~fee~~ for:

(a) An original or renewal commercial driver license is \$75, which shall include the tax ~~fee~~ for driver education provided by s. 1003.48. However, if an applicant has completed

593-03568B-19

20197104pb

training and is applying for employment or is currently employed in a public or nonpublic school system that requires the commercial license, the tax fee is the same as for a Class E driver license. A delinquent fee of \$15 shall be added for a renewal within 12 months after the license expiration date.

(b) An original Class E driver license is \$48, which includes the tax fee for driver education provided by s. 1003.48. However, if an applicant has completed training and is applying for employment or is currently employed in a public or nonpublic school system that requires a commercial driver license, the tax fee is the same as for a Class E license.

(c) The renewal or extension of a Class E driver license or of a license restricted to motorcycle use only is \$48, except that a delinquent fee of \$15 shall be added for a renewal or extension made within 12 months after the license expiration date. The tax fee provided in this paragraph includes the tax fee for driver education provided by s. 1003.48.

(d) An original driver license restricted to motorcycle use only is \$48, which includes the tax fee for driver education provided by s. 1003.48.

(e) A replacement driver license issued pursuant to s. 322.17 is \$25. Of this amount \$7 shall be deposited into the Highway Safety Operating Trust Fund and \$18 shall be deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of driver license issuance services, if the replacement driver license is issued by the tax collector, the tax collector shall retain the \$7 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the

593-03568B-19

20197104pb

General Revenue Fund.

(f) An original, renewal, or replacement identification card issued pursuant to s. 322.051 is \$25, except that an applicant who presents evidence satisfactory to the department that he or she is homeless as defined in s. 414.0252(7); his or her annual income is at or below 100 percent of the federal poverty level; or he or she is a juvenile offender who is in the custody or under the supervision of the Department of Juvenile Justice, is receiving services pursuant to s. 985.461, and whose identification card is issued by the department's mobile issuing units is exempt from such tax fee. Funds collected from taxes fees for original, renewal, or replacement identification cards shall be distributed as follows:

1. For an original identification card issued pursuant to s. 322.051, the tax fee shall be deposited into the General Revenue Fund.

2. For a renewal identification card issued pursuant to s. 322.051, \$6 shall be deposited into the Highway Safety Operating Trust Fund, and \$19 shall be deposited into the General Revenue Fund.

3. For a replacement identification card issued pursuant to s. 322.051, \$9 shall be deposited into the Highway Safety Operating Trust Fund, and \$16 shall be deposited into the General Revenue Fund. Beginning July 1, 2015, or upon completion of the transition of the driver license issuance services, if the replacement identification card is issued by the tax collector, the tax collector shall retain the \$9 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the

593-03568B-19

20197104pb

General Revenue Fund.

(g) Each endorsement required by s. 322.57 is \$7.

(h) A hazardous-materials endorsement, as required by s. 322.57(1)(e), shall be set by the department by rule and must reflect the cost of the required criminal history check, including the cost of the state and federal fingerprint check, and the cost to the department of providing and issuing the license. The tax ~~fee~~ shall not exceed \$100. This tax ~~fee~~ shall be deposited in the Highway Safety Operating Trust Fund. The department may adopt rules to administer this section.

(4) If the department determines from its records or is otherwise satisfied that the holder of a license about to expire is entitled to have it renewed, the department shall mail a renewal notice to the licensee at his or her last known address, within 30 days before the licensee's birthday. The licensee shall be issued a renewal license, after reexamination, if required, during the 30 days immediately preceding his or her birthday upon presenting a renewal notice, his or her current license, and the tax ~~fee~~ for renewal to the department at any driver license examining office.

(5) The department shall collect and transmit all taxes ~~fees~~ received by it under this section to the Chief Financial Officer to be deposited into the General Revenue Fund, and sufficient funds for the necessary expenses of the department shall be included in the appropriations act. The taxes ~~fees~~ shall be used for the maintenance and operation of the department.

(7) Any veteran honorably discharged from the Armed Forces who has been issued a valid identification card by the

Page 103 of 151

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593-03568B-19

20197104pb

Department of Veterans' Affairs in accordance with s. 295.17, has been determined by the United States Department of Veterans Affairs or its predecessor to have a 100-percent total and permanent service-connected disability rating for compensation, or has been determined to have a service-connected total and permanent disability rating of 100 percent, is in receipt of disability retirement pay from any branch of the United States Armed Services, and who is qualified to obtain a driver license under this chapter is exempt from all taxes ~~fees~~ required by this section.

(8) A person who applies for reinstatement following the suspension or revocation of the person's driver license must pay a service tax ~~fee~~ of \$45 following a suspension, and \$75 following a revocation, which is in addition to the tax ~~fee~~ for a license. A person who applies for reinstatement of a commercial driver license following the disqualification of the person's privilege to operate a commercial motor vehicle shall pay a service tax ~~fee~~ of \$75, which is in addition to the tax ~~fee~~ for a license. The department shall collect all of these taxes ~~fees~~ at the time of reinstatement. The department shall issue proper receipts for such taxes ~~fees~~ and shall promptly transmit all funds received by it as follows:

(a) Of the \$45 tax ~~fee~~ received from a licensee for reinstatement following a suspension:

1. If the reinstatement is processed by the department, the department shall deposit \$15 in the General Revenue Fund and \$30 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$15, less the general revenue service charge set forth in s.

Page 104 of 151

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593-03568B-19

20197104pb

215.20(1), shall be retained by the tax collector, \$15 shall be deposited into the Highway Safety Operating Trust Fund, and \$15 shall be deposited into the General Revenue Fund.

(b) Of the \$75 tax fee received from a licensee for reinstatement following a revocation or disqualification:

1. If the reinstatement is processed by the department, the department shall deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Trust Fund.

2. If the reinstatement is processed by the tax collector, \$20, less the general revenue service charge set forth in s. 215.20(1), shall be retained by the tax collector, \$20 shall be deposited into the Highway Safety Operating Trust Fund, and \$35 shall be deposited into the General Revenue Fund.

If the revocation or suspension of the driver license was for a violation of s. 316.193, or for refusal to submit to a lawful breath, blood, or urine test, an additional tax fee of \$130 must be charged. However, only one \$130 tax fee may be collected from one person convicted of violations arising out of the same incident. The department shall collect the \$130 tax fee and deposit the tax fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license, but the tax fee may not be collected if the suspension or revocation is overturned. If the revocation or suspension of the driver license was for a conviction for a violation of s. 817.234(8) or (9) or s. 817.505, an additional tax fee of \$180 is imposed for each offense. The department shall collect and deposit the additional tax fee into the Highway Safety Operating Trust Fund at the time of reinstatement of the person's driver license.

593-03568B-19

20197104pb

Section 89. Subsection (1) of section 322.22, Florida Statutes, is amended to read:

322.22 Authority of department to cancel or refuse to issue or renew license.—

(1) The department may cancel or withhold issuance or renewal of any driver license, upon determining that the licensee was not entitled to the issuance thereof, or that the licensee failed to give the required or correct information in his or her application or committed any fraud in making such application, or that the licensee has two or more licenses on file with the department, each in a different name but bearing the photograph of the licensee, unless the licensee has complied with the requirements of this chapter in obtaining the licenses. The department may cancel or withhold issuance or renewal of any driver license, identification card, vehicle or vessel registration, or fuel-use decal if the licensee fails to pay the correct taxes and fees ~~fee~~ or pays for any driver license, identification card, vehicle or vessel registration, or fuel-use decal; pays any tax liability, penalty, or interest specified in chapter 207; or pays any administrative, delinquency, or reinstatement tax fee by a dishonored check.

Section 90. Subsection (4) and paragraph (a) of subsection (7) of section 322.251, Florida Statutes, are amended to read:

322.251 Notice of cancellation, suspension, revocation, or disqualification of license.—

(4) A person whose privilege to operate a commercial motor vehicle is temporarily disqualified may, upon surrendering his or her commercial driver license, be issued a Class E driver license, valid for the length of his or her unexpired commercial

593-03568B-19

20197104pb

driver license, at no cost. Such person may, upon the completion of his or her disqualification, be issued a commercial driver license, of the type disqualified, for the remainder of his or her unexpired license period. Any such person shall pay the reinstatement tax fee provided in s. 322.21 before being issued a commercial driver license.

(7) (a) A person whose driving privilege is suspended or revoked pursuant to s. 832.09 shall be notified, pursuant to this section, and the notification shall direct the person to surrender himself or herself to the sheriff who entered the warrant to satisfy the conditions of the warrant. A person whose driving privilege is suspended or revoked under this subsection shall not have his or her driving privilege reinstated for any reason other than:

1. Full payment of any restitution, court costs, and fees incurred as a result of a warrant or capias being issued pursuant to s. 832.09;

2. The cancellation of the warrant or capias from the Department of Law Enforcement recorded by the entering agency; and

3. The payment of an additional tax fee of \$10 to the Department of Highway Safety and Motor Vehicles to be paid into the Highway Safety Operating Trust Fund; or

4. The department has modified the suspension or revocation of the license pursuant to s. 322.271 restoring the driving privilege solely for business or employment purposes.

Section 91. Subsection (2) of section 322.29, Florida Statutes, is amended to read:

322.29 Surrender and return of license.—

Page 107 of 151

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593-03568B-19

20197104pb

(2) Notwithstanding subsection (1), an examination is not required for the return of a license suspended under s. 318.15 or s. 322.245 unless an examination is otherwise required by this chapter. A person applying for the return of a license suspended under s. 318.15 or s. 322.245 must present to the department certification from the court that he or she has complied with all obligations and penalties imposed pursuant to s. 318.15 or, in the case of a suspension pursuant to s. 322.245, that he or she has complied with all directives of the court and the requirements of s. 322.245 and shall pay to the department a nonrefundable service tax fee of \$60, of which \$37.50 shall be deposited into the General Revenue Fund and \$22.50 shall be deposited into the Highway Safety Operating Trust Fund. If reinstated by the clerk of the court or tax collector, \$37.50 shall be retained and \$22.50 shall be remitted to the Department of Revenue for deposit into the Highway Safety Operating Trust Fund. However, the service tax fee is not required if the person is required to pay a \$45 tax fee or \$75 tax fee under s. 322.21(8).

Section 92. Paragraph (d) of subsection (4) of section 376.307, Florida Statutes, is amended to read:

376.307 Water Quality Assurance Trust Fund.—

(4) The trust fund shall be funded as follows:

(d) The surtax fee on the retail sale of lead-acid batteries credited to the Water Quality Assurance Trust Fund under s. 403.7185.

Section 93. Paragraph (a) of subsection (2) of section 395.003, Florida Statutes, is amended to read:

395.003 Licensure; denial, suspension, and revocation.—

Page 108 of 151

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593-03568B-19

20197104pb

(2) (a) In addition to the requirements in part II of chapter 408, the agency shall, at the request of a licensee, issue a single license to a licensee for facilities located on separate premises. Such a license shall specifically state the location of the facilities, the services, and the licensed beds available on each separate premises. If a licensee requests a single license, the licensee shall designate which facility or office is responsible for receipt of information, payment of taxes and fees, service of process, and all other activities necessary for the agency to carry out the provisions of this part.

Section 94. Subsections (2) through (5) of section 395.701, Florida Statutes, are amended to read:

395.701 Annual taxes ~~assessments~~ on net operating revenues for inpatient and outpatient services to fund public medical assistance; administrative fines for failure to pay taxes ~~assessments~~ when due; exemption.—

(2) (a) There is imposed upon each hospital a tax ~~an assessment~~ in an amount equal to 1.5 percent of the annual net operating revenue for inpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the tax ~~assessment~~ for each hospital. The tax ~~assessment~~ shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the tax ~~assessment~~ for each hospital. All moneys

Page 109 of 151

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593-03568B-19

20197104pb

collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(b) There is imposed upon each hospital a tax ~~an assessment~~ in an amount equal to 1 percent of the annual net operating revenue for outpatient services for each hospital, such revenue to be determined by the agency, based on the actual experience of the hospital as reported to the agency. While prior year report worksheets may be reconciled to the hospital's audited financial statements, no additional audited financial components may be required for the purposes of determining the amount of the tax ~~assessment~~ imposed pursuant to this section other than those in effect on July 1, 2000. Within 6 months after the end of each hospital fiscal year, the agency shall certify the amount of the tax ~~assessment~~ for each hospital. The tax ~~assessment~~ shall be payable to and collected by the agency in equal quarterly amounts, on or before the first day of each calendar quarter, beginning with the first full calendar quarter that occurs after the agency certifies the amount of the tax ~~assessment~~ for each hospital. All moneys collected pursuant to this subsection shall be deposited into the Public Medical Assistance Trust Fund.

(3) The agency shall impose an administrative fine, not to exceed \$500 per day, for failure of any hospital to pay its tax ~~assessment~~ by the first day of the calendar quarter on which it is due. The failure of a hospital to pay its tax ~~assessment~~ within 30 days after the tax ~~assessment~~ is due is ground for the agency to impose an administrative fine not to exceed \$5,000 per day.

(4) The purchaser, successor, or assignee of a facility

Page 110 of 151

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593-03568B-19

20197104pb

3191 subject to the agency's jurisdiction shall assume full liability
 3192 for any taxes imposed under this section, assessments, fines, or
 3193 penalties of the facility or its employees, regardless of when
 3194 identified. Such taxes imposed under this section, assessments,
 3195 fines, or penalties shall be paid by the employee, owner, or
 3196 licensee who incurred them, within 15 days of the sale,
 3197 transfer, or assignment. However, the purchaser, successor, or
 3198 assignee of the facility may withhold such taxes imposed under
 3199 this section, assessments, fines, or penalties from purchase
 3200 moneys or payment due to the seller, transferor, or employee,
 3201 and shall make such payment on behalf of the seller, transferor,
 3202 or employee. Any employer, purchaser, successor, or assignee who
 3203 fails to withhold sufficient funds to pay assessments, fines, or
 3204 penalties arising under the provisions of chapter 408 shall make
 3205 such payments within 15 days of the date of the transfer,
 3206 purchase, or assignment. Failure by the transferee to make
 3207 payments as provided in this subsection shall subject such
 3208 transferee to the penalties and assessments provided in chapter
 3209 408. Further, in the event of sale, transfer, or assignment of
 3210 any facility under the agency's jurisdiction, future taxes
 3211 assessments shall be based upon the most recently available
 3212 prior year report or audited actual experience for the facility.
 3213 It shall be the responsibility of the new owner or licensee to
 3214 require the production of the audited financial data for the
 3215 period of operation of the prior owner. If the transferee fails
 3216 to obtain current audited financial data from the previous owner
 3217 or licensee, the new owner shall be assessed based upon the most
 3218 recent year of operation for which 12 months of audited actual
 3219 experience are available or upon a reasonable estimate of 12

Page 111 of 151

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593-03568B-19

20197104pb

3220 months of full operation as calculated by the agency.
 3221 (5) A statutory teaching hospital that had 100,000 or more
 3222 Medicaid covered days during the most recent fiscal year may
 3223 elect to have its ~~tax assessment~~ imposed pursuant to subsection
 3224 (2) deducted from any Medicaid disproportionate share payment
 3225 due to such hospital for the quarter ending 6 months after the
 3226 ~~tax assessment~~ due date. If the tax assessment is greater than
 3227 the disproportionate share payment, or if no disproportionate
 3228 share payment is due the hospital, the difference, or full
 3229 amount of the tax assessment in cases in which no payment is
 3230 due, shall be paid on or before the date the disproportionate
 3231 share payment is made or would have been made.
 3232 Section 95. Section 395.7015, Florida Statutes, is
 3233 repealed.
 3234 Section 96. Section 395.7016, Florida Statutes, is amended
 3235 to read:
 3236 395.7016 Annual appropriation.—The Legislature shall
 3237 appropriate each fiscal year from either the General Revenue
 3238 Fund or the Agency for Health Care Administration Tobacco
 3239 Settlement Trust Fund an amount sufficient to replace the funds
 3240 lost due to ~~reduction by chapter 2000-256, Laws of Florida, of~~
 3241 ~~the assessment on other health care entities under s. 395.7015,~~
 3242 ~~and~~ the reduction by chapter 2000-256 in the assessment on
 3243 hospitals under s. 395.701, and to maintain federal approval of
 3244 the reduced amount of funds deposited into the Public Medical
 3245 Assistance Trust Fund under s. 395.701, as state match for the
 3246 state's Medicaid program.
 3247 Section 97. Section 403.718, Florida Statutes, is amended
 3248 to read:

Page 112 of 151

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593-03568B-19

20197104pb

3249 403.718 Waste tire surtaxes ~~fees~~.—

3250 (1) For the privilege of engaging in business, a surtax ~~fee~~
 3251 for each new motor vehicle tire sold at retail, including those
 3252 sold to any governmental entity, is imposed on any person
 3253 engaging in the business of making retail sales of new motor
 3254 vehicle tires within this state. The surtax ~~fee~~ imposed under
 3255 this section shall be stated separately on the invoice to the
 3256 purchaser. Such surtax ~~fee~~ shall be imposed at the rate of \$1
 3257 for each new tire sold. The surtax ~~fee~~ imposed shall be paid to
 3258 the Department of Revenue on or before the 20th day of the month
 3259 following the month in which the sale occurs. For purposes of
 3260 this section, a motor vehicle tire sold at retail includes such
 3261 tires when sold as a component part of a motor vehicle. The
 3262 terms "sold at retail" and "retail sales" do not include the
 3263 sale of new motor vehicle tires to a person solely for the
 3264 purpose of resale provided the subsequent retail sale in this
 3265 state is subject to the surtax ~~fee~~. This surtax ~~fee~~ does not
 3266 apply to recapped tires. Such surtax ~~fee~~ shall be subject to all
 3267 applicable taxes imposed in chapter 212.

3268 (2) The surtax ~~fee~~ imposed by this section shall be
 3269 reported to the Department of Revenue. The payment shall be
 3270 accompanied by such form as the Department of Revenue may
 3271 prescribe. The proceeds of the waste tire surtax ~~fee~~, less
 3272 administrative costs, shall be transferred by the Department of
 3273 Revenue into the Solid Waste Management Trust Fund. For the
 3274 purposes of this section, "proceeds" of the surtax ~~fee~~ means all
 3275 funds collected and received by the department hereunder,
 3276 including interest and penalties on delinquent surtaxes ~~fees~~.
 3277 The amount deducted for the costs of administration must not

Page 113 of 151

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593-03568B-19

20197104pb

3278 exceed 3 percent of the total revenues collected hereunder and
 3279 may include only those costs reasonably attributable to the
 3280 surtax ~~fee~~.

3281 (3) (a) The Department of Revenue shall administer, collect,
 3282 and enforce the surtax ~~fee~~ authorized under this section
 3283 pursuant to the same procedures used in the administration,
 3284 collection, and enforcement of the general state sales tax
 3285 imposed under chapter 212, except as provided in this section.
 3286 The provisions of this section regarding the authority to audit
 3287 and make assessments, keeping of books and records, and interest
 3288 and penalties on delinquent surtaxes ~~fees~~ apply. The surtax ~~fee~~
 3289 shall not be included in the computation of estimated taxes
 3290 pursuant to s. 212.11 nor shall the dealer's credit for
 3291 collecting taxes or fees in s. 212.12 apply to this surtax ~~fee~~.

3292 (b) The Department of Revenue is authorized to employ
 3293 persons and incur other expenses for which funds are
 3294 appropriated by the Legislature. The department is empowered to
 3295 adopt such rules and shall prescribe and publish such forms as
 3296 are necessary to effectuate the purposes of this section. The
 3297 department is authorized to establish audit procedures and to
 3298 assess delinquent taxes ~~fees~~.

3299 Section 98. Section 403.7185, Florida Statutes, is amended
 3300 to read:

3301 403.7185 Lead-acid battery surtaxes ~~fees~~.—

3302 (1) For the privilege of engaging in business, a surtax ~~fee~~
 3303 for each new or remanufactured lead-acid battery sold at retail,
 3304 including those sold to any governmental entity, is imposed on
 3305 any person engaging in the business of making retail sales of
 3306 lead-acid batteries within this state. Such surtax ~~fee~~ shall be

Page 114 of 151

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593-03568B-19

20197104pb

3307 imposed at the rate of \$1.50 for each new or remanufactured
 3308 lead-acid battery sold. However, the surtax ~~fee~~ shall not be
 3309 imposed on any battery which has previously been taxed pursuant
 3310 to s. 206.9935(2), provided the person claiming exemption from
 3311 the tax can document payment of such tax. The surtax ~~fee~~ imposed
 3312 shall be paid to the Department of Revenue on or before the 20th
 3313 day of the month following the calendar month in which the sale
 3314 occurs. The department may authorize a quarterly return under
 3315 the conditions described in s. 212.11(1)(c). A dealer selling
 3316 motor vehicles, vessels, or aircraft at retail can purchase
 3317 lead-acid batteries exempt as a sale for resale by presenting a
 3318 sales tax resale certificate. However, if a dealer thereafter
 3319 withdraws any such battery from inventory to put into a new or
 3320 used motor vehicle, vessel, or aircraft for sale, to use on her
 3321 or his own motor vehicle, vessel, or aircraft, to give away, or
 3322 any purpose other than for resale, the dealer will owe the
 3323 surtax ~~fee~~ at the time the battery is withdrawn from inventory.
 3324 If the dealer sells the battery at retail, that sale will be
 3325 subject to the surtax ~~fee~~. If the dealer sells it to a purchaser
 3326 who presents her or him a sales tax resale certificate, the
 3327 dealer will owe no surtax ~~fee~~. The terms "sold at retail" and
 3328 "retail sales" do not include the sale of lead-acid batteries to
 3329 a person solely for the purpose of resale; however, a subsequent
 3330 retail sale of a new or remanufactured battery in this state is
 3331 subject to the surtax ~~fee~~ one time. Such surtax ~~fee~~ shall be
 3332 subject to all applicable taxes imposed in chapter 212. The
 3333 provisions of s. 212.07(4) shall not apply to the provisions of
 3334 this section. When a sale of a lead-acid battery, upon which the
 3335 surtax ~~fee~~ has been paid, is canceled or the battery is returned

Page 115 of 151

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593-03568B-19

20197104pb

3336 to the seller, and the sale price, taxes, and surtaxes ~~fees~~ are
 3337 refunded in full to the purchaser, the seller may take credit
 3338 for the surtax ~~fee~~ previously paid. If, instead of refunding the
 3339 purchase price of the battery, the customer is given a new or
 3340 remanufactured battery in exchange for the returned battery, the
 3341 dealer cannot take credit for the surtax ~~fee~~ on the returned
 3342 battery, but no surtax ~~fee~~ is due on the new or remanufactured
 3343 battery that is given in exchange. However, no credit shall be
 3344 taken by the dealer for returns resulting in partial refunds or
 3345 partial credits on purchase of replacement batteries.

3346 (2) The surtax ~~fee~~ imposed by this section shall be
 3347 reported to the Department of Revenue. The payment shall be
 3348 accompanied by such form as the Department of Revenue may
 3349 prescribe. The proceeds of the lead-acid battery surtax ~~fee~~,
 3350 less administrative costs, shall be transferred by the
 3351 Department of Revenue into the Water Quality Assurance Trust
 3352 Fund. For the purposes of this section, "proceeds" of the surtax
 3353 ~~fee~~ shall mean all funds collected and received by the
 3354 department hereunder, including interest and penalties on
 3355 delinquent surtaxes ~~fees~~. The amount deducted for the costs of
 3356 administration shall not exceed 3 percent of the total revenues
 3357 collected hereunder and shall be only those costs reasonably
 3358 attributable to the surtax ~~fee~~.

3359 (3) (a) The Department of Revenue shall administer, collect,
 3360 and enforce the surtax ~~fee~~ authorized under this section
 3361 pursuant to the same procedures used in the administration,
 3362 collection, and enforcement of the general state sales tax
 3363 imposed under chapter 212, except as provided in this section.
 3364 The provisions of chapter 212 regarding the authority to audit

Page 116 of 151

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593-03568B-19

20197104pb

and make assessments, keeping of books and records, and interest and penalties on delinquent surtaxes ~~fees~~ shall apply. The surtax ~~fee~~ shall not be included in the computation of estimated taxes pursuant to s. 212.11, nor shall the dealer's credit for collecting taxes or fees in s. 212.12 or the exemptions in chapter 212 apply to this surtax ~~fee~~.

(b) The Department of Revenue is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature. The department is empowered to adopt such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The department is authorized to establish audit procedures and to assess delinquent surtaxes ~~fees~~.

Section 99. Subsection (19) of section 408.07, Florida Statutes, is amended to read:

408.07 Definitions.—As used in this chapter, with the exception of ss. 408.031-408.045, the term:

(19) "Freestanding" means that a health facility bills and receives revenue which is not directly subject to the hospital tax ~~assessment~~ for the Public Medical Assistance Trust Fund as described in s. 395.701.

Section 100. Subsection (1) of section 427.0159, Florida Statutes, are amended to read:

427.0159 Transportation Disadvantaged Trust Fund.—

(1) There is established in the State Treasury the Transportation Disadvantaged Trust Fund to be administered by the Commission for the Transportation Disadvantaged. All taxes ~~fees~~ collected for the transportation disadvantaged program under s. 320.03(9) shall be deposited in the trust fund.

Page 117 of 151

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593-03568B-19

20197104pb

Section 101. Subsection (4) of section 605.0113, Florida Statutes, is amended to read:

605.0113 Registered agent.—

(4) The department shall maintain an accurate record of the registered agent and registered office for service of process and shall promptly furnish information disclosed thereby upon request and payment of the required tax ~~fee~~.

Section 102. Subsection (3) of section 605.0118, Florida Statutes, is amended to read:

605.0118 Delivery of record.—

(3) If a check is mailed to the department for payment of an annual report tax ~~fee~~ or the annual tax ~~fee~~ required under s. 607.193, the check shall be deemed to have been received by the department as of the postmark date appearing on the envelope or package transmitting the check if the envelope or package is received by the department.

Section 103. Subsection (1) of section 605.0206, Florida Statutes, is amended to read:

605.0206 Filing requirements.—

(1) A record authorized or required to be delivered to the department for filing under this chapter must be captioned to describe the record's purpose, be in a medium authorized by the department, and be delivered to the department. If all filing taxes ~~fees~~ are paid, the department shall file the record unless the department determines that the record does not comply with the filing requirements.

Section 104. Subsection (5) of section 605.0209, Florida Statutes, is amended to read:

605.0209 Correcting filed record.—

Page 118 of 151

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593-03568B-19

20197104pb

3423 (5) A statement of correction that is filed to correct
 3424 false, misleading, or fraudulent information is not subject to a
 3425 tax or fee of the department if the statement of correction is
 3426 delivered to the department within 15 days after the
 3427 notification of filing sent pursuant to s. 605.0210.

3428 Section 105. Subsections (1) and (2) of section 605.0211,
 3429 Florida Statutes, are amended to read:

3430 605.0211 Certificate of status.—

3431 (1) The department, upon request and payment of the
 3432 requisite tax fee, shall issue a certificate of status for a
 3433 limited liability company if the records filed in the department
 3434 show that the department has accepted and filed the company's
 3435 articles of organization. A certificate of status must state the
 3436 following:

3437 (a) The company's name.

3438 (b) That the company was organized under the laws of this
 3439 state and the date of organization.

3440 (c) Whether all taxes and fees due to the department under
 3441 this chapter have been paid.

3442 (d) If the company's most recent annual report required
 3443 under s. 605.0212 has not been filed by the department.

3444 (e) If the department has administratively dissolved the
 3445 company or received a record notifying the department that the
 3446 company has been dissolved by judicial action pursuant to s.
 3447 605.0705.

3448 (f) If the department has filed articles of dissolution for
 3449 the company.

3450 (g) If the department has accepted and filed a statement of
 3451 termination.

Page 119 of 151

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593-03568B-19

20197104pb

3452 (2) The department, upon request and payment of the
 3453 requisite ~~tax~~ fee, shall furnish a certificate of status for a
 3454 foreign limited liability company if the records filed show that
 3455 the department has filed a certificate of authority. A
 3456 certificate of status for a foreign limited liability company
 3457 must state the following:

3458 (a) The foreign limited liability company's name and a
 3459 current alternate name adopted under s. 605.0906(1) for use in
 3460 this state.

3461 (b) That the foreign limited liability company is
 3462 authorized to transact business in this state.

3463 (c) Whether all taxes, fees, and penalties due to the
 3464 department under this chapter or other law have been paid.

3465 (d) If the foreign limited liability company's most recent
 3466 annual report required under s. 605.0212 has not been filed by
 3467 the department.

3468 (e) If the department has:

3469 1. Revoked the foreign limited liability company's
 3470 certificate of authority; or

3471 2. Filed a notice of withdrawal of certificate of
 3472 authority.

3473 Section 106. Subsection (6) of section 605.0212, Florida
 3474 Statutes, is amended to read:

3475 605.0212 Annual report for department.—

3476 (6) A limited liability company or foreign limited
 3477 liability company that fails to file an annual report that
 3478 complies with the requirements of this section may not maintain
 3479 or defend any action in a court of this state until the report
 3480 is filed and all taxes, fees, and penalties due under this

Page 120 of 151

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593-03568B-19

20197104pb

chapter are paid, and shall be subject to dissolution or cancellation of its certificate of authority to transact business as provided in this chapter.

Section 107. Section 605.0213, Florida Statutes, is amended to read:

605.0213 Taxes ~~Fees~~ of the department.—The taxes ~~fees~~ of the department under this chapter are as follows:

(1) For furnishing a certified copy, \$30.

(2) For filing original articles of organization or articles of revocation of dissolution, \$100.

(3) For filing a foreign limited liability company's application for a certificate of authority to transact business, \$100.

(4) For filing a certificate of merger of limited liability companies or other business entities, \$25 per constituent party to the merger, unless a specific tax fee is required for a party under other applicable law.

(5) For filing an annual report, \$50.

(6) For filing an application for reinstatement after an administrative or judicial dissolution or a revocation of authority to transact business, \$100.

(7) For filing a certificate designating a registered agent or changing a registered agent, \$25.

(8) For filing a registered agent's statement of resignation from an active limited liability company, \$85.

(9) For filing a registered agent's statement of resignation from a dissolved limited liability company, \$25.

(10) For filing a certificate of conversion of a limited liability company, \$25.

Page 121 of 151

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593-03568B-19

20197104pb

(11) For filing any other limited liability company document, \$25.

(12) For furnishing a certificate of status, \$5.

Section 108. Subsection (3) of section 605.0707, Florida Statutes, is amended to read:

605.0707 Articles of dissolution; filing of articles of dissolution.—

(3) The articles of dissolution of the limited liability company shall be delivered to the department. If the department finds that the articles of dissolution conform to law, it shall, when all taxes and fees have been paid as prescribed in this chapter, file the articles of dissolution and issue a certificate of dissolution.

Section 109. Paragraph (b) of subsection (1) of section 605.0714, Florida Statutes, is amended to read:

605.0714 Administrative dissolution.—

(1) The department may dissolve a limited liability company administratively if the company does not:

(b) Pay a tax, fee, or penalty due to the department under this chapter;

Section 110. Subsections (1), (2), and (3) of section 605.0715, Florida Statutes, are amended to read:

605.0715 Reinstatement.—

(1) A limited liability company that is administratively dissolved under s. 605.0714 or former s. 608.4481 may apply to the department for reinstatement at any time after the effective date of dissolution. The company must submit all taxes, fees, and penalties then owed by the company at the rates provided by law at the time the company applies for reinstatement, together

Page 122 of 151

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593-03568B-19

20197104pb

with an application for reinstatement prescribed and furnished by the department, which is signed by both the registered agent and an authorized representative of the company and states:

(a) The name of the limited liability company.

(b) The street address of the company's principal office and mailing address.

(c) The date of the company's organization.

(d) The company's federal employer identification number or, if none, whether one has been applied for.

(e) The name, title or capacity, and address of at least one person who has authority to manage the company.

(f) Additional information that is necessary or appropriate to enable the department to carry out this chapter.

(2) In lieu of the requirement to file an application for reinstatement as described in subsection (1), an administratively dissolved limited liability company may submit all taxes, fees, and penalties owed by the company to the department at the rates provided by law at the time the company applies for reinstatement, together with a current annual report, signed by both the registered agent and an authorized representative of the company, which contains the information described in subsection (1).

(3) If the department determines that an application for reinstatement contains the information required under subsection (1) or subsection (2) and that the information is correct, upon payment of all required taxes fees and penalties owed to the department, the department shall reinstate the limited liability company.

Section 111. Paragraph (f) of subsection (1) of section

Page 123 of 151

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593-03568B-19

20197104pb

605.0902, Florida Statutes, is amended to read:

605.0902 Application for certificate of authority.—

(1) A foreign limited liability company may not transact business in this state until it obtains a certificate of authority from the department. A foreign limited liability company may apply for a certificate of authority to transact business in this state by delivering an application to the department for filing. Such application must be made on forms prescribed by the department. The application must contain the following:

(f) Additional information as may be necessary or appropriate in order to enable the department to determine whether the foreign limited liability company is entitled to file an application for a certificate of authority to transact business in this state and to determine and assess the taxes and fees as prescribed in this chapter.

Section 112. Subsection (1) of section 605.0903, Florida Statutes, is amended to read:

605.0903 Effect of a certificate of authority.—

(1) Unless the department determines that an application for a certificate of authority of a foreign limited liability company to transact business in this state does not comply with the filing requirements of this chapter, the department shall, upon payment of all filing taxes fees, authorize the foreign limited liability company to transact business in this state and file the application for a certificate of authority.

Section 113. Subsection (7) of section 605.0904, Florida Statutes, is amended to read:

605.0904 Effect of failure to have certificate of

Page 124 of 151

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593-03568B-19

20197104pb

authority.-

(7) A foreign limited liability company that transacts business in this state without obtaining a certificate of authority is liable to this state for the years or parts thereof during which it transacted business in this state without obtaining a certificate of authority in an amount equal to all taxes, fees, and penalties that would have been imposed by this chapter upon the foreign limited liability company had it duly applied for and received a certificate of authority to transact business in this state as required under this chapter. In addition to the payments thus prescribed, the foreign limited liability company is liable for a civil penalty of at least \$500 but not more than \$1,000 for each year or part thereof during which it transacts business in this state without a certificate of authority. The department may collect all penalties due under this subsection.

Section 114. Paragraph (b) of subsection (1) of section 605.0908, Florida Statutes, is amended to read:

605.0908 Revocation of certificate of authority.-

(1) A certificate of authority of a foreign limited liability company to transact business in this state may be revoked by the department if:

(b) The foreign limited liability company does not pay a tax, fee, or penalty due to the department under this chapter;

Section 115. Subsections (1), (2), and (3) of section 605.0909, Florida Statutes, are amended to read:

605.0909 Reinstatement following revocation of certificate of authority.-

(1) A foreign limited liability company whose certificate

Page 125 of 151

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593-03568B-19

20197104pb

of authority has been revoked may apply to the department for reinstatement at any time after the effective date of the revocation. The foreign limited liability company applying for reinstatement must submit all taxes, fees, and penalties then owed by the foreign limited liability company to the department at rates provided by law at the time the foreign limited liability company applies for reinstatement, together with an application for reinstatement prescribed and furnished by the department, which is signed by both the registered agent and an authorized representative of the company and states:

(a) The name under which the foreign limited liability company is registered to transact business in this state.

(b) The street address of the company's principal office and its mailing address.

(c) The jurisdiction of the company's formation and the date on which it became qualified to transact business in this state.

(d) The company's federal employer identification number or, if none, whether one has been applied for.

(e) The name, title or capacity, and address of at least one person who has authority to manage the company.

(f) Additional information that is necessary or appropriate to enable the department to carry out this chapter.

(2) In lieu of the requirement to file an application for reinstatement as described in subsection (1), a foreign limited liability company whose certificate of authority has been revoked may submit all taxes, fees, and penalties owed by the company to the department at the rates provided by law at the time the company applies for reinstatement, together with a

Page 126 of 151

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593-03568B-19

20197104pb

current annual report, signed by both the registered agent and an authorized representative of the company, which contains the information described in subsection (1).

(3) If the department determines that an application for reinstatement contains the information required under subsection (1) or subsection (2) and that the information is correct, upon payment of all required taxes, fees, and penalties owed to the department, the department shall reinstate the foreign limited liability company's certificate of authority.

Section 116. Section 607.0122, Florida Statutes, is amended to read:

607.0122 Taxes ~~Fees~~ for filing documents and issuing certificates.—The Department of State shall collect the following taxes ~~fees~~ when the documents described in this section are delivered to the department for filing:

(1) Articles of incorporation: \$35.

(2) Application for registered name: \$87.50.

(3) Application for renewal of registered name: \$87.50.

(4) Corporation's statement of change of registered agent or registered office or both if not included on the annual report: \$35.

(5) Designation of and acceptance by registered agent: \$35.

(6) Agent's statement of resignation from active corporation: \$87.50.

(7) Agent's statement of resignation from an inactive corporation: \$35.

(8) Amendment of articles of incorporation: \$35.

(9) Restatement of articles of incorporation with amendment of articles: \$35.

Page 127 of 151

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593-03568B-19

20197104pb

(10) Articles of merger or share exchange for each party thereto: \$35.

(11) Articles of dissolution: \$35.

(12) Articles of revocation of dissolution: \$35.

(13) Application for reinstatement following administrative dissolution: \$600.

(14) Application for certificate of authority to transact business in this state by a foreign corporation: \$35.

(15) Application for amended certificate of authority: \$35.

(16) Application for certificate of withdrawal by a foreign corporation: \$35.

(17) Annual report: \$61.25.

(18) Articles of correction: \$35.

(19) Application for certificate of status: \$8.75.

(20) Certificate of domestication of a foreign corporation: \$50.

(21) Certified copy of document: \$52.50.

(22) Serving as agent for substitute service of process: \$87.50.

(23) Supplemental corporate tax ~~fee~~: \$88.75.

(24) Any other document required or permitted to be filed by this act: \$35.

Section 117. Subsection (4) of section 607.0124, Florida Statutes, is amended to read:

607.0124 Correcting filed document.—

(4) Articles of correction that are filed to correct false, misleading, or fraudulent information are not subject to a tax fee of the Department of State if the articles of correction are delivered to the Department of State within 15 days after the

Page 128 of 151

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593-03568B-19

20197104pb

notification of filing sent pursuant to s. 607.0125(2).

Section 118. Subsection (5) of section 607.0125, Florida Statutes, is amended to read:

607.0125 Filing duties of Department of State.—

(5) If not otherwise provided by law and the provisions of this act, the Department of State shall determine, by rule, the appropriate format for, number of copies of, manner of execution of, method of electronic transmission of, and amount of and method of payment of taxes ~~fees~~ for, any document placed under its jurisdiction.

Section 119. Paragraph (c) of subsection (2) of section 607.0128, Florida Statutes, is amended to read:

607.0128 Certificate of status.—

(2) A certificate of status or authorization sets forth:

(c) That all taxes, fees, and penalties owed to the department have been paid, if:

1. Payment is reflected in the records of the department, and

2. Nonpayment affects the existence or authorization of the domestic or foreign corporation;

Section 120. Subsection (4) of section 607.0501, Florida Statutes, is amended to read:

607.0501 Registered office and registered agent.—

(4) The Department of State shall maintain an accurate record of the registered agents and registered offices for the service of process and shall furnish any information disclosed thereby promptly upon request and payment of the required tax fee.

Section 121. Subsection (5) of section 607.0502, Florida

593-03568B-19

20197104pb

Statutes, is amended to read:

607.0502 Change of registered office or registered agent; resignation of registered agent.—

(5) The Department of State shall collect a tax fee pursuant to s. 15.09(2) for the filings authorized under this section.

Section 122. Paragraph (a) of subsection (1) of section 607.1420, Florida Statutes, is amended to read:

607.1420 Grounds for administrative dissolution.—

(1) The Department of State may commence a proceeding under s. 607.1421 to administratively dissolve a corporation if:

(a) The corporation has failed to file its annual report and pay the annual report filing tax fee by 5 p.m. Eastern Time on the third Friday in September;

Section 123. Subsection (1) of section 607.1422, Florida Statutes, is amended to read:

607.1422 Reinstatement following administrative dissolution.—

(1) A corporation administratively dissolved under s. 607.1421 may apply to the Department of State for reinstatement at any time after the effective date of dissolution. The corporation must submit a reinstatement form prescribed and furnished by the Department of State or a current uniform business report signed by the registered agent and an officer or director and all taxes and fees then owed by the corporation to the department, computed at the rate provided by law at the time the corporation applies for reinstatement.

Section 124. Subsection (4) of section 607.1502, Florida Statutes, is amended to read:

593-03568B-19

20197104pb

3771 607.1502 Consequences of transacting business without
3772 authority.-

3773 (4) A foreign corporation which transacts business in this
3774 state without authority to do so shall be liable to this state
3775 for the years or parts thereof during which it transacted
3776 business in this state without authority in an amount equal to
3777 all fees and taxes which would have been imposed by this act
3778 upon such corporation had it duly applied for and received
3779 authority to transact business in this state as required by this
3780 act. In addition to the payments thus prescribed, such
3781 corporation shall be liable for a civil penalty of not less than
3782 \$500 or more than \$1,000 for each year or part thereof during
3783 which it transacts business in this state without a certificate
3784 of authority. The Department of State may collect all penalties
3785 due under this subsection and may bring an action in circuit
3786 court to recover all taxes, penalties, and fees due and owing
3787 the department state.

3788 Section 125. Paragraph (a) of subsection (1) of section
3789 607.15315, Florida Statutes, is amended to read:

3790 607.15315 Revocation; application for reinstatement.-

3791 (1) (a) A foreign corporation the certificate of authority
3792 of which has been revoked pursuant to s. 607.1531 may apply to
3793 the Department of State for reinstatement at any time after the
3794 effective date of revocation of authority. The application must:

3795 1. Recite the name of the foreign corporation and the
3796 effective date of its revocation of authority;

3797 2. State that the ground or grounds for revocation of
3798 authority either did not exist or have been eliminated and that
3799 no further grounds currently exist for revocation of authority;

593-03568B-19

20197104pb

3800 3. State that the foreign corporation's name satisfies the
3801 requirements of s. 607.1506; and

3802 4. State that all taxes and fees owed by the corporation to
3803 the department and computed at the rate provided by law at the
3804 time the foreign corporation applies for reinstatement have been
3805 paid; or

3806 Section 126. Section 607.193, Florida Statutes, is amended
3807 to read:

3808 607.193 Supplemental corporate tax fee.-

3809 (1) In addition to any other taxes imposed by law, an
3810 annual supplemental corporate tax fee of \$88.75 is imposed on
3811 each business entity that is authorized to transact business in
3812 this state and is required to file an annual report with the
3813 Department of State under s. 605.0212, s. 607.1622, or s.
3814 620.1210.

3815 (2) (a) The business entity shall remit the supplemental
3816 corporate tax fee to the Department of State at the time it
3817 files the annual report required by s. 605.0212, s. 607.1622, or
3818 s. 620.1210.

3819 (b) In addition to the taxes ~~fees~~ levied under ss.
3820 605.0213, 607.0122, and 620.1109 and the supplemental corporate
3821 tax fee, a late charge of \$400 shall be imposed if the
3822 supplemental corporate tax fee is remitted after May 1 except in
3823 circumstances in which a business entity was administratively
3824 dissolved or its certificate of authority was revoked due to its
3825 failure to file an annual report and the entity subsequently
3826 applied for reinstatement and paid the applicable reinstatement
3827 tax fee.

3828 Section 127. Section 609.02, Florida Statutes, is amended

593-03568B-19

20197104pb

to read:

609.02 Filing a declaration of trust.—Every such organization organized for the purpose of transacting business in this state, or organized in this state for the purpose of transacting business elsewhere, which intends to sell or offer for sale any units, shares, contracts, notes, bonds, mortgages, oil or mineral leases or other security of such association shall, prior to transacting any such business, file with the Department of State a true and correct copy of the declaration of trust under which the association proposes to conduct its business, which copy shall be sworn to, as being a true and correct copy, by the chair of the board of trustees named in such declaration of trust. When such copy shall have been filed with the Department of State it shall constitute public notice as to the purposes and manner of the business to be engaged in by such association. The Department of State, prior to the issuance of the certificate by it, shall collect from the said association a filing tax fee of \$350, which tax fee shall be paid by it into the general fund of the state.

Section 128. Section 609.03, Florida Statutes, is amended to read:

609.03 Issuance of certificate to association.—Upon the filing of the copy of the declaration of trust and the payment of the filing tax fee, in compliance with s. 609.02, the Department of State shall issue to the trustees named in the said declaration of trust a certificate showing that such declaration of trust has been duly filed in its office; whereupon, such association shall be authorized to transact business in this state; provided that all other applicable laws

Page 133 of 151

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593-03568B-19

20197104pb

have been complied with.

Section 129. Subsection (9) of section 609.08, Florida Statutes, is amended to read:

609.08 Merger of association into wholly owned subsidiary corporation; dissenters' rights of appraisal.—

(9) The articles of merger shall be delivered to the Department of State. If the Department of State finds that such articles conform to law, it shall, when all fees and taxes have been paid as prescribed in this chapter, and when a filing tax fee of \$350 has been paid to the Department of State (which tax fee shall be paid by it into the General Revenue Fund of the state), file the articles of merger.

Section 130. Subsections (11) and (12) of section 610.104, Florida Statutes, are amended to read:

610.104 State authorization to provide cable or video service.—

(11) The application shall be accompanied by a one-time tax fee of \$10,000. A parent company may file a single application covering itself and all of its subsidiaries and affiliates intending to provide cable or video service in the service areas throughout the state as described in subparagraph (2)(e)5., but the entity actually providing such service in a given area shall otherwise be considered the certificateholder under this act.

(12) Beginning 5 years after approval of the certificateholder's initial certificate of franchise issued by the department, and every 5 years thereafter, the certificateholder shall update the information contained in the original application for a certificate of franchise. At the time of filing the information update, the certificateholder shall

Page 134 of 151

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593-03568B-19

20197104pb

3887 pay a processing tax ~~fee~~ of \$1,000. Any certificateholder that
 3888 fails to file the updated information and pay the processing tax
 3889 ~~fee~~ on the 5-year anniversary dates shall be subject to
 3890 cancellation of its state-issued certificate of franchise
 3891 authority if, upon notice given to the certificateholder at its
 3892 last address on file with the department, the certificateholder
 3893 fails to file the updated information and pay the processing tax
 3894 ~~fee~~ within 30 days after the date notice was mailed. The
 3895 application and processing taxes ~~fees~~ imposed in this section
 3896 shall be paid to the Department of State for deposit into the
 3897 Clearing Funds Trust Fund for immediate transfer by the Chief
 3898 Financial Officer to the General Inspection Trust Fund of the
 3899 Department of Agriculture and Consumer Services. The Department
 3900 of Agriculture and Consumer Services shall maintain a separate
 3901 account within the General Inspection Trust Fund to distinguish
 3902 cable franchise revenues from all other funds. The application,
 3903 any amendments to the certificate, or information updates must
 3904 be accompanied by a tax ~~fee~~ to the Department of State equal to
 3905 that for filing articles of incorporation pursuant to s.
 3906 607.0122(1).

3907 Section 131. Subsection (9) of section 617.01201, Florida
 3908 Statutes, is amended to read:

3909 617.01201 Filing requirements.—

3910 (9) The document must be delivered to the department for
 3911 filing. Delivery may be made by electronic transmission if and
 3912 to the extent allowed by the department. If the document is
 3913 filed in typewritten or printed form and not transmitted
 3914 electronically, the department may require that one exact or
 3915 conformed copy be delivered with the document, except as

Page 135 of 151

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593-03568B-19

20197104pb

3916 provided in s. 617.1508. The document must be accompanied by the
 3917 correct filing tax ~~fee~~ and any other tax or penalty required by
 3918 law.

3919 Section 132. Section 617.0122, Florida Statutes, is amended
 3920 to read:

3921 617.0122 Taxes ~~Fees~~ for filing documents and issuing
 3922 certificates.—The Department of State shall collect the
 3923 following taxes ~~fees~~ on documents delivered to the department
 3924 for filing:

- 3925 (1) Articles of incorporation: \$35.
- 3926 (2) Application for registered name: \$87.50.
- 3927 (3) Application for renewal of registered name: \$87.50.
- 3928 (4) Corporation's statement of change of registered agent
 3929 or registered office or both if not included on the annual
 3930 report: \$35.
- 3931 (5) Designation of and acceptance by registered agent: \$35.
- 3932 (6) Agent's statement of resignation from active
 3933 corporation: \$87.50.
- 3934 (7) Agent's statement of resignation from inactive
 3935 corporation: \$35.
- 3936 (8) Amendment of articles of incorporation: \$35.
- 3937 (9) Restatement of articles of incorporation with amendment
 3938 of articles: \$35.
- 3939 (10) Articles of merger for each party thereto: \$35.
- 3940 (11) Articles of dissolution: \$35.
- 3941 (12) Articles of revocation of dissolution: \$35.
- 3942 (13) Application for reinstatement following administrative
 3943 dissolution: \$175.
- 3944 (14) Application for certificate of authority to transact

Page 136 of 151

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593-03568B-19

20197104pb

3945 business in this state by a foreign corporation: \$35.
 3946 (15) Application for amended certificate of authority: \$35.
 3947 (16) Application for certificate of withdrawal by a foreign
 3948 corporation: \$35.
 3949 (17) Annual report: \$61.25.
 3950 (18) Articles of correction: \$35.
 3951 (19) Application for certificate of status: \$8.75.
 3952 (20) Certified copy of document: \$52.50.
 3953 (21) Serving as agent for substitute service of process:
 3954 \$87.50.
 3955 (22) Certificate of conversion of a limited agricultural
 3956 association to a domestic corporation: \$35.
 3957 (23) Any other document required or permitted to be filed
 3958 by this chapter: \$35.
 3959
 3960 Any citizen support organization that is required by rule of the
 3961 Department of Environmental Protection to be formed as a
 3962 nonprofit organization and is under contract with the department
 3963 is exempt from any taxes ~~fees~~ required for incorporation as a
 3964 nonprofit organization, and the Secretary of State may not
 3965 assess any such taxes ~~fees~~ if the citizen support organization
 3966 is certified by the Department of Environmental Protection to
 3967 the Secretary of State as being under contract with the
 3968 Department of Environmental Protection.
 3969 Section 133. Subsection (4) of section 617.0124, Florida
 3970 Statutes, is amended to read:
 3971 617.0124 Correcting filed document.—
 3972 (4) Articles of correction that are filed to correct false,
 3973 misleading, or fraudulent information are not subject to a tax

Page 137 of 151

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593-03568B-19

20197104pb

3974 ~~fee~~ of the department if the articles of correction are
 3975 delivered to the department within 15 days after the
 3976 notification of filing sent pursuant to s. 617.0125(2).
 3977 Section 134. Paragraph (c) of subsection (2) of section
 3978 617.0128, Florida Statutes, is amended to read:
 3979 617.0128 Certificate of status.—
 3980 (2) A certificate of status or authorization sets forth:
 3981 (c) That all taxes, fees, and penalties owed to the
 3982 department have been paid, if:
 3983 1. Payment is reflected in the records of the department,
 3984 and
 3985 2. Nonpayment affects the existence or authorization of the
 3986 domestic or foreign corporation;
 3987 Section 135. Subsection (4) of section 617.0501, Florida
 3988 Statutes, is amended to read:
 3989 617.0501 Registered office and registered agent.—
 3990 (4) The Department of State shall maintain an accurate
 3991 record of the registered agents and registered offices for the
 3992 service of process and shall furnish any information disclosed
 3993 thereby promptly upon request and payment of the required tax
 3994 ~~fee~~.
 3995 Section 136. Subsection (5) of section 617.0502, Florida
 3996 Statutes, is amended to read:
 3997 617.0502 Change of registered office or registered agent;
 3998 resignation of registered agent.—
 3999 (5) The Department of State shall collect a tax ~~fee~~
 4000 pursuant to s. 15.09(2) for filings authorized by this section.
 4001 Section 137. Paragraph (a) of subsection (1) of section
 4002 617.1420, Florida Statutes, is amended to read:

Page 138 of 151

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593-03568B-19

20197104pb

617.1420 Grounds for administrative dissolution.—

(1) The Department of State may commence a proceeding under s. 617.1421 to administratively dissolve a corporation if:

(a) The corporation has failed to file its annual report and pay the annual report filing tax ~~fee~~ by 5 p.m. Eastern Time on the third Friday in September;

Section 138. Subsection (1) of section 617.1422, Florida Statutes, is amended to read:

617.1422 Reinstatement following administrative dissolution.—

(1) A corporation administratively dissolved under s. 617.1421 may apply to the department for reinstatement at any time after the effective date of dissolution. The corporation must submit a reinstatement form prescribed and furnished by the department or a current uniform business report signed by a registered agent and an officer or director and submit all taxes and fees owed by the corporation to the department and computed at the rate provided by law at the time the corporation applies for reinstatement.

Section 139. Paragraph (a) of subsection (1) of section 617.1533, Florida Statutes, is amended to read:

617.1533 Reinstatement following revocation.—

(1) (a) A foreign corporation whose certificate of authority has been revoked under s. 617.1531 may apply to the Department of State for reinstatement at any time after the effective date of revocation of authority. The application must:

1. Recite the name of the corporation and the effective date of its revocation of authority;
2. State that the ground or grounds for revocation either

Page 139 of 151

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593-03568B-19

20197104pb

did not exist or have been eliminated and that no further grounds currently exist for revocation of authority;

3. State that the corporation's name satisfies the requirements of s. 617.1506; and

4. State that all taxes and fees owed by the corporation to the department and computed at the rate provided by law at the time the corporation applies for reinstatement have been paid; or

Section 140. Paragraph (d) of subsection (1) of section 617.1623, Florida Statutes, is amended to read:

617.1623 Corporate information available to the public; application to corporations incorporated by circuit courts and by special act of the Legislature.—

(1)

(d) Any corporation dissolved pursuant to paragraph (c) shall be reinstated upon application to the Department of State, signed by an officer or director thereof, accompanied by a copy of its charter and all amendments thereto, certified by the clerk of the circuit court of the county wherein recorded, as to charters and amendments granted by circuit judges, and by the Department of State, as to legislative charters, together with a registration containing the provisions required in paragraph (a), and the payment of all taxes and fees owed to the department due from the time of dissolution computed at the rate provided by law at the time the corporation applies for reinstatement.

Section 141. Section 617.1807, Florida Statutes, is amended to read:

617.1807 Conversion to corporation not for profit;

Page 140 of 151

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593-03568B-19

20197104pb

authority of circuit judge.--If the circuit judge to whom the petition and proposed articles of incorporation are presented finds that the petition and proposed articles are in proper form, he or she shall approve the articles of incorporation and endorse his or her approval thereon; such approval shall provide that all of the property of the petitioning corporation shall become the property of the successor corporation not for profit, subject to all indebtedness and liabilities of the petitioning corporation. The articles of incorporation with such endorsements thereupon shall be sent to the Department of State, which shall, upon receipt thereof and upon payment of all taxes due the state by the petitioning corporation, if any, issue a certificate showing the receipt of the articles of incorporation with the endorsement of approval thereon and of the payment of all taxes to the state. Upon payment of the filing taxes ~~fees~~ specified in s. 617.0122, the Department of State shall file the articles of incorporation, and from thenceforth the petitioning corporation shall become a corporation not for profit under the name adopted in the articles of incorporation and subject to all the rights, powers, immunities, duties, and liabilities of corporations not for profit under state law, and its rights, powers, immunities, duties, and liabilities as a corporation for profit shall cease and determine.

Section 142. Subsection (4) of section 617.2006, Florida Statutes, is amended to read:

617.2006 Incorporation of labor unions or bodies.--Any group or combination of groups of workers or wage earners, bearing the name labor, organized labor, federation of labor, brotherhood of labor, union labor, union labor committee, trade union, trades

Page 141 of 151

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593-03568B-19

20197104pb

union, union labor council, building trades council, building trades union, allied trades union, central labor body, central labor union, federated trades council, local union, state union, national union, international union, district labor council, district labor union, American Federation of Labor, Florida Federation of Labor, or any component parts or significant words of such terms, whether the same be used in juxtaposition or with interspace, may be incorporated under this act.

(4) Upon the filing of the articles of incorporation and the petition, and the giving of such notice, the circuit judge to whom such petition may be addressed shall, upon the date stated in such notice, take testimony and inquire into the admissions and purposes of such organization and the necessity therefor, and upon such hearing, if the circuit judge shall be satisfied that the allegations set forth in the petition and articles of incorporation have been substantiated, and shall find that such organization will not be harmful to the community in which it proposes to operate, or to the state, and that it is intended in good faith to carry out the purposes and objects set forth in the articles of incorporation, and that there is a necessity therefor, the judge shall approve the articles of incorporation and endorse his or her approval thereon. Upon the filing of the articles of incorporation with its endorsements thereupon with the Department of State and payment of the filing taxes ~~fees~~ specified in s. 617.0122, the subscribers and their associates and successors shall be a corporation by the name given.

Section 143. Section 617.2102, Florida Statutes, is amended to read:

Page 142 of 151

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593-03568B-19

20197104pb

617.2102 Fines and penalties against members.—A corporation may, if so authorized in the bylaws, levy fines or otherwise penalize members of the corporation. No fine or penalty shall be levied until after the corporation has provided notice thereof to the members concerned and has afforded the member an opportunity to be heard on the matter. The foregoing notice and hearing shall not be required as to the levy of a late tax fee for nonpayment of dues.

Section 144. Section 620.1109, Florida Statutes, is amended to read:

620.1109 Department of State; taxes fees.—In addition to the supplemental corporate tax fee of \$88.75 imposed pursuant to s. 607.193, the taxes fees of the Department of State under this act are as follows:

(1) For furnishing a certified copy, \$52.50 for the first 15 pages plus \$1.00 for each additional page.

(2) For filing an original certificate of limited partnership, \$965.

(3) For filing an original application for registration as a foreign limited partnership, \$965.

(4) For filing certificate of conversion, \$52.50.

(5) For filing certificate of merger, \$52.50 for each party thereto.

(6) For filing a reinstatement, \$500 for each calendar year or part thereof the limited partnership was administratively dissolved or foreign limited partnership was revoked in the records of the Department of State.

(7) For filing an annual report, \$411.25.

(8) For filing a certificate:

Page 143 of 151

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593-03568B-19

20197104pb

(a) Designating a registered agent, \$35;

(b) Changing a registered agent or registered office address, \$35;

(c) Resigning as a registered agent, \$87.50; or

(d) Of amendment or restatement of the certificate of limited partnership, \$52.50;

(9) For filing a statement of termination, \$52.50.

(10) For filing a notice of cancellation for foreign limited partnership, \$52.50.

(11) For furnishing a certificate of status or authorization, \$8.75.

(12) For filing a certificate of dissolution, \$52.50.

(13) For filing a certificate of revocation of dissolution, \$52.50.

(14) For filing any other domestic or foreign limited partnership document, \$52.50.

Section 145. Subsection (1) of section 620.1206, Florida Statutes, is amended to read:

620.1206 Delivery to and filing of records by Department of State; effective time and date; notice.—

(1) A record authorized or required to be delivered to the Department of State for filing under this act must be captioned to describe the record's purpose, be in a medium permitted by the Department of State, and be delivered to the Department of State. Unless the Department of State determines that a record does not comply with the filing requirements of this act, and if all filing taxes fees have been paid, the Department of State shall file the record.

Section 146. Subsection (4) of section 620.1207, Florida

Page 144 of 151

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593-03568B-19

20197104pb

Statutes, is amended to read:

620.1207 Correcting filed record.—

(4) A statement of correction that is filed under subsection (1) to correct a record that contains false, misleading, or fraudulent information is not subject to a tax or fee of the Department of State if the statement of correction is delivered to the Department of State within 15 days after the notification of filing sent pursuant to s. 620.1206.

Section 147. Subsections (1) and (2) of section 620.1209, Florida Statutes, are amended to read:

620.1209 Certificate of status.—

(1) The Department of State, upon request and payment of the requisite tax fee, shall furnish a certificate of status for a limited partnership if the records filed in the Department of State show that the Department of State has filed a certificate of limited partnership. A certificate of status must state:

(a) The limited partnership's name.

(b) That the limited partnership was duly formed under the laws of this state and the date of formation.

(c) Whether all taxes, fees, and penalties due to the Department of State under this act have been paid.

(d) Whether the limited partnership's most recent annual report required by s. 620.1210 has been filed by the Department of State.

(e) Whether the Department of State has administratively dissolved the limited partnership or received a record notifying the Department of State that the limited partnership has been dissolved by judicial action pursuant to s. 620.1802.

(f) Whether the Department of State has filed a certificate

Page 145 of 151

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593-03568B-19

20197104pb

of dissolution for the limited partnership.

(g) Whether the Department of State has filed a statement of termination for the limited partnership.

(2) The Department of State, upon request and payment of the requisite tax fee, shall furnish a certificate of status for a foreign limited partnership if the records filed in the Department of State show that the Department of State has filed a certificate of authority. A certificate of status must state:

(a) The foreign limited partnership's name and any alternate name adopted under s. 620.1905(1) for use in this state.

(b) That the foreign limited partnership is authorized to transact business in this state.

(c) Whether all taxes, fees, and penalties due to the Department of State under this act or other law have been paid.

(d) Whether the foreign limited partnership's most recent annual report required by s. 620.1210 has been filed by the Department of State.

(e) Whether the Department of State has revoked the foreign limited partnership's certificate of authority or filed a notice of cancellation.

Section 148. Paragraph (a) of subsection (1) of section 620.1809, Florida Statutes, is amended to read:

620.1809 Administrative dissolution.—

(1) The Department of State may dissolve a limited partnership administratively if the limited partnership does not:

(a) Pay any tax, fee, or penalty due to the Department of State under this act;

Page 146 of 151

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593-03568B-19

20197104pb

4235 Section 149. Subsection (1) of section 620.1810, Florida
 4236 Statutes, is amended to read:

4237 620.1810 Reinstatement following administrative
 4238 dissolution.—

4239 (1) A limited partnership that has been administratively
 4240 dissolved under s. 620.1809 may apply to the Department of State
 4241 for reinstatement at any time after the effective date of
 4242 dissolution. The limited partnership must submit a form of
 4243 reinstatement prescribed and furnished by the Department of
 4244 State together with all taxes and fees then owed to the
 4245 department by the limited partnership, computed at a rate
 4246 provided by law at the time the limited partnership applies for
 4247 reinstatement.

4248 Section 150. Section 620.1904, Florida Statutes, is amended
 4249 to read:

4250 620.1904 Filing of certificate of authority.—Unless the
 4251 Department of State determines that an application for a
 4252 certificate of authority does not comply with the filing
 4253 requirements of this act, the Department of State, upon payment
 4254 of all filing taxes fees, shall authorize the foreign limited
 4255 partnership to transact business in this state.

4256 Section 151. Paragraph (a) of subsection (1) of section
 4257 620.1906, Florida Statutes, is amended to read:

4258 620.1906 Revocation of certificate of authority.—

4259 (1) A certificate of authority of a foreign limited
 4260 partnership to transact business in this state may be revoked by
 4261 the Department of State in the manner provided in subsections
 4262 (2) and (3) if the foreign limited partnership does not:

4263 (a) Pay, within 60 days after the due date, any tax, fee,

Page 147 of 151

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593-03568B-19

20197104pb

4264 or penalty due to the Department of State under this act;

4265 Section 152. Subsection (1) of section 620.1909, Florida
 4266 Statutes, is amended to read:

4267 620.1909 Reinstatement following administrative
 4268 revocation.—

4269 (1) A foreign limited partnership whose certificate of
 4270 authority was administratively revoked under s. 620.1906 may
 4271 apply to the Department of State for reinstatement at any time
 4272 after the effective date of revocation of the certificate of
 4273 authority. The foreign limited partnership must submit a form of
 4274 reinstatement prescribed and furnished by the Department of
 4275 State together with all taxes and fees then owed to the
 4276 department by the foreign limited partnership, computed at a
 4277 rate provided by law at the time the foreign limited partnership
 4278 applies for reinstatement.

4279 Section 153. Subsection (4) of section 620.81054, Florida
 4280 Statutes, is amended to read:

4281 620.81054 Correcting a filed record.—

4282 (4) Articles of correction filed to correct false,
 4283 misleading, or fraudulent information are not subject to a tax
 4284 or fee of the Department of State if the articles of correction
 4285 are delivered to the Department of State within 15 days after
 4286 the notification of filing sent pursuant to s. 620.8105.

4287 Section 154. Subsection (1) of section 620.81055, Florida
 4288 Statutes, is amended to read:

4289 620.81055 Taxes Fees for filing documents and issuing
 4290 certificates; powers of the Department of State.—

4291 (1) The Department of State shall collect the following
 4292 taxes fees when documents authorized by this act are delivered

Page 148 of 151

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593-03568B-19

20197104pb

to the Department of State for filing:

- (a) Partnership registration statement: \$50.
- (b) Statement of partnership authority: \$25.
- (c) Statement of denial: \$25.
- (d) Statement of dissociation: \$25.
- (e) Statement of dissolution: \$25.
- (f) Statement of qualification: \$25.
- (g) Statement of foreign qualification: \$25.
- (h) Limited liability partnership annual report: \$25.
- (i) Certificate of merger for each party thereto: \$25.
- (j) Amendment to any statement or registration: \$25.
- (k) Cancellation of any statement or registration: \$25.
- (l) Certified copy of any recording or part thereof: \$52.50.
- (m) Certificate of status: \$8.75.
- (n) Certificate of conversion: \$25.
- (o) Any other document required or permitted to be filed by this act: \$25.

Section 155. Subsection (3) of section 620.9003, Florida Statutes, is amended to read:

620.9003 Annual report.—

(3) The Department of State may administratively revoke the statement of qualification of a partnership that fails to file its annual report and pay the required filing tax fee by 5 p.m. Eastern Time on the third Friday in September. The Department of State shall serve a 60-day notice on the limited liability partnership of its intent to revoke the statement of qualification. If the partnership has provided the department with an electronic mail address, such notice shall be by

Page 149 of 151

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593-03568B-19

20197104pb

electronic transmission. Revocation for failure to file an annual report shall occur on the fourth Friday in September of each year. The Department of State shall issue a certificate of revocation of the statement of qualification to each revoked partnership. Issuance of the certificate of revocation of the statement of qualification may be by electronic transmission to any partnership that has provided the department with an electronic mail address.

Section 156. Subsections (1) and (3) of section 658.23, Florida Statutes, are amended to read:

658.23 Submission of articles of incorporation; contents; form; approval; filing; commencement of corporate existence; bylaws.—

(1) Within 3 months after approval by the office and the appropriate federal regulatory agency, the applicant shall submit its duly executed articles of incorporation to the office, together with the filing tax fee due the Department of State under s. 607.0122.

(3) Within 30 days of receipt of the executed articles of incorporation in the form previously approved, and the required filing taxes fees, the office shall place the following legend upon the articles of incorporation and affix the seal of the office thereto. The legend shall in substance read: "Approved by the Office of Financial Regulation this day of (herein the name and signature of the director of the office)...." Thereafter, the articles of incorporation shall be filed with the Department of State.

Section 157. Subsection (4) of section 1003.48, Florida Statutes, is amended to read:

Page 150 of 151

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593-03568B-19

20197104pb

1003.48 Instruction in operation of motor vehicles.—

(4) For the purpose of financing the driver education program in the secondary schools, there shall be levied an additional 50 cents per year to the driver license ~~tax fee~~ required by s. 322.21. The additional ~~tax fee~~ shall be promptly remitted to the Department of Highway Safety and Motor Vehicles, which shall transmit the ~~tax fee~~ to the Chief Financial Officer to be deposited in the General Revenue Fund.

Section 158. (1) The Department of Revenue may, and all conditions are deemed met to, adopt emergency rules pursuant to s. 120.54(4), Florida Statutes, to administer this act.

(2) Notwithstanding any other law, emergency rules adopted pursuant to subsection (1) 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.

(3) This section shall take effect upon becoming a law and expires June 30, 2021.

Section 159. For the 2019-2020 fiscal year, the sum of \$26,355 in nonrecurring funds is appropriated from the General Revenue Fund to the Agency for Health Care Administration, and the sum of \$105,280 in nonrecurring funds is appropriated from the General Revenue Fund to the Department of Highway Safety and Motor Vehicles, to implement the provisions of this act.

Section 160. 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 January 1, 2020.

The Florida Senate COMMITTEE VOTE RECORD

COMMITTEE: Finance and Tax
ITEM: SPB 7104
FINAL ACTION:
MEETING DATE: Thursday, April 4, 2019
TIME: 12:30—2:00 p.m.
PLACE: 401 Senate Building

[illegible]

CODES: FAV=Favorable
UNF=Unfavorable
-R=Reconsidered

RCS=Replaced by Committee Substitute
RE=Replaced by Engrossed Amendment
RS=Replaced by Substitute Amendment

TP=Temporarily Postponed
VA=Vote After Roll Call
VC=Vote Change After Roll Call

WD=Withdrawn
OO=Out of Order
AV=Abstain from Voting

CourtSmart Tag Report

Room: SB 401

Case No.:

Type:

Caption: Senate Finance and Tax Committee

Judge:

Started: 4/4/2019 12:31:42 PM

Ends: 4/4/2019 1:45:26 PM **Length:** 01:13:45

12:31:41 PM Meeting called to order by Chair Gainer
12:31:43 PM Roll call
12:31:57 PM Quorum Present
12:32:00 PM Comments from Chair Gainer
12:32:08 PM SPB 7104 TP'd per Senator Gruters motion
12:32:55 PM Introduction of Tab 5, SB 576 by Chair Gainer
12:33:25 PM Explanation of SB 576, Back-to-School Sales Tax Holiday by Senator Perry
12:34:09 PM Introduction of Amendment Barcode No. 312328 by Chair Gainer
12:34:20 PM Explanation of Amendment by Senator Perry
12:35:02 PM Closure waived on Amendment
12:35:07 PM Amendment Barcode No. 312328 adopted
12:35:29 PM Speaker Brian Pitts, Justice-to-Jesus
12:38:32 PM Speaker French Brown, Florida Retail Federation in support
12:39:27 PM Senator Bradley in debate
12:39:37 PM Question from Senator Bradley
12:39:50 PM Response by Senator Perry
12:40:53 PM Question from Senator Pizzo
12:41:03 PM Response from Senator Perry
12:41:45 PM Closure by Senator Perry
12:41:49 PM Roll call
12:42:10 PM CS/SB 576 reported favorably
12:42:25 PM Introduction of Tab 6, SB 856 by Chair Gainer
12:42:46 PM Explanation of SB 856, Homestead Exemptions by Senator Gruters
12:42:57 PM Introduction of Amendment Barcode No. 841894 by Chair Gainer
12:43:04 PM Explanation of Amendment by Senator Gruters
12:43:48 PM Question from Senator Stargel
12:43:53 PM Response from Senator Gruters
12:44:28 PM Question from Senator Powell
12:44:44 PM Response from Senator Gruters
12:45:19 PM Question from Senator Gainer
12:45:32 PM Response from Senator Gruters
12:45:56 PM Follow-up question from Chair Gainer
12:46:00 PM Response from Senator Gruters
12:46:05 PM Loren Levy, General Counsel, Property Appraisers' Association of Florida waives in support
12:46:34 PM Closure waived
12:46:38 PM Amendment Barcode No. 841894 adopted
12:46:56 PM Speaker Brian Pitts, Justice-to-Jesus
12:49:13 PM Closure waived
12:49:16 PM Roll call
12:49:32 PM CS/SB 856 reported favorably
12:49:54 PM Introduction of Tab 2, SB 298 by Chair Gainer
12:50:54 PM Explanation of SB 298, Rural Businesses by Senator Montford
12:51:22 PM Introduction of Amendment Barcode No. 766474 by Chair Gainer
12:51:32 PM Explanation of Amendment by Senator Montford
12:53:25 PM Closure waived
12:53:43 PM Amendment Barcode No. 766474 adopted
12:54:06 PM Brewster Bevis, Senior Vice President, Associated Industries of Florida waives in support
12:54:21 PM Carolyn Johnson, Policy Director, Florida Chamber of Commerce waives in support
12:54:32 PM Tony Toups, Principal, Rural Jobs Coalition waives in support
12:56:29 PM Speaker Brian Pitts, Justice-to-Jesus
12:57:29 PM Senator Baxley in debate
12:59:53 PM Question from Senator Bradley

1:00:06 PM Response from Senator Montford
 1:01:17 PM Closure by Senator Montford
 1:01:44 PM Roll call
 1:02:03 PM CS/SB 298 reported favorably
 1:02:32 PM Introduction of Tab 1, SB 60 by Chair Gainer
 1:02:50 PM Explanation of SB 60, Tax Exemption for Diapers and Incontinence Products by Senator Book
 1:04:52 PM Speaker Brian Pitts, Justice-to-Jesus
 1:08:40 PM Senator Powell in debate
 1:10:28 PM Senator Baxley in debate
 1:12:23 PM Senator Pizzo in debate
 1:13:09 PM Senator Book in closure
 1:13:22 PM Roll call
 1:13:53 PM SB 60 reported favorably
 1:14:19 PM Senator Baxley motion to be shown voting in the affirmative on CS/SB 576
 1:15:30 PM 10 minute break per Chair Gainer
 1:15:44 PM Recording Paused
 1:25:15 PM Recording Resumed
 1:25:18 PM Meeting in Session
 1:25:27 PM Introduction of Tab 3, SJR 326 by Chair Gainer
 1:25:37 PM Explanation of SJR 326, Homestead Property Tax Assessments/Increased Portability Period by Senator Brandes
 1:26:42 PM Albert Balido, Florida Association of Property Appraisers waives in support
 1:26:49 PM Loren Levy, General Counsel, Property Appraisers' Association of Florida waives in support
 1:26:55 PM Speaker Brian Pitts, Justice-2-Jesus
 1:30:38 PM Senator Pizzo in debate
 1:32:05 PM Senator Brandes in closure
 1:32:12 PM Roll call
 1:32:54 PM SJR 326 reported favorably
 1:33:08 PM Introduction of Tab 4, CS/SB 324 by Chair Gainer
 1:33:40 PM Explanation of CS/SB 324, Limitations on Homestead Assessments by Senator Brandes
 1:33:58 PM Albert Balido, Florida Association of Property Appraisers waives in support
 1:34:15 PM Closure waived
 1:34:18 PM Roll call
 1:34:35 PM CS/SB 324 reported favorably
 1:34:45 PM Introduction of Tab 7, SJR 886 by Chair Gainer
 1:35:09 PM Explanation of SJR 886, Homestead Tax Exemption/Surviving Spouse of a Veteran by Senator Brandes
 1:36:28 PM Bill Helmich, VFW/American Legion waives in support
 1:36:40 PM Speaker Brian Pitts, Justice-2-Jesus
 1:41:28 PM Jessica Hunter, Deputy Legislative & Cabinet Affairs Director, The Florida Department of Veterans' Affairs waives in support
 1:41:36 PM Loren Levy, General Counsel, Property Appraisers' Association of Florida waives in support
 1:41:53 PM Senator Stargel in debate
 1:42:33 PM Closure by Senator Brandes
 1:42:42 PM Roll call
 1:43:07 PM SJR 886 reported favorably
 1:43:32 PM Introduction of Tab 8, CS/SB 888 by Chair Gainer
 1:43:55 PM Explanation of CS/SB 888, Homestead Property Tax Discount by Senator Brandes
 1:44:16 PM Jessica Hunter, Deputy Legislative and Cabinet Affairs Director, The Florida Department of Veterans' Affairs waives in support
 1:44:30 PM Closure waived
 1:44:35 PM Roll call
 1:44:51 PM CS/SB 888 reported favorably
 1:45:11 PM Senator Baxley moves to adjourn