

**The Florida Senate**  
**COMMITTEE MEETING EXPANDED AGENDA**

**FINANCE AND TAX**  
**Senator Hukill, Chair**  
**Senator Abruzzo, Vice Chair**

**MEETING DATE:** Monday, March 16, 2015  
**TIME:** 2:00 —3:30 p.m.  
**PLACE:** James E. "Jim" King, Jr. Committee Room, 401 Senate Office Building

**MEMBERS:** Senator Hukill, Chair; Senator Abruzzo, Vice Chair; Senators Altman, Diaz de la Portilla, Flores, Margolis, Simpson, and Soto

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	<b>CS/SB 110</b> Communications, Energy, and Public Utilities / Hukill	Taxes; Reducing the tax rate applied to the sale of communications services; reducing the tax rate applied to the retail sale of direct-to-home satellite services; revising the allocation of tax revenue received from the communications services tax; revising the distributions of tax revenue received from the sales and use tax, communications services tax, and gross receipts tax, etc.  CU     02/17/2015 Fav/CS FT     03/16/2015 Fav/CS AP	Fav/CS Yeas 7 Nays 0
2	<b>SB 118</b> Hays (Similar CS/H 37)	Voluntary Contributions for Public Education Facilities; Authorizing a participating business that registers with the Department of Revenue to solicit and collect contributions from its customers for the construction and maintenance of public education facilities; providing registration requirements; requiring a participating business to file a return and remit contributions to the department within a specified timeframe; including voluntary contributions as a source of funding for the Public Education Capital Outlay and Debt Service Trust Fund, etc.  FT     02/16/2015 FT     03/02/2015 FT     03/16/2015 Fav/CS AED FP	Fav/CS Yeas 7 Nays 0
3	<b>SB 260</b> Bradley (Identical CS/H 489)	Value Adjustment Board Proceedings; Requiring the clerk of the value adjustment board to have available and distribute specified forms; authorizing the owner of multiple items of tangible personal property to file a joint petition with the value adjustment board under certain circumstances; requiring the property appraiser to include the property record card in an evidence list for a value adjustment board hearing under certain circumstances, etc.  CA     02/03/2015 Favorable FT     02/16/2015 FT     03/02/2015 FT     03/16/2015 Fav/CS FP	Fav/CS Yeas 7 Nays 0

**COMMITTEE MEETING EXPANDED AGENDA**

Finance and Tax

Monday, March 16, 2015, 2:00 —3:30 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	<b>SB 266</b> Ring (Identical H 213)	Property Appraisers; Specifying that a property appraiser's operating budget is final and shall be funded by the county commission once the Department of Revenue makes its final budget amendments; specifying that the county commission remains obligated to fund the department's final property appraiser's operating budget during the pendency of an appeal to the Administration Commission, etc.  CA 02/03/2015 Favorable FT 03/16/2015 Favorable AP	Favorable Yeas 7 Nays 0
5	<b>SB 278</b> Diaz de la Portilla (Similar H 833)	Downtown Development Districts; Authorizing the governing body of a municipality that has created a downtown development district to levy an ad valorem tax on all real and personal property in the district to finance the district's operation; limiting the tax to a specified percentage; providing for limitation of the district's millage, etc.  CA 02/03/2015 Favorable FT 02/16/2015 FT 03/02/2015 FT 03/16/2015 Temporarily Postponed AP	Temporarily Postponed
6	<b>SB 398</b> Stargel (Identical H 249)	Agricultural Tax Exemptions; Redefining the terms "livestock" and "agricultural production"; revising the sales and use tax exemption for certain farm equipment to exempt from the tax irrigation equipment, repairs of farm equipment and irrigation equipment, and certain trailers, etc.  AG 02/16/2015 Favorable FT 03/16/2015 Favorable AP	Favorable Yeas 7 Nays 0
Consideration of proposed bill:			
7	<b>SPB 7014</b>	Corporate Income Tax; Adopting the 2015 version of the Internal Revenue Code; incorporating a reference to a recent federal act into state law for the purpose of defining the term "adjusted federal income"; revising the treatment by this state of certain depreciation and expensing of assets that are allowed for federal income tax purposes, etc.	Submitted as Committee Bill Yeas 7 Nays 0
8	Discussion of the Enterprise Zone Program		Discussed

**COMMITTEE MEETING EXPANDED AGENDA**

Finance and Tax

Monday, March 16, 2015, 2:00 —3:30 p.m.

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TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
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Other Related Meeting Documents

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**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.)

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

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BILL: CS/CS/SB 110

INTRODUCER: Finance and Tax Committee; Communications, Energy and Public Utilities Committee;  
and Senator Hukill

SUBJECT: Communications Services Taxes

DATE: March 16, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Caldwell</u>	<u>Caldwell</u>	<u>CU</u>	<u>Fav/CS</u>
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	<u>Fav/CS</u>
3.	_____	_____	<u>AP</u>	_____

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**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/CS/SB 110 reduces the state communications services tax (CST) rates by 3.6 percentage points. The standard state CST rate is reduced from 6.65 percent to 3.05 percent, and the tax rate on direct-to-home satellite services is reduced from 10.8 percent to 7.2 percent.

The bill changes the distribution percentages of CST revenue to ensure that local governments continue to receive the same amount of revenue as they receive under current law.

The bill authorizes communications services dealers to report tax collections on a non-calendar month basis, and clarifies that when a dealer remits a portion of CST collections late, the dealer loses its collection allowance only for the late portion of the payment.

The Revenue Estimating Conference has determined that the bill will reduce General Revenue receipts by \$431.3 million in Fiscal Year 2015-2016, with a recurring decrease of \$470.5 million. Local revenues will decrease by \$200,000 in Fiscal Year 2015-2016, but will increase in later years.

The bill provides an effective date of July 1, 2015.

## II. Present Situation:

### Communications Services Tax Rates and Distributions

Chapter 202, F.S., imposes a tax on the sale of communication services, including telecommunications (both wireline and mobile), cable television, direct-to-home satellite television and other services. The CST includes a state tax rate of 6.65 percent and a state gross receipts tax rate of 2.52 percent for a combined rate of 9.17 percent. In addition, local governments may impose a local tax rate of up to 7.12 percent.

Direct-to-home satellite service is taxed at a higher state CST rate of 10.8 percent and is also subject to the 2.37 percent gross receipts tax for a combined rate of 13.17 percent. The local tax does not apply to these services.

A portion of the state taxes collected – including taxes collected on direct-to-home satellite service – are deposited into the General Revenue Fund. A portion of those deposits is distributed to local governments. Gross receipts tax collections are deposited into the Public Education Capital Outlay and Debt Service Trust Fund and are used for funding public education system capital projects.

### Reporting Periods and Collection Allowance

Communications services dealers are required to report and remit collections on a calendar month basis.<sup>1</sup> Dealer returns and remittances are late after the 20<sup>th</sup> day of the month following the month of collection.<sup>2</sup>

To compensate communications services dealers for keeping prescribed records, filing timely tax returns, and properly accounting and remitting taxes, dealers are allowed to deduct and retain 0.75 percent of the amount of tax due and timely reported and remitted.<sup>3</sup> The collection allowance is not allowed if the required tax return or tax is delinquent.<sup>4</sup>

## III. Effect of Proposed Changes:

**Section 1** amends s. 202.12(1)(a) and (b), F.S., to reduce the state CST rate by 3.6 percentage points. The standard rate is reduced from 6.65 percent to 3.05 percent and the rate on direct-to-home satellite is reduced from 10.8 percent to 7.2 percent.

**Sections 2 and 6** amend ss. 202.12001 and 203.001, F.S., to make conforming changes to the statutes that authorize a communications services dealer to collect a combined rate that includes both the CST and the gross receipts tax. The bill amends the combined rates to reflect the 3.6 percentage point reduction in the CST rate.

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<sup>1</sup> See s. 202.27, F.S. and Rule 12A-19.020(1)(a)1., F.A.C. The Department of Revenue is authorized to permit reporting periods longer than 1 month in certain situations. Section 202.27(2), F.S.

<sup>2</sup> See Section 202.27(1), F.S. and Rule 12A-19.020(1)(a)3., F.A.C.

<sup>3</sup> Section 202.28(1), F.S. Dealers that do not use specified databases to determine the taxable situs of sales are subject to a reduced collection allowance of 0.25 percent. See s. 202.22(6)(b)1., F.S.

<sup>4</sup> Section 202.28(1)(a), F.S.

**Section 3** amends s. 202.18, F.S., to reduce the percentage of direct-to-home satellite CST tax revenues allocated to the state from 63 percent to 44.5 percent to ensure that local governments continue to receive the same amount of distributions as they receive under current law. The allocations become effective August 1, 2015, which is when the receipts from the new tax rate on direct-to-home satellite service will be distributed.

**Section 4** amends s. 202.27, F.S., to authorize a communications services dealer to use a month-long period other than a calendar month to report its CST collections. Dealers who use an alternative month-long period will continue to remit collections by the 20<sup>th</sup> day of the subsequent calendar month.

**Section 5** amends s. 202.28, F.S., to clarify that if a collection allowance is disallowed because a dealer's CST payment is delinquent, the disallowance is proportional to the percentage of tax that is delinquent.

**Section 7** amends s. 212.20, F.S., to increase the distribution percentages of all remaining state CST revenues that are distributed to the Local Government Half-cent Sales Tax Clearing Trust Fund and the Revenue Sharing Trust Fund for Counties and for Municipalities to ensure that local governments continue to receive the same amount of distributions as they receive under current law. The allocations become effective September 1, 2015, which is when the receipts from the new standard CST tax rate will be distributed.

**Section 8** provides that the act applies to taxable transactions included on bills for communications services that are dated on or after July 1, 2015.

**Section 9** provides that the bill takes effect July 1, 2015, except as otherwise provided in the act.

#### **IV. Constitutional Issues:**

**A. Municipality/County Mandates Restrictions:**

The mandates restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue, or reduce the percentage of a state tax shared with counties and municipalities.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

The Revenue Estimating Conference has determined that the bill will reduce General Revenue receipts by \$431.3 million in Fiscal Year 2015-2016, with a recurring decrease of \$470.5 million. Local revenues will decrease by \$200,000 in Fiscal Year 2015-2016, but will increase in later years.<sup>5</sup>

**B. Private Sector Impact:**

Communications services customers will pay a reduced amount of state communications services tax.

**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: 202.12, 202.12001, 202.18, 203.001, and 212.20.

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

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

**CS/CS by Finance and Tax on March 16, 2015:**

The CS/CS:

- Authorizes communications services dealers to use a month-long period other than a calendar month to report collections.
- Clarifies that when a collection allowance is disallowed because a dealer's CST payment is delinquent, the disallowance is proportional to the percentage of tax that is delinquent.

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<sup>5</sup> Revenue Estimating Conference Impact Statement, *available at* [http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2015/\\_pdf/page113-119.pdf](http://edr.state.fl.us/Content/conferences/revenueimpact/archives/2015/_pdf/page113-119.pdf)

**CS by Communications, Energy and Public Utilities on February 17, 2015:**

The committee substitute:

- Reduces the standard state CST rate by 3.6 percentage points, from 6.65 percent to 3.05 percent, and the CST rate on direct-to-home satellite services, from 10.8 percent to 7.2 percent.
- Makes conforming changes to the combined billing rate for CST and gross receipts tax by reducing it by 3.6 percent, from 6.8 percent to 3.2 percent.
- Delays the implementation of the distribution for direct-to-home satellite services revenues to August 1, 2015, and for the remaining state tax revenue received from the CST to September 1, 2015.
- Reduces the percentage of direct-to-home satellite CST tax revenues allocated to the state from 63 percent to 44.5 percent to ensure that local governments continue to receive the same amount of distributions as they receive under current law.
- Revises the following distributed amounts:
  - Increases to 9.0739 percent from 8.8854 percent the amount that is transferred into the Local Government Half-cent Sales Tax Clearing Trust Fund.
  - Increases to 0.0976 percent from 0.0956 percent of the available proceeds that are transferred to the Local Government Half-cent Sales Clearing Trust Fund for emergency distribution.
  - Increases to 2.1039 percent from 2.0603 percent of the available proceeds that are transferred to the Revenue Sharing Trust Fund for counties.
  - Increases to 1.3803 percent from 1.3517 percent of the available proceeds that are transferred to the Revenue Sharing Trust Fund for municipalities.
- Revises the effective date to July 1, 2015 from upon becoming a law.

**B. Amendments:**

None.





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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/16/2015	.	
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The Committee on Finance and Tax (Hukill) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 102 and 103

insert:

Section 4. Subsection (1) of section 202.27, Florida Statutes, is amended to read:

202.27 Return filing; rules for self-accrual.-

(1) For the purpose of ascertaining the amount of tax payable under this chapter and chapter 203, every dealer shall ~~has the duty to~~ file a return and remit the taxes required to be



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11 collected in any calendar month to the department, on or before  
12 the 20th day of the subsequent calendar month, upon forms  
13 prepared and furnished by the department or in a format  
14 prescribed by it. The department shall, by rule, prescribe the  
15 information to be furnished by taxpayers on such returns. For  
16 the purpose of determining the taxes required to be remitted  
17 under this subsection, a dealer may elect to use an alternative  
18 period basis. An alternative period basis is any month-long  
19 period, other than a calendar month, which has an end date on or  
20 after the 15th day of the calendar month. The election shall be  
21 made upon forms prepared and furnished by the department or in a  
22 format prescribed by it. A dealer making the election is bound  
23 by the election for at least 12 months and shall file a return  
24 and remit the taxes required to be collected in each alternative  
25 period to the department on or before the 20th day of the  
26 subsequent calendar month.

27  
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete line 10

31 and insert:

32 services tax; amending s. 202.27, F.S.; authorizing  
33 dealers to use a period other than a calendar month  
34 for the purpose of determining the communications  
35 services taxes to be remitted; amending s. 203.001,  
36 F.S.; conforming



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/16/2015	.	
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The Committee on Finance and Tax (Hukill) recommended the following:

**Senate Amendment (with title amendment)**

Between lines 102 and 103

insert:

Section 4. Paragraph (d) is added to subsection (1) of section 202.28, Florida Statutes, to read:

202.28 Credit for collecting tax; penalties.—

(1) Except as otherwise provided in s. 202.22, for the purpose of compensating persons providing communications services for the keeping of prescribed records, the filing of



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11 timely tax returns, and the proper accounting and remitting of  
12 taxes, persons collecting taxes imposed under this chapter and  
13 under s. 203.01(1)(a)2. shall be allowed to deduct 0.75 percent  
14 of the amount of the tax due and accounted for and remitted to  
15 the department.

16 (d) A disallowance of a collection allowance under this  
17 subsection based on a delinquent tax payment is limited to the  
18 percentage of the total tax due, before the collection allowance  
19 was calculated, which is delinquent at the time of payment.

20  
21 ===== T I T L E A M E N D M E N T =====

22 And the title is amended as follows:

23 Delete line 10

24 and insert:

25 services tax; amending s. 202.28, F.S.; limiting the  
26 disallowance of collection allowance under certain  
27 circumstances; amending s. 203.001, F.S.; conforming

By the Committee on Communications, Energy, and Public Utilities; and Senator Hukill

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A bill to be entitled

An act relating to taxes; amending s. 202.12, F.S.; reducing the tax rate applied to the sale of communications services; reducing the tax rate applied to the retail sale of direct-to-home satellite services; amending s. 202.12001, F.S.; conforming rates to the reduction of the communications services tax; amending s. 202.18, F.S.; revising the allocation of tax revenue received from the communications services tax; amending s. 203.001, F.S.; conforming rates to the reduction of the communications services tax; amending s. 212.20, F.S.; revising the distributions of tax revenue received from the sales and use tax, communications services tax, and gross receipts tax; providing applicability; providing effective dates.

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

Section 1. Paragraphs (a) and (b) of subsection (1) of section 202.12, Florida Statutes, are amended to read:

202.12 Sales of communications services.—The Legislature finds that every person who engages in the business of selling communications services at retail in this state is exercising a taxable privilege. It is the intent of the Legislature that the tax imposed by chapter 203 be administered as provided in this chapter.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction, and ~~the tax~~ is due and payable as

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follows:

(a) Except as otherwise provided in this subsection, at the ~~a~~ rate of 3.05 ~~6.65~~ percent applied to the sales price of the communications service ~~that~~ which:

1. Originates and terminates in this state, or
2. Originates or terminates in this state and is charged to a service address in this state,

when sold at retail, computed on each taxable sale for the purpose of remitting the tax due. The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph. If no tax is imposed by this paragraph due to the exemption provided under ~~by reason of~~ s. 202.125(1), the tax imposed by chapter 203 shall nevertheless be collected and remitted in the manner and at the time prescribed for tax collections and remittances under this chapter.

(b) At the rate of 7.2 ~~10.8~~ percent applied to ~~on~~ the retail sales price of any direct-to-home satellite service received in this state. The proceeds of the tax imposed under this paragraph shall be accounted for and distributed in accordance with s. 202.18(2). The gross receipts tax imposed by chapter 203 shall be collected on the same taxable transactions and remitted with the tax imposed by this paragraph.

Section 2. Section 202.12001, Florida Statutes, is amended to read:

202.12001 Combined rate for tax collected pursuant to ss. 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch. 2010-149, Laws of Florida, the dealer of communication services

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59 may collect a combined rate of 3.2 ~~6.8~~ percent, composed  
 60 ~~comprised of the 3.05~~ ~~6.65~~ percent and 0.15 percent rates  
 61 required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively,  
 62 ~~if as long as~~ the provider properly reflects the tax collected  
 63 with respect to the two provisions as required in the return to  
 64 the department ~~of Revenue~~.

65 Section 3. Effective August 1, 2015, subsection (2) of  
 66 section 202.18, Florida Statutes, is amended to read:

67 202.18 Allocation and disposition of tax proceeds.—The  
 68 proceeds of the communications services taxes remitted under  
 69 this chapter shall be treated as follows:

70 (2) The proceeds of the taxes remitted under s.  
 71 202.12(1)(b) shall be allocated ~~divided~~ as follows:

72 (a) The portion of the ~~such~~ proceeds which constitutes  
 73 gross receipts taxes, imposed at the rate prescribed in chapter  
 74 203, shall be deposited as provided by law and in accordance  
 75 with s. 9, Art. XII of the State Constitution.

76 (b) Forty-four and one-half ~~Sixty-three~~ percent of the  
 77 remainder shall be allocated to the state and distributed  
 78 pursuant to s. 212.20(6), except that the proceeds allocated  
 79 pursuant to s. 212.20(6)(d)2. shall be prorated to the  
 80 participating counties in the same proportion as that month's  
 81 collection of the taxes and fees imposed pursuant to chapter 212  
 82 and paragraph (1)(b).

83 (c)1. During each calendar year, the remaining portion of  
 84 the ~~such~~ proceeds shall be transferred to the Local Government  
 85 Half-cent Sales Tax Clearing Trust Fund. Seventy percent of such  
 86 proceeds shall be allocated in the same proportion as the  
 87 allocation of total receipts of the half-cent sales tax under s.

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88 218.61 and the emergency distribution under s. 218.65 in the  
 89 prior state fiscal year. Thirty percent of such proceeds shall  
 90 be distributed pursuant to s. 218.67.

91 2. The proportion of the proceeds allocated based on the  
 92 emergency distribution under s. 218.65 shall be distributed  
 93 pursuant to s. 218.65.

94 3. In each calendar year, the proportion of the proceeds  
 95 allocated based on the half-cent sales tax under s. 218.61 shall  
 96 be allocated to each county in the same proportion as the  
 97 county's percentage of total sales tax allocation for the prior  
 98 state fiscal year and distributed pursuant to s. 218.62.

99 4. The department shall distribute the appropriate amount  
 100 to each municipality and county each month at the same time that  
 101 local communications services taxes are distributed pursuant to  
 102 subsection (3).

103 Section 4. Section 203.001, Florida Statutes, is amended to  
 104 read:

105 203.001 Combined rate for tax collected pursuant to ss.  
 106 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch.  
 107 2010-149, Laws of Florida, the dealer of communication services  
 108 may collect a combined rate of 3.2 ~~6.8~~ percent, composed  
 109 ~~comprised of the 3.05~~ ~~6.65~~ percent and 0.15 percent rates  
 110 required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively,  
 111 ~~if as long as~~ the provider properly reflects the tax collected  
 112 with respect to the two provisions as required in the return to  
 113 the Department of Revenue.

114 Section 5. Effective September 1, 2015, paragraph (d) of  
 115 subsection (6) of section 212.20, Florida Statutes, is amended  
 116 to read:

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117 212.20 Funds collected, disposition; additional powers of  
 118 department; operational expense; refund of taxes adjudicated  
 119 unconstitutionally collected.-

120 (6) Distribution of all proceeds under this chapter and ss.  
 121 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

122 (d) The proceeds of all other taxes and fees imposed  
 123 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
 124 and (2)(b) shall be distributed as follows:

125 1. In any fiscal year, the greater of \$500 million, minus  
 126 an amount equal to 4.6 percent of the proceeds of the taxes  
 127 collected pursuant to chapter 201, or 5.2 percent of all other  
 128 taxes and fees imposed pursuant to this chapter or remitted  
 129 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
 130 monthly installments into the General Revenue Fund.

131 2. After the distribution under subparagraph 1., 9.0739  
 132 ~~8.8854~~ percent of the amount remitted by a sales tax dealer  
 133 located within a participating county pursuant to s. 218.61  
 134 shall be transferred into the Local Government Half-cent Sales  
 135 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
 136 be transferred shall be reduced by 0.1 percent, and the  
 137 department shall distribute this amount to the Public Employees  
 138 Relations Commission Trust Fund less \$5,000 each month, which  
 139 shall be added to the amount calculated in subparagraph 3. and  
 140 distributed accordingly.

141 3. After the distribution under subparagraphs 1. and 2.,  
 142 0.0976 ~~0.0956~~ percent shall be transferred to the Local  
 143 Government Half-cent Sales Tax Clearing Trust Fund and  
 144 distributed pursuant to s. 218.65.

145 4. After the distributions under subparagraphs 1., 2., and

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146 3., 2.1039 ~~2.0603~~ percent of the available proceeds shall be  
 147 transferred monthly to the Revenue Sharing Trust Fund for  
 148 Counties pursuant to s. 218.215.

149 5. After the distributions under subparagraphs 1., 2., and  
 150 3., 1.3803 ~~1.3517~~ percent of the available proceeds shall be  
 151 transferred monthly to the Revenue Sharing Trust Fund for  
 152 Municipalities pursuant to s. 218.215. If the total revenue to  
 153 be distributed pursuant to this subparagraph is at least as  
 154 great as the amount due from the Revenue Sharing Trust Fund for  
 155 Municipalities and the former Municipal Financial Assistance  
 156 Trust Fund in state fiscal year 1999-2000, no municipality shall  
 157 receive less than the amount due from the Revenue Sharing Trust  
 158 Fund for Municipalities and the former Municipal Financial  
 159 Assistance Trust Fund in state fiscal year 1999-2000. If the  
 160 total proceeds to be distributed are less than the amount  
 161 received in combination from the Revenue Sharing Trust Fund for  
 162 Municipalities and the former Municipal Financial Assistance  
 163 Trust Fund in state fiscal year 1999-2000, each municipality  
 164 shall receive an amount proportionate to the amount it was due  
 165 in state fiscal year 1999-2000.

166 6. Of the remaining proceeds:

167 a. In each fiscal year, the sum of \$29,915,500 shall be  
 168 divided into as many equal parts as there are counties in the  
 169 state, and one part shall be distributed to each county. The  
 170 distribution among the several counties must begin each fiscal  
 171 year on or before January 5th and continue monthly for a total  
 172 of 4 months. If a local or special law required that any moneys  
 173 accruing to a county in fiscal year 1999-2000 under the then-  
 174 existing provisions of s. 550.135 be paid directly to the

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175 district school board, special district, or a municipal  
 176 government, such payment must continue until the local or  
 177 special law is amended or repealed. The state covenants with  
 178 holders of bonds or other instruments of indebtedness issued by  
 179 local governments, special districts, or district school boards  
 180 before July 1, 2000, that it is not the intent of this  
 181 subparagraph to adversely affect the rights of those holders or  
 182 relieve local governments, special districts, or district school  
 183 boards of the duty to meet their obligations as a result of  
 184 previous pledges or assignments or trusts entered into which  
 185 obligated funds received from the distribution to county  
 186 governments under then-existing s. 550.135. This distribution  
 187 specifically is in lieu of funds distributed under s. 550.135  
 188 before July 1, 2000.

189 b. The department shall distribute \$166,667 monthly to each  
 190 applicant certified as a facility for a new or retained  
 191 professional sports franchise pursuant to s. 288.1162. Up to  
 192 \$41,667 shall be distributed monthly by the department to each  
 193 certified applicant as defined in s. 288.11621 for a facility  
 194 for a spring training franchise. However, not more than \$416,670  
 195 may be distributed monthly in the aggregate to all certified  
 196 applicants for facilities for spring training franchises.  
 197 Distributions begin 60 days after such certification and  
 198 continue for not more than 30 years, except as otherwise  
 199 provided in s. 288.11621. A certified applicant identified in  
 200 this sub-subparagraph may not receive more in distributions than  
 201 expended by the applicant for the public purposes provided in s.  
 202 288.1162(5) or s. 288.11621(3).

203 c. Beginning 30 days after notice by the Department of

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204 Economic Opportunity to the Department of Revenue that an  
 205 applicant has been certified as the professional golf hall of  
 206 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
 207 shall be distributed monthly, for up to 300 months, to the  
 208 applicant.

209 d. Beginning 30 days after notice by the Department of  
 210 Economic Opportunity to the Department of Revenue that the  
 211 applicant has been certified as the International Game Fish  
 212 Association World Center facility pursuant to s. 288.1169, and  
 213 the facility is open to the public, \$83,333 shall be distributed  
 214 monthly, for up to 168 months, to the applicant. This  
 215 distribution is subject to reduction pursuant to s. 288.1169. A  
 216 lump sum payment of \$999,996 shall be made after certification  
 217 and before July 1, 2000.

218 e. The department shall distribute up to \$83,333 monthly to  
 219 each certified applicant as defined in s. 288.11631 for a  
 220 facility used by a single spring training franchise, or up to  
 221 \$166,667 monthly to each certified applicant as defined in s.  
 222 288.11631 for a facility used by more than one spring training  
 223 franchise. Monthly distributions begin 60 days after such  
 224 certification or July 1, 2016, whichever is later, and continue  
 225 for not more than 20 years to each certified applicant as  
 226 defined in s. 288.11631 for a facility used by a single spring  
 227 training franchise or not more than 25 years to each certified  
 228 applicant as defined in s. 288.11631 for a facility used by more  
 229 than one spring training franchise. A certified applicant  
 230 identified in this sub-subparagraph may not receive more in  
 231 distributions than expended by the applicant for the public  
 232 purposes provided in s. 288.11631(3).

Page 8 of 9

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



579-01678-15

2015110c1

233 f. Beginning 45 days after notice by the Department of  
234 Economic Opportunity to the Department of Revenue that an  
235 applicant has been approved by the Legislature and certified by  
236 the Department of Economic Opportunity under s. 288.11625 or  
237 upon a date specified by the Department of Economic Opportunity  
238 as provided under s. 288.11625(6)(d), the department shall  
239 distribute each month an amount equal to one-twelfth of the  
240 annual distribution amount certified by the Department of  
241 Economic Opportunity for the applicant. The department may not  
242 distribute more than \$7 million in the 2014-2015 fiscal year or  
243 more than \$13 million annually thereafter under this sub-  
244 subparagraph.

245 7. All other proceeds must remain in the General Revenue  
246 Fund.

247 Section 6. This act applies to taxable transactions  
248 included on bills for communication services which are dated on  
249 or after July 1, 2015.

250 Section 7. Except as otherwise provided in this act, this  
251 act shall take effect July 1, 2015.

APPEARANCE RECORD

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

3/16/15

Meeting Date

110

Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name JC Flores

Job Title VP Gov. Affairs

Address 150 S. Monroe St.

Phone 850-557-7700

Street

Tallahassee

Email JF323W@aatt.com

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [X] In Support [ ] Against

(The Chair will read this information into the record.)

Representing AT&T

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [X] 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)

APPEARANCE RECORD

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

3/16/15

Meeting Date

110

Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Charles Dudley

Job Title

Address 108 S. Monroe St.

Phone 681 0024

Street

Tallahassee FL

32301

Email cdudley@flpartners.com

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information

Waive Speaking: [ ] In Support [ ] Against

(The Chair will read this information into the record.)

Representing FL Cable Telecomm. Assoc.

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)

APPEARANCE RECORD

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3/16/15

Meeting Date

110

Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Charles Dudley

Job Title

Address 108 S Monroe St

Phone 681 0024

Street

City

Tall- FL 32301

State

Zip

Email Cdudley@flapartners.com

Speaking: [X] For [ ] Against [ ] Information

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

Representing AIF

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)

APPEARANCE RECORD

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

3-16-15

Meeting Date

110

Bill Number (if applicable)

Topic Communications Services Tax

Amendment Barcode (if applicable)

Name Kurt Wenner

Job Title Vice President of Research

Address 106 N Bronough

Phone 222-5052

Street

Tallahassee

FL

32301

City

State

Zip

Email kwenner@floridatwatch.org

Speaking: [X] For [ ] Against [ ] Information

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

Representing Florida TaxWatch

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] 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)

### APPEARANCE RECORD

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

2/16/15  
Meeting Date

110  
Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Doug Mannheimer

Job Title ATTY.

Address 215 S. Monroe St

Phone 850-681-6810

Street Suite 400 Tallahassee, FL 32301

Email dmannheimer@broadandcassel.com

City Tallahassee State FL Zip 32301

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing Sprint

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)

### APPEARANCE RECORD

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

3/16/2015  
Meeting Date

SB 110  
Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Woody Simmons

Job Title VP Govt Affairs

Address 106 East College Suite 710

Phone 222-6300

Street Tallahassee FL 32301

Email Woodrow.Simmons@Verizon.com

City Tallahassee State FL Zip 32301

Speaking:  For  Against  Information

Waive Speaking:  In Support  Against

(The Chair will read this information into the record.)

Representing Verizon Communications

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)

3/16/15

Meeting Date

110

Bill Number (if applicable)

Topic Taxes

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St

Phone 850-521-1235

Street

Tallahassee

FL

32301

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 Florida 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.

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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)

3/16/15

Meeting Date

110

Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Brian Musselwhite

Job Title Vice President State Gov't Affairs

Address 300 West Pensacola Street

Phone 850-528-0561

Street

Tallahassee

FL

32301

City

State

Zip

Email brian-musselwhite@cable.comcast.com

Speaking:  For  Against  Information

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

Representing Comcast

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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APPEARANCE RECORD

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

3/16/15

Meeting Date

SB110

Bill Number (if applicable)

Topic Communications Tax

Amendment Barcode (if applicable)

Name Skylar Zander

Job Title Deputy State Director

Address 200 W College Ave

Phone 850-728-4522

Street

Tallahassee

FL

32301

Email szander@afphq.org

City

State

Zip

Speaking: [X] For [ ] Against [ ] Information

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

Representing Americans for Prosperity

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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S-001 (10/14/14)

APPEARANCE RECORD

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

3/16/15

Meeting Date

110

Bill Number (if applicable)

Topic TAXES

Amendment Barcode (if applicable)

Name NANCY STEPHENS

Job Title EXEC DIR

Address 11025 SUMMIT LAKE DR, STE 300

Phone 850 445 1607

Street

Tallahassee

FL

32317

Email nancy@nstephens.com

City

State

Zip

Speaking: [ ] For [ ] Against [ ] Information

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

Representing MANUFACTURERS ASSOC OF FLORIDA

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [X] 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)

# APPEARANCE RECORD

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

3-16-15

Meeting Date

110

Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Bill Herrle

Job Title Exec. Director

Address 110 E Jeff.

Phone 681 2416

Street

Tallahassee

City

State

Zip

Email bill.herrle@utib.org

Speaking:  For  Against  Information

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

Representing \_\_\_\_\_

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

# APPEARANCE RECORD

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

3-16-15

Meeting Date

SB110

Bill Number (if applicable)

Topic Communications Services Tax

Amendment Barcode (if applicable)

Name Travis Keels

Job Title Director of Public Affairs

Address 100 North Duval Street

Phone 904-571-1450

Street

Tallahassee

City

FL

State

32301

Zip

Email tkeels@jamesmadison.org

Speaking:  For  Against  Information

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

Representing The James Madison Institute

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)

# APPEARANCE RECORD

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

3/16/15  
Meeting Date

110  
Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name DAVIN J. SUGGS

Job Title FISCAL POLICY DIRECTOR

Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FL. ASSOCIATION OF COUNTIES

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)

# APPEARANCE RECORD

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

3/16/15  
Meeting Date

SB 110  
Bill Number (if applicable)

Topic COMMUNICATIONS SERVICES TAX CUT

Amendment Barcode (if applicable)

Name MEGAN DEMARTINI

Job Title DEPUTY LEGISLATIVE AFFAIRS DIRECTOR

Address 400 SOUTH MONROE ST. FL-05  
Street

Phone 488-5000

Tallahassee Florida  
City State Zip

Email megan.demartini@eng.myflorida.com

Speaking:  For  Against  Information

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

Representing EXECUTIVE OFFICE OF THE GOVERNOR

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)



# APPEARANCE RECORD

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

3-16-15

Meeting Date

110

Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Amber Hughes

Job Title Leg. Advocate

Address PO Box 1757

Phone 701-8621

Street

Tall.

City

State

Zip

Email ahughes@flcities.

Speaking:  For  Against  Information

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

Representing Florida League of Cities

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)

# APPEARANCE RECORD

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

3-16-15

Meeting Date

SB110

Bill Number (if applicable)

Topic CST

Amendment Barcode (if applicable)

Name Gary Rutledge

Job Title \_\_\_\_\_

Address 641 Forest Lair

Phone 850-681-6788

Street

Tallahassee

State

FL 32312

City

Zip

Email Gary@Rutledge-Ereina.

com

Speaking:  For  Against  Information

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

Representing T-Mobile

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)

3/16

Meeting Date

SB 110

Bill Number (if applicable)

Topic CSTAKES

Amendment Barcode (if applicable)

Name Jim Smith

Job Title Director

Address 3877 Pandora Dr

Phone 212 5901

Street

TALL

Email

City

State

Zip

Speaking: For Against Information

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

Representing Century Link

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)

3/16/2015

Meeting Date

Topic

Bill Number 110 (if applicable)

Name BRIAN PITTS

Amendment Barcode (if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG

FLORIDA

33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

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 118

INTRODUCER: Finance and Tax Committee and Senators Hays and Gaetz

SUBJECT: Voluntary Contributions for Public Education Facilities

DATE: March 16, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Babin	Diez-Arguelles	FT	<b>Fav/CS</b>
2.			AED	
3.			FP	

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

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**I. Summary:**

CS/SB 118 sets up a process for businesses to solicit and collect voluntary contributions for the construction and maintenance of public education facilities. Participating businesses are required to remit the contributions to the Department of Revenue for deposit into the Public Education Capital Outlay and Debt Service (PECO) Trust Fund.

The Revenue Estimating Conference estimates that the bill will increase PECO Trust Fund receipts by an indeterminate amount.

The bill provides an effective date of January 1, 2016.

**II. Present Situation:**

Currently, the state does not provide a mechanism for a business to collect and remit voluntary contributions for public education facilities.

**III. Effect of Proposed Changes:**

**Section 1** creates s. 215.165, F.S., authorizing a business to solicit and collect voluntary contributions from its customers for the construction and maintenance of public education facilities. In order to participate, a business must register as a participating business with the Department of Revenue (DOR). To register, the business is required to provide certain identifying information, including the business name, physical and mailing addresses, telephone

number, e-mail address, and federal employer identification number. Registration for the voluntary contributions program is separate from registration for tax purposes.

Once registered, participating businesses may solicit voluntary contributions by any means, including point of sale solicitation and through monthly invoices or billing statements.

A participating business that collects voluntary contributions must file a return and remit the contributions to the DOR by the 20<sup>th</sup> day of the following calendar month. If the 20<sup>th</sup> day is a Saturday, Sunday, or legal holiday, the return and contributions are due on the next business day. Returns must include the business's identifying information, as well as the amount of voluntary contributions collected, the amount being remitted and any applicable adjustments. If no contributions are collected, no return is required. Returns may be filed and contributions may be paid by mail or electronically.

If the DOR receives a return from a business that has not registered as a participating business, DOR must register the business as a participating business with the information included with the return.

If a participating business makes an error in a remittance, it may correct the error on a future filing.

The DOR must deposit the contributions into the PECO Trust Fund.

The DOR may adopt rules establishing forms and procedures for remitting voluntary contributions. New forms may be created or the required information may be included on existing returns.

The bill provides that the voluntary contributions are not subject to audit by the DOR.

**Section 2** amends s. 1013.65, F.S., to include voluntary contributions remitted under s. 216.165, F.S., as a source of revenue for the PECO Trust Fund.

**Section 3** authorizes the DOR to adopt emergency rules to implement the act.

**Section 4** provides an effective date of January 1, 2016.

#### **IV. Constitutional Issues:**

##### **A. Municipality/County Mandates Restrictions:**

The mandate restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue or reduce the percentage of a state tax shared with counties and municipalities.

##### **B. Public Records/Open Meetings Issues:**

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The Revenue Estimating Conference estimates that the bill will increase PECO Trust Fund receipts by an indeterminate amount.

B. Private Sector Impact:

Participation is voluntary. Businesses that participate will be required to file returns and remit collections to the DOR.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill creates section 215.165 of the Florida Statutes.

This bill substantially amends section 1013.65 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 Finance and Tax on March 16, 2015:**

The CS adds the following administrative provisions:

- A participating business will receive a certificate of registration specific to participation in the voluntary contributions program.
- A participating business need not file a return for a period when no contributions were collected.
- A participating business may correct an error with a prior remittance by adjusting a future return.
- If the DOR receives a return from an unregistered business, the DOR must register the business using the information on the return.

- In addition, the DOR's rulemaking authority is made discretionary and the effective date of the bill is changed to January 1, 2016.

B. Amendments:

None.

---

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

---



288406

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/16/2015	.	
	.	
	.	
	.	

---

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 215.165, Florida Statutes, is created to  
read:

215.165 Voluntary contributions for public education  
facilities.—A business that registers with the Department of  
Revenue as a participating business may solicit and collect  
voluntary contributions from its customers for the construction



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11 and maintenance of public education facilities. Such  
12 contributions may be solicited and collected through any means,  
13 including point-of-sale transactions and monthly customer  
14 invoices.

15 (1) To register as a participating business, the business  
16 must provide the department with its name, physical address,  
17 mailing address, telephone number, e-mail address, and federal  
18 employer identification number. Upon receipt of this  
19 information, the department shall issue to the participating  
20 business a certificate indicating that the business is  
21 registered with the department for the collection of voluntary  
22 contributions and providing a taxpayer identification number to  
23 be used by the business for returns under this section. The  
24 department may issue this certificate electronically or by  
25 United States mail.

26 (2) By the 20th day of each month that immediately follows  
27 a month in which voluntary contributions were collected, a  
28 participating business shall file a return with, and remit the  
29 contributions collected during the prior month to, the  
30 department. If the 20th day is a Saturday, Sunday, or legal  
31 holiday, the return and voluntary contributions are due on the  
32 next business day. A participating business may file a return  
33 that is initiated by electronic means and may remit voluntary  
34 contributions by electronic funds transfer. A return is not  
35 required for a period in which voluntary contributions were not  
36 collected. A participating business may correct an error in a  
37 prior remittance by adjusting the amount remitted on a future  
38 return.

39 (3) (a) A participating business shall provide the following





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40 information on each return:

41 1. The information required under subsection (1).

42 2. The taxpayer identification number issued by the  
43 department.

44 3. The amount of voluntary contributions collected and the  
45 amount of any adjustment to such contributions.

46 4. The amount of voluntary contributions being remitted.

47 (b) If the department receives a return from a business  
48 that has not registered as a participating business, the  
49 department shall deposit the voluntary contributions pursuant to  
50 subsection (4) and shall register the business as a  
51 participating business with the information included on the  
52 return.

53 (4) The department shall deposit voluntary contributions  
54 remitted under this section into the Public Education Capital  
55 Outlay and Debt Service Trust Fund.

56 (5) The department may adopt rules to establish forms and  
57 procedures for filing returns and remitting voluntary  
58 contributions, which may include the use of existing or new  
59 forms.

60 (6) Voluntary contributions collected and remitted by a  
61 participating business under this section are not subject to  
62 audit by the department.

63 Section 2. Paragraph (a) of subsection (2) of section  
64 1013.65, Florida Statutes, is amended to read:

65 1013.65 Educational and ancillary plant construction funds;  
66 Public Education Capital Outlay and Debt Service Trust Fund;  
67 allocation of funds.—

68 (2) (a) The Public Education Capital Outlay and Debt Service



288406

69 Trust Fund shall be comprised of the following sources, which  
70 are hereby appropriated to the trust fund:

71 1. Proceeds, premiums, and accrued interest from the sale  
72 of public education bonds and that portion of the revenues  
73 accruing from the gross receipts tax as provided by s. 9(a)(2),  
74 Art. XII of the State Constitution, as amended, interest on  
75 investments, and federal interest subsidies.

76 2. General revenue funds appropriated to the fund for  
77 educational capital outlay purposes.

78 3. All capital outlay funds previously appropriated and  
79 certified forward pursuant to s. 216.301.

80 4. Deposits from voluntary contributions collected pursuant  
81 to s. 215.165.

82 Section 3. (1) The executive director of the Department of  
83 Revenue is authorized, and all conditions are deemed to be met,  
84 to adopt emergency rules pursuant to s. 120.54(4), Florida  
85 Statutes, for the purpose of implementing this act.

86 (2) Notwithstanding any other provision of law, emergency  
87 rules adopted pursuant to subsection (1) are effective for 6  
88 months after adoption and may be renewed during the pendency of  
89 procedures to adopt permanent rules addressing the subject of  
90 the emergency rules.

91 (3) This section expires July 1, 2018.

92 Section 4. This act shall take effect January 1, 2016.

93  
94 ===== T I T L E A M E N D M E N T =====

95 And the title is amended as follows:

96 Delete everything before the enacting clause  
97 and insert:



288406

98                                   A bill to be entitled  
99           An act relating to voluntary contributions for public  
100          education facilities; creating s. 215.165, F.S.;  
101          authorizing a participating business that registers  
102          with the Department of Revenue to solicit and collect  
103          contributions from its customers for the construction  
104          and maintenance of public education facilities;  
105          providing registration requirements; requiring the  
106          department to issue a certificate and taxpayer  
107          identification number to a participating business;  
108          requiring a participating business to file a return  
109          and remit contributions to the department within a  
110          specified timeframe; requiring the department to  
111          deposit contributions into the Public Education  
112          Capital Outlay and Debt Service Trust Fund;  
113          authorizing the department to adopt rules establishing  
114          forms and procedures; providing that voluntary  
115          contributions are not subject to audit by the  
116          department; amending s. 1013.65, F.S.; including  
117          voluntary contributions as a source of funding for the  
118          Public Education Capital Outlay and Debt Service Trust  
119          Fund; authorizing the executive director of the  
120          department to adopt emergency rules; providing that  
121          such rules are effective for a specified period;  
122          providing for expiration; providing an effective date.

By Senator Hays

11-00021A-15

2015118\_\_

A bill to be entitled

An act relating to voluntary contributions for public education facilities; creating s. 215.165, F.S.; authorizing a participating business that registers with the Department of Revenue to solicit and collect contributions from its customers for the construction and maintenance of public education facilities; providing registration requirements; requiring a participating business to file a return and remit contributions to the department within a specified timeframe; requiring the department to deposit contributions into the Public Education Capital Outlay and Debt Service Trust Fund; requiring the department to adopt rules establishing forms and procedures; providing that voluntary contributions are not subject to audit by the department; amending s. 1013.65, F.S.; including voluntary contributions as a source of funding for the Public Education Capital Outlay and Debt Service Trust Fund; authorizing the executive director of the department to adopt emergency rules; providing that such rules are effective for a specified period; providing an effective date.

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

Section 1. Section 215.165, Florida Statutes, is created to read:

215.165 Voluntary contributions for public education facilities.—A business that registers with the Department of

Page 1 of 4

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

11-00021A-15

2015118\_\_

Revenue as a participating business may solicit and collect voluntary contributions from its customers for the construction and maintenance of public education facilities. Such contributions may be solicited and collected through any means, including point-of-sale transactions and monthly customer invoices.

(1) To register as a participating business, the business shall provide the department with its name, physical address, mailing address, telephone number, e-mail address, and federal employer identification number.

(2) By the 20th day of each month that immediately follows a month in which voluntary contributions were collected, a participating business shall file a return with, and remit contributions collected during the prior month to, the department. If the 20th day is a Saturday, Sunday, or legal holiday, the return and voluntary contributions are due on the next business day. A participating business may file a return that is initiated through an electronic data interchange and may remit voluntary contributions by electronic funds transfer.

(3) A participating business shall provide the following information on each return:

(a) The information required under subsection (1).

(b) Its taxpayer identification number issued by the department.

(c) The amount of voluntary contributions collected and the amount of any adjustment to such contributions.

(d) The amount of voluntary contributions being remitted.

(4) The department shall deposit voluntary contributions remitted under this section into the Public Education Capital

Page 2 of 4

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

11-00021A-15

2015118\_\_

59 Outlay and Debt Service Trust Fund.

60 (4) The department shall adopt rules establishing forms and  
 61 procedures for filing returns and remitting voluntary  
 62 contributions, which may include the use of existing tax returns  
 63 or separate returns.

64 (5) Voluntary contributions collected and remitted by  
 65 participating businesses under this section are not subject to  
 66 audit by the department.

67 Section 2. Paragraph (a) of subsection (2) of section  
 68 1013.65, Florida Statutes, is amended to read:

69 1013.65 Educational and ancillary plant construction funds;  
 70 Public Education Capital Outlay and Debt Service Trust Fund;  
 71 allocation of funds.—

72 (2) (a) The Public Education Capital Outlay and Debt Service  
 73 Trust Fund shall be comprised of the following sources, which  
 74 are hereby appropriated to the trust fund:

75 1. Proceeds, premiums, and accrued interest from the sale  
 76 of public education bonds and that portion of the revenues  
 77 accruing from the gross receipts tax as provided by s. 9(a)(2),  
 78 Art. XII of the State Constitution, as amended, interest on  
 79 investments, and federal interest subsidies.

80 2. General revenue funds appropriated to the fund for  
 81 educational capital outlay purposes.

82 3. All capital outlay funds previously appropriated and  
 83 certified forward pursuant to s. 216.301.

84 4. Deposits from voluntary contributions collected pursuant  
 85 to s. 215.165.

86 Section 3. Emergency rules.—

87 (1) The executive director of the Department of Revenue is

11-00021A-15

2015118\_\_

88 authorized, and all conditions are deemed to be met, to adopt  
 89 emergency rules pursuant to s. 120.54(4), Florida Statutes, for  
 90 the purpose of implementing this act.

91 (2) Notwithstanding any other provision of law, emergency  
 92 rules adopted pursuant to subsection (1) are effective for 6  
 93 months after adoption and may be renewed during the pendency of  
 94 procedures to adopt permanent rules addressing the subject of  
 95 the emergency rules.

96 (3) This section expires July 1, 2018.

97 Section 4. This act shall take effect July 1, 2015.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Appropriations Subcommittee on General Government, *Chair*  
Governmental Oversight and Accountability, *Vice Chair*  
Appropriations  
Environmental Preservation and Conservation  
Ethics and Elections  
Fiscal Policy

### JOINT COMMITTEE:

Joint Select Committee on Collective Bargaining, *Alternating Chair*

**SENATOR ALAN HAYS**

11th District

## MEMORANDUM

**To:** Senator Dorothy L. Hukill, Chair  
Finance and Tax Committee  
CC: Jose Diez-Arguelles, Staff Director  
Lynn Wells, Committee Administrative Assistant

**From:** Senator D. Alan Hays

**Subject:** Request to agenda SB 118 – Voluntary Contributions for Public Education Facilities

**Date:** December 16, 2014

---

I respectfully request that you agenda the above referenced bill at your earliest convenience. If you have any questions regarding this legislation, I welcome the opportunity to meet with you one-on-one to discuss it in further detail. Thank you so much for your consideration of this request.

Sincerely,

A handwritten signature in black ink that reads "D. Alan Hays".

D. Alan Hays, DMD  
State Senator, District 11

### REPLY TO:

- 871 South Central Avenue, Umatilla, Florida 32784-9290 (352) 742-6441
- 320 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5011
- 1104 Main Street, The Villages, Florida 32159 (352) 360-6739 FAX: (352) 360-6748
- 685 West Montrose Street, Suite 210, Clermont, Florida 34711 (352) 241-9344 FAX: (888) 263-3677

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**SENATOR ALAN HAYS**

11th District

February 26, 2015

The Honorable Dorothy Hukill  
305 Senate Office Building  
404 South Monroe Street  
Tallahassee, FL 32399-1100

Dear Chair Hukill,

Due to a prior commitment in the district, I will not be in Tallahassee in time to present SB 118, Voluntary Contributions for Public Education Facilities, in the Finance & Tax committee. Please allow my legislative aide, Nanci Cornwell, to present this bill in my absence.

Thank you for your kind consideration of this matter.

A handwritten signature in black ink that reads "D. Alan Hays, DMD".

D. Alan Hays, DMD

**COMMITTEES:**

Appropriations Subcommittee on General Government, *Chair*  
Governmental Oversight and Accountability, *Vice Chair*  
Appropriations  
Environmental Preservation and Conservation  
Ethics and Elections  
Fiscal Policy

**JOINT COMMITTEE:**

Joint Select Committee on Collective Bargaining, *Alternating Chair*

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Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

APPEARANCE RECORD

3/16/2015

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

118

Meeting Date

Bill Number (if applicable)

288406

Topic Voluntary Contributions to PECO

Amendment Barcode (if applicable)

Name Larry Williams

Job Title

Address 1225 S.E. 2nd Ave

Phone 904-557-8593

Street

Fort Lauderdale

FL

33316

City

State

Zip

Email larry@larrywilliamsconsulting.c

Speaking: [ ] For [ ] Against [ ] Information

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

Representing FLORIDA CONSORTIUM OF PUBLIC CHARTER SCHOOLS

Appearing at request of Chair: [ ] Yes [x] No

Lobbyist registered with Legislature: [x] 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.

APPEARANCE RECORD

3/16/15

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

118

Meeting Date

Bill Number (if applicable)

Topic Voluntary Contributions

Amendment Barcode (if applicable)

Name Richard Watson

Job Title Legislative Counsel

Address P.O. Box 10038

Phone 850 222 0000

Street

Tallahassee FL 32302

City

State

Zip

Email rick@rwater.com

Speaking: [ ] For [ ] Against [ ] Information

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

Representing Associated Builders and Contractors of FL

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [x] 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.



THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/16/15

Meeting Date

118

Bill Number (if applicable)

Topic Voluntary Contributions for Education

Amendment Barcode (if applicable)

Name Carolyn Johnson

Job Title Policy Director

Address 136 S Bronough St

Phone 850-521-1235

Street

Tallahassee

FL

32301

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 Florida 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)

3/16/2015

Meeting Date

118

Bill Number (if applicable)

Topic Voluntary Contributions to PECO

Amendment Barcode (if applicable)

Name Larry Williams

Job Title \_\_\_\_\_

Address 1225 S.E. 2nd Ave

Phone 904-557-8593

Street

Fort Lauderdale

FL

33316

City

State

Zip

Email larry@larrywilliamsconsulting.com

Speaking:  For  Against  Information

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

Representing FLORIDA CONSORTIUM OF PUBLIC CHARTER SCHOOLS

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.

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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

3/16/2015

Meeting Date

Topic \_\_\_\_\_

Bill Number 118  
*(if applicable)*

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
*(if applicable)*

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

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.*

S-001 (10/20/11)

*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)

3-16-15

Meeting Date

SB 118

Bill Number (if applicable)

Topic Voluntary Contributions for Public Education

Amendment Barcode (if applicable)

Name Jon Costello

Job Title Lobbyist

Address 119 S Monroe

Phone 850-684-6788

Street

Tallahassee FL 32307

Email jon@atlodge-ccna.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**  
**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 260

INTRODUCER: Finance and Tax Committee and Senator Bradley

SUBJECT: Value Adjustment Board Proceedings

DATE: March 16, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	<b>Fav/CS</b>
3.	_____	_____	<u>FP</u>	_____

---

**Please see Section IX. for Additional Information:**

COMMITTEE SUBSTITUTE - Substantial Changes

---

**I. Summary:**

CS/SB 260 allows taxpayers to file a single value adjustment board petition for multiple items of tangible personal property of a similar nature, requires that the clerk of the value adjustment board provide petition forms to petitioners, and deletes an obsolete statutory reference.

The Revenue Estimating Conference (REC) has not estimated the fiscal impact of the bill. Staff estimates that the bill will decrease value adjustment board filing fees by an insignificant amount.

The bill provides an effective date of July 1, 2015.

**II. Present Situation:**

**Value Adjustment Boards**

Chapter 194, F.S., provides for administrative and judicial review of property tax assessments. Each county in Florida has a value adjustment board (VAB) composed of five members.<sup>1</sup> A property owner may petition the VAB to review the property appraiser's assessment of real or tangible personal property or the denial of an exemption or classification.<sup>2</sup>

---

<sup>1</sup> Section 194.015, F.S.

<sup>2</sup> See Section 194.011(3)(d), F.S.

### **Petition Process for VAB Hearing**

A property owner initiates the VAB's review by filing a petition with the clerk<sup>3</sup> of the VAB on an approved petition form.<sup>4</sup> The property appraiser is required to make petition forms available to the public.<sup>5</sup>

The VAB may impose a petition filing fee of up to \$15.<sup>6</sup> An owner of contiguous, undeveloped parcels of real property may consolidate all parcels into one joint petition if the property appraiser determines that the parcels are substantially similar in nature.<sup>7</sup> In this case, the property owner is only subject to one filing fee, which is limited to \$5 per parcel.<sup>8</sup>

### **Property Record Cards**

Property appraisers maintain records of assessment information for assessed properties. A property's record of information is referred to as the "property record card." On filing a petition to the VAB, a petitioner may elect to receive a copy of the property record card. Prior to 2013, the clerk of the VAB was required to provide a copy of the card when the petitioner made the election on the petition. Section 8 of Chapter 2013-109, L.O.F., shifted this responsibility from the clerk of the VAB to the property appraiser; however, the law did not amend s. 194.011(4)(b), F.S., to recognize this change.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 194.011, F.S., to allow a taxpayer to include multiple accounts of substantially similar tangible personal property, as determined by the property appraiser, on a single VAB petition. This section also requires the clerk of the VAB to make petition forms available to the public. Lastly, this section removes an obsolete reference to clerks of the VAB providing property record cards, which conforms s. 194.011(4)(b), F.S., to the change made by section 8 of Chapter 2013-109, L.O.F.

**Section 2** amends S. 194.013, F.S., to provide that VAB petitions that include multiple tangible personal property accounts are subject to a single filing fee, which is limited to \$5 per tangible personal property account.

**Section 3** reenacts subsections of 196.011, F.S., for the purpose of incorporating the amendments made to s. 194.011, F.S.

**Section 4** provides an effective date of July 1, 2015.

---

<sup>3</sup> The county clerk usually serves as the clerk of the value adjustment board. Section 194.015, F.S.

<sup>4</sup> Section 194.011(3)(a), F.S.

<sup>5</sup> *Id.*

<sup>6</sup> Section 194.013(1), F.S. However, a filing fee is not permitted for petitions appealing the denial of homestead exemption or tax deferral.

<sup>7</sup> Section 194.011(3)(f), F.S.

<sup>8</sup> Section 194.013(1), F.S.

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

While the bill reduces the authority that counties have to raise revenue, the bill appears to have an insignificant fiscal impact. As such, the bill is exempt from the provisions of Article VII, Section 18 of the Florida Constitution.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

The REC has not estimated the impact of the bill. Staff estimates that the bill will reduce VAB filing fees by an insignificant amount.

**B. Private Sector Impact:**

By allowing the use of a single petition for multiple items of tangible personal property, the bill reduces the filing burdens for taxpayers who file tangible personal property petitions with VABs. The bill also will reduce VAB filing fees for taxpayers.

**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: 194.011 and 194.013.

This bill reenacts section 196.011 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 March 16, 2015:**

The CS provides that VAB petitions that include multiple tangible personal property accounts are subject to a single filing fee, which is limited to \$5 per account.

- B. **Amendments:**

None.



842080

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
03/16/2015	.	
	.	
	.	
	.	

---

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

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Paragraph (a) of subsection (3) of section 194.011, Florida Statutes, is amended, present paragraph (g) of that subsection is redesignated as paragraph (h), a new paragraph (g) is added to that subsection, and paragraph (b) of subsection (4) of that section is amended, to read:

194.011 Assessment notice; objections to assessments.-



842080

11 (3) A petition to the value adjustment board must be in  
12 substantially the form prescribed by the department.  
13 Notwithstanding s. 195.022, a county officer may not refuse to  
14 accept a form provided by the department for this purpose if the  
15 taxpayer chooses to use it. A petition to the value adjustment  
16 board shall describe the property by parcel number and shall be  
17 filed as follows:

18 (a) The clerk of the value adjustment board and the  
19 property appraiser shall have available and shall distribute  
20 forms prescribed by the Department of Revenue on which the  
21 petition shall be made. Such petition shall be sworn to by the  
22 petitioner.

23 (g) An owner of multiple tangible personal property  
24 accounts may file with the value adjustment board a single joint  
25 petition if the property appraiser determines that the tangible  
26 personal property accounts are substantially similar in nature.

27 (4)

28 (b) No later than 7 days before the hearing, if the  
29 petitioner has provided the information required under paragraph  
30 (a), and if requested in writing by the petitioner, the property  
31 appraiser shall provide to the petitioner a list of evidence to  
32 be presented at the hearing, together with copies of all  
33 documentation to be considered by the value adjustment board and  
34 a summary of evidence to be presented by witnesses. The evidence  
35 list must contain the property appraiser's property record card  
36 ~~if provided by the clerk~~. Failure of the property appraiser to  
37 timely comply with the requirements of this paragraph shall  
38 result in a rescheduling of the hearing.

39 Section 2. Subsection (1) of section 194.013, Florida





842080

40 Statutes, is amended to read:

41 194.013 Filing fees for petitions; disposition; waiver.—

42 (1) If ~~so~~ required by resolution of the value adjustment  
43 board, a petition filed pursuant to s. 194.011 shall be  
44 accompanied by a filing fee to be paid to the clerk of the value  
45 adjustment board in an amount determined by the board not to  
46 exceed \$15 for each separate parcel of property, real or  
47 personal, covered by the petition and subject to appeal.

48 However, ~~no~~ such filing fee may not be required with respect to  
49 an appeal from the disapproval of homestead exemption under s.  
50 196.151 or from the denial of tax deferral under s. 197.2425.

51 Only a single filing fee shall be charged under this section as  
52 to any particular parcel of real property or tangible personal  
53 property account despite the existence of multiple issues and  
54 hearings pertaining to such parcel. For joint petitions filed  
55 pursuant to s. 194.011(3) (e), ~~or~~ (f), or (g), a single filing  
56 fee shall be charged. Such fee shall be calculated as the cost  
57 of the special magistrate for the time involved in hearing the  
58 joint petition and shall not exceed \$5 per parcel of real  
59 property or tangible property account. Such ~~Said~~ fee is to be  
60 proportionately paid by affected parcel owners.

61 Section 3. For the purpose of incorporating the amendment  
62 made by this act to section 194.011, Florida Statutes, in  
63 references thereto, paragraph (a) of subsection (6) and  
64 subsection (8) of section 196.011, Florida Statutes, are  
65 reenacted to read:

66 196.011 Annual application required for exemption.—

67 (6) (a) Once an original application for tax exemption has  
68 been granted, in each succeeding year on or before February 1,



69 the property appraiser shall mail a renewal application to the  
70 applicant, and the property appraiser shall accept from each  
71 such applicant a renewal application on a form prescribed by the  
72 Department of Revenue. Such renewal application shall be  
73 accepted as evidence of exemption by the property appraiser  
74 unless he or she denies the application. Upon denial, the  
75 property appraiser shall serve, on or before July 1 of each  
76 year, a notice setting forth the grounds for denial on the  
77 applicant by first-class mail. Any applicant objecting to such  
78 denial may file a petition as provided for in s. 194.011(3).

79 (8) Any applicant who is qualified to receive any exemption  
80 under subsection (1) and who fails to file an application by  
81 March 1, must file an application for the exemption with the  
82 property appraiser on or before the 25th day following the  
83 mailing by the property appraiser of the notices required under  
84 s. 194.011(1). Upon receipt of sufficient evidence, as  
85 determined by the property appraiser, demonstrating the  
86 applicant was unable to apply for the exemption in a timely  
87 manner or otherwise demonstrating extenuating circumstances  
88 judged by the property appraiser to warrant granting the  
89 exemption, the property appraiser may grant the exemption. If  
90 the applicant fails to produce sufficient evidence demonstrating  
91 the applicant was unable to apply for the exemption in a timely  
92 manner or otherwise demonstrating extenuating circumstances as  
93 judged by the property appraiser, the applicant may file,  
94 pursuant to s. 194.011(3), a petition with the value adjustment  
95 board requesting that the exemption be granted. Such petition  
96 must be filed during the taxable year on or before the 25th day  
97 following the mailing of the notice by the property appraiser as



842080

98 provided in s. 194.011(1). Notwithstanding the provisions of s.  
99 194.013, such person must pay a nonrefundable fee of \$15 upon  
100 filing the petition. Upon reviewing the petition, if the person  
101 is qualified to receive the exemption and demonstrates  
102 particular extenuating circumstances judged by the value  
103 adjustment board to warrant granting the exemption, the value  
104 adjustment board may grant the exemption for the current year.

105 Section 4. This act shall take effect July 1, 2015.

106  
107 ===== T I T L E A M E N D M E N T =====

108 And the title is amended as follows:

109 Delete everything before the enacting clause  
110 and insert:

111 A bill to be entitled

112 An act relating to value adjustment board proceedings;  
113 amending s. 194.011, F.S.; requiring the clerk of the  
114 value adjustment board to have available and  
115 distribute specified forms; authorizing the owner of  
116 multiple tangible personal property accounts to file a  
117 single joint petition with the value adjustment board  
118 under certain circumstances; requiring the property  
119 appraiser to include the property record card in an  
120 evidence list for a value adjustment board hearing  
121 under certain circumstances; amending s. 194.013,  
122 F.S.; providing that only a single filing fee may be  
123 charged for specified petitions to the value  
124 adjustment board with respect to real property or  
125 tangible personal property accounts; reenacting s.  
126 196.011(6) (a) and (8), F.S., relating to applications



127  
128  
129

for certain tax exemptions, to incorporate the  
amendment made to s. 194.011, F.S., in references  
thereto; providing an effective date.

By Senator Bradley

7-00360-15

2015260\_\_

A bill to be entitled

An act relating to value adjustment board proceedings; amending s. 194.011, F.S.; requiring the clerk of the value adjustment board to have available and distribute specified forms; authorizing the owner of multiple items of tangible personal property to file a joint petition with the value adjustment board under certain circumstances; requiring the property appraiser to include the property record card in an evidence list for a value adjustment board hearing under certain circumstances; reenacting ss. 192.0105(2)(b), 194.013(1), 194.032(1)(a), and 196.011(6)(a) and (8), F.S., to incorporate the amendments made to s. 194.011, F.S., in references thereto; providing an effective date.

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

Section 1. Paragraphs (a) and (f) of subsection (3) and paragraph (b) of subsection (4) of section 194.011, Florida Statutes, are amended to read:

194.011 Assessment notice; objections to assessments.—

(3) A petition to the value adjustment board must be in substantially the form prescribed by the department. Notwithstanding s. 195.022, a county officer may not refuse to accept a form provided by the department for this purpose if the taxpayer chooses to use it. A petition to the value adjustment board shall describe the property by parcel number and shall be filed as follows:

Page 1 of 6

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

7-00360-15

2015260\_\_

(a) The clerk of the value adjustment board and the property appraiser shall have available and shall distribute forms prescribed by the Department of Revenue on which the petition shall be made. Such petition shall be sworn to by the petitioner.

(f) An owner of contiguous, undeveloped parcels, or an owner of multiple items of tangible personal property, may file with the value adjustment board a single joint petition if the property appraiser determines such parcels or items of tangible personal property to be ~~are~~ substantially similar in nature.

(4)

(b) No later than 7 days before the hearing, if the petitioner has provided the information required under paragraph (a), and if requested in writing by the petitioner, the property appraiser shall provide to the petitioner a list of evidence to be presented at the hearing, together with copies of all documentation to be considered by the value adjustment board and a summary of evidence to be presented by witnesses. The evidence list must contain the property appraiser's property record card ~~if provided by the clerk~~. Failure of the property appraiser to timely comply with the requirements of this paragraph shall result in a rescheduling of the hearing.

Section 2. For the purpose of incorporating the amendment made by this act to section 194.011, Florida Statutes, in a reference thereto, paragraph (b) of subsection (2) of section 192.0105, Florida Statutes, is reenacted to read:

192.0105 Taxpayer rights.—There is created a Florida Taxpayer's Bill of Rights for property taxes and assessments to guarantee that the rights, privacy, and property of the

Page 2 of 6

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

7-00360-15

2015260\_\_

59 taxpayers of this state are adequately safeguarded and protected  
 60 during tax levy, assessment, collection, and enforcement  
 61 processes administered under the revenue laws of this state. The  
 62 Taxpayer's Bill of Rights compiles, in one document, brief but  
 63 comprehensive statements that summarize the rights and  
 64 obligations of the property appraisers, tax collectors, clerks  
 65 of the court, local governing boards, the Department of Revenue,  
 66 and taxpayers. Additional rights afforded to payors of taxes and  
 67 assessments imposed under the revenue laws of this state are  
 68 provided in s. 213.015. The rights afforded taxpayers to assure  
 69 that their privacy and property are safeguarded and protected  
 70 during tax levy, assessment, and collection are available only  
 71 insofar as they are implemented in other parts of the Florida  
 72 Statutes or rules of the Department of Revenue. The rights so  
 73 guaranteed to state taxpayers in the Florida Statutes and the  
 74 departmental rules include:

75 (2) THE RIGHT TO DUE PROCESS.—

76 (b) The right to petition the value adjustment board over  
 77 objections to assessments, denial of exemption, denial of  
 78 agricultural classification, denial of historic classification,  
 79 denial of high-water recharge classification, disapproval of tax  
 80 deferral, and any penalties on deferred taxes imposed for  
 81 incorrect information willfully filed. Payment of estimated  
 82 taxes does not preclude the right of the taxpayer to challenge  
 83 his or her assessment (see ss. 194.011(3), 196.011(6) and  
 84 (9)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7),  
 85 193.625(2), 197.2425, 197.301(2), and 197.2301(11)).

86 Section 3. For the purpose of incorporating the amendment  
 87 made by this act to section 194.011, Florida Statutes, in a

Page 3 of 6

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

7-00360-15

2015260\_\_

88 reference thereto, subsection (1) of section 194.013, Florida  
 89 Statutes, is reenacted to read:  
 90 194.013 Filing fees for petitions; disposition; waiver.—  
 91 (1) If so required by resolution of the value adjustment  
 92 board, a petition filed pursuant to s. 194.011 shall be  
 93 accompanied by a filing fee to be paid to the clerk of the value  
 94 adjustment board in an amount determined by the board not to  
 95 exceed \$15 for each separate parcel of property, real or  
 96 personal, covered by the petition and subject to appeal.  
 97 However, no such filing fee may be required with respect to an  
 98 appeal from the disapproval of homestead exemption under s.  
 99 196.151 or from the denial of tax deferral under s. 197.2425.  
 100 Only a single filing fee shall be charged under this section as  
 101 to any particular parcel of property despite the existence of  
 102 multiple issues and hearings pertaining to such parcel. For  
 103 joint petitions filed pursuant to s. 194.011(3)(e) or (f), a  
 104 single filing fee shall be charged. Such fee shall be calculated  
 105 as the cost of the special magistrate for the time involved in  
 106 hearing the joint petition and shall not exceed \$5 per parcel.  
 107 Said fee is to be proportionately paid by affected parcel  
 108 owners.  
 109 Section 4. For the purpose of incorporating the amendment  
 110 made by this act to section 194.011, Florida Statutes, in a  
 111 reference thereto, paragraph (a) of subsection (1) of section  
 112 194.032, Florida Statutes, is reenacted to read:  
 113 194.032 Hearing purposes; timetable.—  
 114 (1)(a) The value adjustment board shall meet not earlier  
 115 than 30 days and not later than 60 days after the mailing of the  
 116 notice provided in s. 194.011(1); however, no board hearing

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

7-00360-15

2015260\_\_

117 shall be held before approval of all or any part of the  
 118 assessment rolls by the Department of Revenue. The board shall  
 119 meet for the following purposes:

120 1. Hearing petitions relating to assessments filed pursuant  
 121 to s. 194.011(3).

122 2. Hearing complaints relating to homestead exemptions as  
 123 provided for under s. 196.151.

124 3. Hearing appeals from exemptions denied, or disputes  
 125 arising from exemptions granted, upon the filing of exemption  
 126 applications under s. 196.011.

127 4. Hearing appeals concerning ad valorem tax deferrals and  
 128 classifications.

129 Section 5. For the purpose of incorporating the amendment  
 130 made by this act to section 194.011, Florida Statutes, in a  
 131 reference thereto, paragraph (a) of subsection (6) and  
 132 subsection (8) of section 196.011, Florida Statutes, are  
 133 reenacted to read:

134 196.011 Annual application required for exemption.—

135 (6) (a) Once an original application for tax exemption has  
 136 been granted, in each succeeding year on or before February 1,  
 137 the property appraiser shall mail a renewal application to the  
 138 applicant, and the property appraiser shall accept from each  
 139 such applicant a renewal application on a form prescribed by the  
 140 Department of Revenue. Such renewal application shall be  
 141 accepted as evidence of exemption by the property appraiser  
 142 unless he or she denies the application. Upon denial, the  
 143 property appraiser shall serve, on or before July 1 of each  
 144 year, a notice setting forth the grounds for denial on the  
 145 applicant by first-class mail. Any applicant objecting to such

7-00360-15

2015260\_\_

146 denial may file a petition as provided for in s. 194.011(3).

147 (8) Any applicant who is qualified to receive any exemption  
 148 under subsection (1) and who fails to file an application by  
 149 March 1, must file an application for the exemption with the  
 150 property appraiser on or before the 25th day following the  
 151 mailing by the property appraiser of the notices required under  
 152 s. 194.011(1). Upon receipt of sufficient evidence, as  
 153 determined by the property appraiser, demonstrating the  
 154 applicant was unable to apply for the exemption in a timely  
 155 manner or otherwise demonstrating extenuating circumstances  
 156 judged by the property appraiser to warrant granting the  
 157 exemption, the property appraiser may grant the exemption. If  
 158 the applicant fails to produce sufficient evidence demonstrating  
 159 the applicant was unable to apply for the exemption in a timely  
 160 manner or otherwise demonstrating extenuating circumstances as  
 161 judged by the property appraiser, the applicant may file,  
 162 pursuant to s. 194.011(3), a petition with the value adjustment  
 163 board requesting that the exemption be granted. Such petition  
 164 must be filed during the taxable year on or before the 25th day  
 165 following the mailing of the notice by the property appraiser as  
 166 provided in s. 194.011(1). Notwithstanding the provisions of s.  
 167 194.013, such person must pay a nonrefundable fee of \$15 upon  
 168 filing the petition. Upon reviewing the petition, if the person  
 169 is qualified to receive the exemption and demonstrates  
 170 particular extenuating circumstances judged by the value  
 171 adjustment board to warrant granting the exemption, the value  
 172 adjustment board may grant the exemption for the current year.

173 Section 6. This act shall take effect July 1, 2015.

# APPEARANCE RECORD

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

3/16/15

Meeting Date

SB 260

Bill Number (if applicable)

Topic Value Adjustment Boards

Amendment Barcode (if applicable)

Name Martha Cleaver

Job Title Lobbyist

Address P.O. Box 11275

Phone 850/491-1945

Street Tallahassee, FL

Zip 32302

Email martha.cleaver@fapa.net

City

State

Zip

Speaking:  For  Against  Information

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

Representing FL Assoc. 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.



**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 266

INTRODUCER: Senator Ring

SUBJECT: Property Appraisers

DATE: March 13, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Stearns</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	<b>Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 266 provides that a board of county commissioners must fund the property appraiser's budget according to the amount determined by the Department of Revenue in its final budget determination, and must fund the department-approved budget during the pendency of an appeal to the Administration Commission.

The bill does not have a fiscal impact.

The bill provides an effective date of July 1, 2015.

**II. Present Situation:**

**Process for Determining the Property Appraiser's Budget**

Property appraisers are required to submit a proposed budget for the operation of the property appraiser's office to the Department of Revenue (DOR) by June 1 of each year.<sup>1</sup> The property appraiser is required to submit the proposed budget to the board of county commissioners (board) at the same time. The DOR reviews the budget request and may amend the budgeted amount "as it deems necessary, in order that the budget be neither inadequate nor excessive."<sup>2</sup>

By July 15, the DOR must notify both the property appraiser and the board of its tentative budget determination.<sup>3</sup> The property appraiser and board have until August 15 to submit additional information to the DOR if they choose to do so. The DOR issues its final budget determination by August 15.

---

<sup>1</sup> Section 195.087(1)(a), F.S.

<sup>2</sup> *Id.*

<sup>3</sup> *Id.*

The property appraiser or the board may appeal the DOR's approved final budget to the Governor and Cabinet sitting as the Administration Commission.<sup>4</sup> The appeal must be filed no later than 15 days after the conclusion of the public hearing held pursuant to s. 200.065(2)(d), F.S., (final adoption of the county millage rate and budget). The Administration Commission has discretion as to whether to accept the appeal or not. Upon completion of this process, the resulting budget request as approved by the department and as amended by the commission becomes the operating budget of the property appraiser for the ensuing fiscal year beginning October 1.<sup>5</sup>

### **Board of County Commissioners of Broward County vs. Lori Parrish, Broward County Property Appraiser**

The Board of County Commissioners of Broward County (Board) disagreed with the Property Appraiser as to the appropriate level of funding that it should be required to provide for the operation of the Property Appraiser's office for fiscal year 2014. While the Board proposed a budget of \$14,886,000, a 3.8 percent increase over the prior year, the Property Appraiser submitted a request for \$18,819,000.<sup>6</sup> The DOR approved the Property Appraiser's final budget at \$18,712,207.<sup>7</sup>

The Board appealed the DOR's final budget determination to the Administration Commission and, in the interim, funded the Property Appraiser's office at \$15,855,000. The Property Appraiser petitioned the circuit court for a Writ of Mandamus requiring the Board to fund the Property Appraiser's office at the amount set by the DOR. The Writ of Mandamus was granted on December 31, 2013.<sup>8</sup> The Board appealed.<sup>9</sup>

On appeal, the Fourth District Court of Appeal determined that the statute required the Board to fund the Property Appraiser's budget at the amount approved by the DOR.<sup>10</sup> At the time of this analysis, the district court of appeal's decision is not final, as a timely motion for rehearing was filed and awaits disposition.

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 195.087, F.S., to explicitly state that a property appraiser's budget is final and must be funded by the board of county commissioners once the DOR has made its final budget determination. The obligation to fund the property appraiser's office at the level set by the department is not affected by the filing of an appeal to the Administration Commission.

This statutory change would codify the result reached by the Fourth District Court of Appeal.<sup>11</sup>

**Section 2** establishes an effective date of July 1, 2015.

---

<sup>4</sup> Section 195.087(1)(b), F.S.

<sup>5</sup> See s. 195.087(1)(b), F.S.

<sup>6</sup> *Id.*

<sup>7</sup> *Id.*

<sup>8</sup> *Lori Parrish v. Board of County Commissioners*, No. 13-23090 (Fla. 17<sup>th</sup> Cir. 2013).

<sup>9</sup> *Board of County Commissioners of Broward County, Florida v. Parrish*, No. 4D14-101 (Fla. 4<sup>th</sup> DCA 2014).

<sup>10</sup> *Id.*

<sup>11</sup> *Id.*

**IV. Constitutional Issues:****A. Municipality/County Mandates Restrictions:**

The mandates restrictions do not apply because the bill does not require counties and municipalities to spend funds, reduce counties' or municipalities' ability to raise revenue or reduce the percentage of a state tax shared with counties and municipalities.

**B. Public Records/Open Meetings Issues:**

None.

**C. Trust Funds Restrictions:**

None.

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

None.

**B. Private Sector Impact:**

None.

**C. Government Sector Impact:**

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 195.087 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.

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

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By Senator Ring

29-00209A-15

2015266\_\_

A bill to be entitled

An act relating to property appraisers; amending s. 195.087, F.S.; specifying that a property appraiser's operating budget is final and shall be funded by the county commission once the Department of Revenue makes its final budget amendments; specifying that the county commission remains obligated to fund the department's final property appraiser's operating budget during the pendency of an appeal to the Administration Commission; providing an effective date.

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

Section 1. Subsection (1) of section 195.087, Florida Statutes, is amended to read:

195.087 Property appraisers and tax collectors to submit budgets to Department of Revenue.—

(1) (a) On or before June 1 of each year, every property appraiser, regardless of the form of county government, shall submit to the Department of Revenue a budget for the operation of the property appraiser's office for the ensuing fiscal year beginning October 1. The property appraiser shall submit his or her budget in the manner and form required by the department. A copy of such budget shall be furnished at the same time to the board of county commissioners. The department shall, upon proper notice to the county commission and property appraiser, review the budget request and may amend or change the budget request as it deems necessary, in order that the budget be neither

Page 1 of 3

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

29-00209A-15

2015266\_\_

inadequate nor excessive. On or before July 15, the department shall notify the property appraiser and the board of county commissioners of its tentative budget amendments and changes. ~~Before~~ Prior to August 15, the property appraiser and the board of county commissioners may submit additional information or testimony to the department respecting the budget. On or before August 15, the department shall make its final budget amendments or changes to the budget and shall provide notice thereof to the property appraiser and board of county commissioners. Once the department makes its final budget amendments, the budget is final and shall be funded by the county commission pursuant to s. 192.091.

(b) The Governor and Cabinet, sitting as the Administration Commission, may hear appeals from the final action of the department upon a written request being filed by the property appraiser or the presiding officer of the county commission no later than 15 days after the conclusion of the hearing held pursuant to s. 200.065(2) (d). The filing of an appeal does not relieve the county commission of its obligation to fund the department-approved final budget during the pendency of the appeal. The Administration Commission may amend the budget if it finds that any aspect of the budget is unreasonable in light of the workload of the office of the property appraiser in the county under review. The budget request as approved by the department and as amended by the commission shall become the operating budget of the property appraiser for the ensuing fiscal year beginning October 1, except that the budget so approved may subsequently be amended under the same procedure. After final approval, the property appraiser shall make no

Page 2 of 3

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

29-00209A-15

2015266\_\_

59 transfer of funds between accounts without the written approval  
60 of the department. However, all moneys received by property  
61 appraisers in complying with chapter 119 shall be accounted for  
62 in the same manner as provided for in s. 218.36, for moneys  
63 received as county fees and commissions, and any such moneys may  
64 be used and expended in the same manner and to the same extent  
65 as funds budgeted for the office and no budget amendment shall  
66 be required.

67 Section 2. This act shall take effect July 1, 2015.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Governmental Oversight and Accountability, *Chair*  
Appropriations Subcommittee on Finance and  
Tax, *Vice Chair*  
Appropriations  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Banking and Insurance  
Commerce and Tourism  
Judiciary  
Rules

### JOINT COMMITTEES:

Joint Legislative Auditing Committee  
Joint Select Committee on Collective Bargaining

**SENATOR JEREMY RING**

29th District

February 4, 2015

Senator Dorothy Hukill, Chair  
Committee on Finance and Tax  
207 The Capitol  
404 South Monroe Street  
Tallahassee, FL 32399

Dear Madam Chair Hukill,

I am writing to respectfully request your cooperation in placing Senate Bill 266, relating to Property Appraisers, on the Committee on Finance and Tax agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring  
Senator District 29

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

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**DON GAETZ**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# APPEARANCE RECORD

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

3/16/15

Meeting Date

SB 266

Bill Number (if applicable)

Topic Property Appraisers

Amendment Barcode (if applicable)

Name Martha Cleaver

Job Title Lobbyist

Address P.O. Box 11275

Phone 850/491-1945

Tallahassee FL 32302

Email marthacleaver@fla.gov

City State Zip

Speaking:  For  Against  Information

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

Representing Fl. Assoc. 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)

# APPEARANCE RECORD

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

3/16/2015

Meeting Date

Topic \_\_\_\_\_

Bill Number 266  
(if applicable)

Name BRIAN PITTS

Amendment Barcode \_\_\_\_\_  
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVNUE SOUTH

Phone 727-897-9291

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City State Zip

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.)

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

---

BILL: SB 278

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Downtown Development Districts

DATE: February 13, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>White</u>	<u>Yeatman</u>	<u>CA</u>	<b>Favorable</b>
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	<b>Pre-meeting</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 278 provides statutory authority for the 0.5 mill ad valorem taxing power granted to a Downtown Development Authority (DDA) by Chapter 65-1090, Laws of Florida. The bill allows the Miami DDA to continue levying ad valorem taxes, up to 0.5 mills, in addition to the municipality's regular ad valorem taxes and special assessments, not to exceed the 10 mills allowed under the State Constitution for municipal purposes.

The Revenue Estimating Conference has not estimated the fiscal impact of the bill.

**II. Present Situation:**

Downtown Development Authorities are special districts<sup>1</sup> whose function is "planning, coordinating, and assisting in the implementation, revitalization, and redevelopment of a specific downtown area of a city."<sup>2</sup> Fourteen DDAs are currently active in Florida, most of which were created by special act.<sup>3</sup>

**Authorization of DDAs**

The Florida Legislature first authorized DDAs in 1965 to remediate blighted business areas, halt further deterioration, and revitalize the central business districts of the larger cities where those conditions exist.<sup>4</sup> Chapter 65-1090, L.O.F., authorized municipalities with a population in excess

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<sup>1</sup> See generally chapter 189, F.S.

<sup>2</sup> Section 380.031(5), F.S.

<sup>3</sup> The Special District Information Program within the Department of Economic Opportunity serves as the clearinghouse for special district information, and maintains a list of special districts categorized by function. Dep't of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, available at: <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Feb. 9, 2015).

<sup>4</sup> Chapter 65-1090, at 692, Laws of Fla.

of 250,000 to establish a DDA with certain enumerated powers.<sup>5</sup> The law provided that DDAs be governed by a five-member board appointed by the governing body of the municipality and chaired by the mayor of the municipality. The law authorized the governing body of the DDA to levy up to a 0.5 mill ad valorem tax on all real and personal property in the downtown district.<sup>6</sup>

In 1967, using the authority in Chapter 65-1090, L.O.F., the City of Miami created its DDA, and authorized it to levy an ad valorem tax.<sup>7</sup> The City of Miami's DDA continues today.<sup>8</sup>

The Florida Constitution of 1968 granted cities and counties broad home rule authority, making general laws of local application, like Chapter 65-1090, L.O.F., obsolete. In 1971, the Legislature repealed many general laws of local application passed between 1921 and 1970.<sup>9</sup> The Legislature declared that those repealed laws "shall become an ordinance of that municipality... subject to modification or repeal as are other ordinances."<sup>10</sup>

The City of Miami was the only city to create a DDA pursuant to Chapter 65-1090, L.O.F., prior to its repeal; however, between 1965 and the repeal of the general DDA authorization in 1971, four other DDAs were created by special act of the Legislature.<sup>11</sup> These DDAs were in Delray Beach,<sup>12</sup> Fort Lauderdale,<sup>13</sup> Ocala,<sup>14</sup> and West Palm Beach.<sup>15</sup>

The Code of the City of Miami continues to authorize up to a 0.5 mill ad valorem tax on all real and personal property in the downtown district.

The city commission is authorized to levy an additional ad valorem tax on all real and personal property in the downtown district as described in this article, not exceeding one-half mill on the dollar valuation of such property, for the purpose of financing the operation of the downtown development authority. This levy of one-half mill per dollar ad valorem tax shall be in addition to the regular ad valorem taxes and special assessments for improvements imposed by the city commission.<sup>16</sup>

In 1999, the Legislature enacted s. 166.0497, F.S., establishing procedures by which the Miami DDA could alter, amend or expand its boundaries.<sup>17</sup>

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<sup>5</sup> *Id.*

<sup>6</sup> Chapter 65-1090, at 699, Laws of Fla.

<sup>7</sup> Chapter 14, City of Miami, Florida, Code of Ordinances (1965).

<sup>8</sup> Dep't of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, available at: <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Feb 9, 2015).

<sup>9</sup> Chapter 71-29, Laws of Fla.

<sup>10</sup> Chapter 71-29, at 116, Laws of Fla. Some litigation has questioned the legality of this type of transfer. *See generally Milan Investment Group, Inc., v. City of Miami, et al.*, No. 3D09-2955 (Fla. 3d DCA 2010).

<sup>11</sup> Dep't of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, available at: <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Feb 9, 2015).

<sup>12</sup> Chapter 71-604, Laws of Fla.

<sup>13</sup> Chapter 65-1541, Laws of Fla.

<sup>14</sup> Chapter 67-1782, Laws of Fla.

<sup>15</sup> Chapter 67-2170, Laws of Fla.

<sup>16</sup> Section 14-60, City of Miami, Florida, Code of Ordinances (2014).

<sup>17</sup> Chapter 99-208, Laws of Fla.

### **Municipal Millage Rates**

Municipal millages are composed of a general nonvoted millage, a municipal debt service millage, a general voted millage, and a dependent special district millage.<sup>18</sup>

For the purpose of fixing millage, the Florida Statutes treat the Miami DDA as a dependent special district.<sup>19</sup> The millage rate levied by the Miami DDA for the fiscal year beginning October 1, 2014, and ending September 30, 2015, is 0.4780 mills.<sup>20</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 166.0497, F.S., to authorize the governing body of a municipality that created a DDA pursuant to Chapter 65-1090, L.O.F., to levy an ad valorem tax on all real and personal property in the district for financing the operation of the DDA.

The bill provides that the ad valorem tax that can be levied is limited to 0.5 mills.

**Section 2** provides an effective date of July 1, 2015.

### **IV. Constitutional Issues:**

#### **A. Municipality/County Mandates Restrictions:**

None.

#### **B. Public Records/Open Meetings Issues:**

None.

#### **C. Trust Funds Restrictions:**

None.

#### **D. Other Constitutional Issues:**

The bill could implicate Article III, Section 10 of the State Constitution, which provides:

No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

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<sup>18</sup> Section 200.001(2), F.S.

<sup>19</sup> Section 200.001(8)(e), F.S.

<sup>20</sup> Office of the Miami Dade Property Appraiser, 2014 Adopted Millage Rates, *available at* [http://www.miamidade.gov/pa/millage\\_tables.asp](http://www.miamidade.gov/pa/millage_tables.asp) (last visited Feb. 9, 2015).

The State Constitution defines a special law as a special or local law.<sup>21</sup>

As explained by case law:

A special law is one relating to, or designed to operate upon, particular persons or things, or one that purports to operate upon classified persons or things when classification is not permissible or the classification adopted is illegal; a local law is one relating to, or designed to operate only in, a specifically indicated part of the State, or one that purports to operate within classified territory when classification is not permissible or the classification is illegal.<sup>22</sup>

Although the Florida Supreme Court has recognized that the Legislature has wide discretion in establishing statutory classification schemes, “[a] statute is invalid if ‘the descriptive technique is employed merely for identification rather than classification.’”<sup>23</sup> In determining whether the class of persons regulated by a statute is open so as to make the statute a general law as opposed to a special law that requires enactment in accordance with state constitutional provisions, the question “is not whether it is imaginable or theoretically possible that the law might be applied to others, but whether it is reasonable to expect that it will.”<sup>24</sup>

## V. Fiscal Impact Statement:

### A. Tax/Fee Issues:

The Revenue Estimating Conference has not reviewed the fiscal impact of the bill. The bill authorizes the City of Miami to continue to levy up to 0.5 mills on all real and personal property in the district for financing the operation of the Miami DDA.

### B. Private Sector Impact:

None.

### C. Government Sector Impact:

None.

<sup>21</sup> Fla. Const. art X, s. 12(g).

<sup>22</sup> *Lawnwood Medical Center Inc. v. Seeger, M.D.*, 959 So. 2d 1222 (Fla. 1<sup>st</sup> DCA 2007) *affirmed by* 990 So.2d 503 (Fla. 2008).

<sup>23</sup> *Dep’t of Business Regulation v. Classic Mile, Inc.*, 541 So.2d 1155 (Fla. 1989); *Shelton v. Reeder*, 121 So2d 145 (Fla. 1960).

<sup>24</sup> *State, Dep’t of Bus. & Prof’l Regulation, Div. of Pari-Mutuel Wagering v. Gulfstream Park Racing Ass’n, Inc.*, 912 So. 2d 616 (Fla. Dist. Ct. App. 2005) *aff’d sub nom. Florida Dep’t of Bus. & Prof’l Regulation v. Gulfstream Park Racing Ass’n, Inc.*, 967 So. 2d 802 (Fla. 2007).

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill substantially amends section 166.0497 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.



273320

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/16/2015	.	
	.	
	.	
	.	

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The Committee on Finance and Tax (Diaz de la Portilla)  
recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

Section 1. Section 189.056, Florida Statutes, is created to  
read:

189.056 Downtown Development District; Ad Valorem  
Taxation.—

(1) It is the intent of the Legislature to encourage the  
revitalization of downtown areas within large municipalities



273320

11 where the societal ills associated with urban blight are most  
12 prevalent. However, in recognition of the traditionally broad  
13 home rule power exercised by charter counties, the Legislature  
14 intends that this section apply only to certain counties.

15 (2) The governing body of a municipality with a population  
16 of more than 400,000, as determined by the Office of Economic  
17 and Demographic Research, and located within a county as defined  
18 in s. 125.011(1), may, by ordinance, levy an ad valorem tax on  
19 all real and personal property in a downtown development  
20 district of up to 0.5 mill on the taxable value of the property  
21 located therein for the purpose of financing the operation of  
22 the district. In no event may the district's millage exceed 0.5  
23 mill. The district's millage is limited as provided in s.  
24 200.001(8)(d) for dependent special districts.

25 Section 2. This act shall take effect July 1, 2015.

26  
27 ===== T I T L E A M E N D M E N T =====

28 And the title is amended as follows:

29 Delete everything before the enacting clause  
30 and insert:

31 A bill to be entitled  
32 An act relating to downtown development districts;  
33 creating s. 189.056, F.S.; providing legislative  
34 intent; authorizing the governing body of a  
35 municipality with a certain population and located  
36 within a certain county to levy an ad valorem tax on  
37 all real and personal property in a downtown  
38 development district to finance the operation of the  
39 district; limiting the tax to a specified percentage;



273320

40  
41

providing for limitation of the district's millage;  
providing an effective date.



By Senator Diaz de la Portilla

40-00333-15

2015278\_\_

A bill to be entitled

An act relating to downtown development districts; amending s. 166.0497, F.S.; authorizing the governing body of a municipality that has created a downtown development district to levy an ad valorem tax on all real and personal property in the district to finance the district's operation; limiting the tax to a specified percentage; providing for limitation of the district's millage; providing an effective date.

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

Section 1. Section 166.0497, Florida Statutes, is amended to read:

166.0497 Alteration, amendment, or expansion of established downtown development district; procedures; authorization to levy ad valorem tax.—

(1) Whenever the governing body of a municipality that has created a downtown development district pursuant to chapter 65-1090, Laws of Florida, determines that it is necessary to alter, amend, or expand the boundaries of the established district by the inclusion of additional territory or the exclusion of lands from the limits of the established district, in order to revitalize and preserve property values or to prevent deterioration in the original district or its surrounding areas, it shall, by resolution, declare its intention to do so.

(2) In the resolution of intent, the governing body shall set a date for a public hearing on adoption of an ordinance altering, amending, or expanding the district and describing the

Page 1 of 2

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

40-00333-15

2015278\_\_

new proposed district. Upon the adoption of the resolution, the governing body shall cause a notice of the public hearing to be published in a newspaper of general circulation published in the municipality, which notice shall be published one time not less than 30 nor more than 60 days prior to the date of the hearing. The notice shall set forth the date, time, and place of the hearing and shall describe the new proposed boundaries of the district. Any citizen, taxpayer, or property owner shall have the right to be heard in opposition to the proposed amendment or expansion of the district. After the public hearing, if the governing body intends to proceed with the amendment or expansion of the district, it shall, in the manner authorized by law, adopt an ordinance defining the new district. The governing body shall not incorporate land into the district not included in the description contained in the resolution and the notice of public hearing, but it may eliminate any lands from that description when it adopts the ordinance containing the final determination of the boundaries.

(3) The governing body may levy an ad valorem tax on all real and personal property in the district of up to 0.5 mill on the taxable value of the property for the purpose of financing the operation of the district. The district's millage is limited as provided under s. 200.001(8)(d).

Section 2. This act shall take effect July 1, 2015.

Page 2 of 2

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# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Judiciary, *Chair*  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Community Affairs  
Finance and Tax  
Regulated Industries  
Rules

**SENATOR MIGUEL DIAZ de la PORTILLA**

40th District

March 16, 2015

The Honorable Dorothy Hukill  
Chair  
Finance and Tax

Via Email

Dear Chair Hukill:

Due to a professional commitment in Miami, I respectfully request that I be excused from the Finance and Tax Committee meeting today.

I further request that Senator Flores be permitted to present my Senate Bill 278 along with my amendment to that bill, bar code 273320.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Miguel Diaz de la Portilla", written over a horizontal line.

Miguel Diaz de la Portilla  
Senator, District 40

Cc: Senator Anitere Flores; Mr. Jose Diez-Arguelles; Ms. Lynn Wells

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

## REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

APPEARANCE RECORD

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

3/16/15 Meeting Date

SB 278 Bill Number (if applicable)

Topic DOWNTOWN DEVELOPMENT DISTRICTS

Amendment Barcode (if applicable)

Name JAVIER BETANCOURT

Job Title DEPUTY DIRECTOR

Address 200 S. BISCAYNE BLVD. Street

Phone 305-579-6675

MIAMI FL 33131 City State Zip

Email betancourt@miamidda.com

Speaking: [X] For [ ] Against [ ] Information

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

Representing MIAMI DOWNTOWN DEVELOPMENT AUTH. (DDA)

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [ ] Yes [X] 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)

APPEARANCE RECORD

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

3/16 Meeting Date

SB 278 Bill Number (if applicable)

Topic Downtown Development District

Amendment Barcode (if applicable)

Name Michael Canters

Job Title

Address Street

Phone

City State Zip

Email

Speaking: [ ] For [ ] Against [ ] Information

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

Representing City of Miami

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] 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)

# APPEARANCE RECORD

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

3/16/2015

Meeting Date

Topic \_\_\_\_\_

Bill Number 278  
*(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: SB 398

INTRODUCER: Senator Stargel

SUBJECT: Agricultural Tax Exemptions

DATE: March 13, 2015

REVISED: \_\_\_\_\_

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Akhvein</u>	<u>Becker</u>	<u>AG</u>	<b>Favorable</b>
2.	<u>Babin</u>	<u>Diez-Arguelles</u>	<u>FT</u>	<b>Favorable</b>
3.	_____	_____	<u>AP</u>	_____

---

**I. Summary:**

SB 398 expands the sales tax exemption for certain farm equipment to include:

- Equipment used in the storage of raw products on a farm.
- Irrigation equipment, including replacement parts and accessories.
- Repairs of power farm equipment and irrigation equipment.
- Trailers used in agricultural production and transportation of farm products.
- Stakes used by a farmer to support plants during agricultural production.

The bill also expands the definition of “livestock” to include aquaculture species certified under chapter 597, which will exempt sales of these aquaculture species, as well as food for these species.

The Revenue Estimating Conference has determined that the bill will reduce General Revenue receipts by \$10.3 million in Fiscal Year 2015-2016, with a recurring impact of \$11 million. The bill will reduce local revenues by \$2.1 million in Fiscal Year 2015-2016, with a recurring impact of \$2.4 million.

The bill takes effect on July 1, 2015.

**II. Present Situation:**

**Sales Tax Exemption for Power Farm Equipment**

Florida exempts “power farm equipment” from sales tax when the equipment is used exclusively on a farm or in a forest for the agricultural production of crops or for fire prevention and

suppression work with respect to such crops.<sup>1</sup> The exemption does not apply to the repair of power farm equipment.

“Power farm equipment” is moving or stationary equipment that contains within itself the means for its own propulsion or depends on an external power source to perform its functions.<sup>2</sup> Sales of component parts of power farm equipment are not exempt unless the component part is, by itself, power farm equipment.<sup>3</sup> For example, the sale of a complete irrigation supply system would be exempt as the sale of power farm equipment; however, the sale of a pipe that would be used to update an existing system is not exempt.<sup>4</sup>

“Agricultural production” is limited to practices necessary to accomplish the production of plants and animals through the harvest phase.<sup>5</sup> Power farm equipment used in activities that occur after harvesting, such as processing, is not exempt.

### **Livestock**

Florida exempts the gross proceeds from the sale of livestock from sales tax.<sup>6</sup> “Livestock” includes all animals of the equine, bovine, or swine class, including goats, sheep, mules, horses, hogs, cattle, ostriches, and other grazing animals raised for commercial purposes, as well as fish raised for commercial purposes.<sup>7</sup>

Florida also exempts feed for livestock from the sales tax.<sup>8</sup>

### **III. Effect of Proposed Changes:**

**Section 1** amends s. 212.02, F.S., to redefine the term “livestock” to include all aquaculture species that are certified under ch. 597, F.S., and raised for commercial purposes. The term “agricultural production” is also redefined to include the storage of raw products on a farm.

**Section 2** amends s. 212.08, F.S., to expand the current exemption for farm equipment to include:

- Irrigation equipment.
- Replacement parts and accessories for power farm equipment and irrigation equipment.
- Repairs of power farm equipment and irrigation equipment.
- The sale price below \$20,000 of a trailer weighing 12,000 pounds or less and purchased by a farmer for exclusive use in agricultural production or to transport farm products from his or her farm to the place where the farmer transfers ownership of the farm product to another. The exemption is not forfeited by using a trailer to transport the farmer’s farm equipment. The exemption does not apply to the lease or rental of a trailer.

---

<sup>1</sup> Section 212.08(3), F.S.

<sup>2</sup> Section 212.02(30), F.S.

<sup>3</sup> See Rule 12A-1.087(3)(b), F.A.C.

<sup>4</sup> *Id.*

<sup>5</sup> Section 212.02(32), F.S.

<sup>6</sup> Section 212.07(5)(a), F.S.

<sup>7</sup> Section 212.02(29), F.S.

<sup>8</sup> Section 212.08(7)(d), F.S.

Section 2 also exempts from sales tax stakes used by a farmer to support plants during agricultural production.

**Section 3** provides that this act shall take effect July 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

The mandates provisions of Art. VII, Section 18, of the Florida Constitution are implicated because this bill reduces the authority of municipalities and counties to raise revenue; however, the amount of the reduction is estimated to be insignificant; therefore, the bill is exempt from the mandates provisions.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The Revenue Estimating Conference has determined that this bill will reduce General Revenue by \$10.3 million in Fiscal Year 2015-2016, with a negative, \$11.0 million recurring impact. The bill will also reduce local governments' revenues by \$2.1 million in Fiscal Year 2015-2016, with a negative, \$2.4 million recurring impact.

B. Private Sector Impact:

The bill reduces the amount of sales tax that agricultural producers must pay for specified products or services.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

**VIII. Statutes Affected:**

This bill amends the following sections of the Florida Statutes: 212.02 and 212.08.

**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.

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

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By Senator Stargel

15-00580-15

2015398\_\_

1 A bill to be entitled  
 2 An act relating to agricultural tax exemptions;  
 3 amending s. 212.02, F.S.; redefining the terms  
 4 "livestock" and "agricultural production"; amending s.  
 5 212.08, F.S.; revising the sales and use tax exemption  
 6 for certain farm equipment to exempt from the tax  
 7 irrigation equipment, repairs of farm equipment and  
 8 irrigation equipment, and certain trailers; revising  
 9 the sales and use tax exemption for items in  
 10 agricultural use to exempt from the tax stakes used to  
 11 support plants during agricultural production;  
 12 providing an effective date.

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

16 Section 1. Subsections (29) and (32) of section 212.02,  
 17 Florida Statutes, are amended to read:

18 212.02 Definitions.—The following terms and phrases when  
 19 used in this chapter have the meanings ascribed to them in this  
 20 section, except where the context clearly indicates a different  
 21 meaning:

22 (29) "Livestock" includes all animals of the equine,  
 23 bovine, or swine class, including goats, sheep, mules, horses,  
 24 hogs, cattle, ostriches, and other grazing animals raised for  
 25 commercial purposes. The term "~~livestock~~" shall also includes  
 26 all aquaculture species that are certified under chapter 597 and  
 27 include fish raised for commercial purposes.

28 (32) "Agricultural production" means the production of  
 29 plants and animals useful to humans, including the preparation,

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15-00580-15

2015398\_\_

30 planting, cultivating, or harvesting of these products or any  
 31 other practices necessary to accomplish production through the  
 32 harvest phase, including storage of raw products on the farm.  
 33 The term and includes aquaculture, horticulture, floriculture,  
 34 viticulture, forestry, dairy, livestock, poultry, bees, and any  
 35 and all forms of farm products and farm production.

36 Section 2. Subsection (3) and paragraph (a) of subsection  
 37 (5) of section 212.08, Florida Statutes, are amended to read:

38 212.08 Sales, rental, use, consumption, distribution, and  
 39 storage tax; specified exemptions.—The sale at retail, the  
 40 rental, the use, the consumption, the distribution, and the  
 41 storage to be used or consumed in this state of the following  
 42 are hereby specifically exempt from the tax imposed by this  
 43 chapter.

44 (3) EXEMPTIONS; CERTAIN FARM EQUIPMENT.—

45 (a) The ~~There shall be no~~ tax may not be imposed on the  
 46 sale, rental, lease, use, consumption, repair, or storage for  
 47 use in this state of power farm equipment or irrigation  
 48 equipment, including replacement parts and accessories for power  
 49 farm equipment or irrigation equipment, which are used  
 50 exclusively on a farm or in a forest in the agricultural  
 51 production of crops or products ~~as~~ produced by those  
 52 agricultural industries included in s. 570.02(1), or for fire  
 53 prevention and suppression work with respect to such crops or  
 54 products. Harvesting may not be construed to include processing  
 55 activities. This exemption is not forfeited by moving farm  
 56 equipment between farms or forests.

57 (b) The tax may not be imposed on that portion of the sales  
 58 price below \$20,000 for a trailer weighing 12,000 pounds or less

Page 2 of 4

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15-00580-15

2015398\_\_

59 and purchased by a farmer for exclusive use in agricultural  
 60 production or to transport farm products from his or her farm to  
 61 the place where the farmer transfers ownership of the farm  
 62 products to another. This exemption is not forfeited by using a  
 63 trailer to transport the farmer's farm equipment. The exemption  
 64 provided under this paragraph does not apply to the lease or  
 65 rental of a trailer.

66 (c) The exemptions provided in paragraphs (a) and (b) are  
 67 ~~However, this exemption shall not be allowed unless the~~  
 68 purchaser, renter, or lessee signs a certificate stating that  
 69 the farm equipment is to be used exclusively ~~on a farm or in a~~  
 70 ~~forest for agricultural production or for fire prevention and~~  
 71 ~~suppression,~~ as required under by this subsection. Possession by  
 72 a seller, lessor, or other dealer of a written certification by  
 73 the purchaser, renter, or lessee certifying the purchaser's,  
 74 renter's, or lessee's entitlement to an exemption permitted by  
 75 this subsection relieves the seller from the responsibility of  
 76 collecting the tax on the nontaxable amounts, and the department  
 77 shall look solely to the purchaser for recovery of such tax if  
 78 it determines that the purchaser was not entitled to the  
 79 exemption.

80 (5) EXEMPTIONS; ACCOUNT OF USE.—

81 (a) ~~Items in agricultural use and certain nets.—There are~~  
 82 ~~exempt from~~ The tax may not be imposed on by this chapter nets  
 83 designed and used exclusively by commercial fisheries;  
 84 disinfectants, fertilizers, insecticides, pesticides,  
 85 herbicides, fungicides, and weed killers used for application on  
 86 crops or groves, including commercial nurseries and home  
 87 vegetable gardens, used in dairy barns or on poultry farms for

15-00580-15

2015398\_\_

88 the purpose of protecting poultry or livestock, or used directly  
 89 on poultry or livestock; portable containers or movable  
 90 receptacles in which portable containers are placed, used for  
 91 processing farm products; field and garden seeds, including  
 92 flower seeds; nursery stock, seedlings, cuttings, or other  
 93 propagative material purchased for growing stock; seeds,  
 94 seedlings, cuttings, and plants used to produce food for human  
 95 consumption; cloth, plastic, and other similar materials used  
 96 for shade, mulch, or protection from frost or insects on a farm;  
 97 stakes used by a farmer to support plants during agricultural  
 98 production; generators used on poultry farms; and liquefied  
 99 petroleum gas or other fuel used to heat a structure in which  
 100 started pullets or broilers are raised; however, such exemption  
 101 is shall not be allowed unless the purchaser or lessee signs a  
 102 certificate stating that the item to be exempted is for the  
 103 exclusive use designated herein. Also exempt are cellophane  
 104 wrappers, glue for tin and glass (apiarists), mailing cases for  
 105 honey, shipping cases, window cartons, and baling wire and twine  
 106 used for baling hay, when used by a farmer to contain, produce,  
 107 or process an agricultural commodity.

108 Section 3. This act shall take effect July 1, 2015.



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

**COMMITTEES:**  
Higher Education, *Chair*  
Appropriations Subcommittee on Education  
Fiscal Policy  
Judiciary  
Military and Veterans Affairs, Space, and Domestic  
Security  
Regulated Industries

**SENATOR KELLI STARGEL**  
15th District

**JOINT COMMITTEE:**  
Joint Committee on Public Counsel Oversight

February 3, 2015

The Honorable Dorothy Hukill  
Senate Finance and Tax Committee, Chair  
305 Senate Office Building  
404 S. Monroe Street  
Tallahassee, FL 32399

Dear Chair Hukill:

I am respectfully requesting that SB 398, related to *Agricultural Tax Exemptions*, be placed on the committee agenda at your earliest convenience.

Thank you for your consideration and please do not hesitate to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel  
State Senator, District 15

Cc: Jose Diez-Arguelles/ Staff Director  
Lynn Wells/ AA

REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore



## THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

### COMMITTEES:

Higher Education, *Chair*  
Appropriations Subcommittee on Education  
Fiscal Policy  
Judiciary  
Military and Veterans Affairs, Space, and Domestic  
Security  
Regulated Industries

### JOINT COMMITTEE:

Joint Committee on Public Counsel Oversight

### SENATOR KELLI STARGEL

15th District

March 13, 2015

Chairman Hukill  
207 The Capitol

Dear Chair Hukill:

I am requesting permission for my LA, Rachel Barnes, to present my bill, SB 398 dealing with Agricultural Tax Exemptions, during the next Finance and Tax Committee. During the Finance and Tax committee timeframe, I will be chairing the Higher Education Committee.

Thank you for this consideration,

Sincerely,

A handwritten signature in black ink that reads "Kelli Stargel".

Kelli Stargel  
State Senator, District 15

Cc: John Phelps / Rules Staff Director  
Jose Diez-Arguelles / Staff Director  
Lynn Wells / CAA

#### REPLY TO:

- 2033 East Edgewood Drive, Suite 1, Lakeland, Florida 33803
- 324 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5015

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

THE FLORIDA SENATE

APPEARANCE RECORD

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

3/16/15

Meeting Date

SB 398  
Bill Number (if applicable)

Topic AG TAX EXEMPTIONS

Amendment Barcode (if applicable)

Name RAY HODGE

Job Title DIR. of Govt Affairs - Southeast Milk

Address 19039 12th Rd.

Phone 407-257-6782

Street

City

McAlpin, FL

State

32062

Zip

Email SoutheastMilk@RayHodge.org

Speaking:  For  Against  Information

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

Representing Southeast Milk

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)

3/16/15

Meeting Date

398  
Bill Number (if applicable)

Topic AGRICULTURAL TAX EXEMPTIONS

Amendment Barcode (if applicable)

Name ADAM BASFORD

Job Title DIRECTOR, STATE LEGISLATIVE AFFAIRS

Address 315 S. CAUTION ST

Phone 222-2557

Street

City

TALAHASSEE

FL

State

32301

Zip

Email

Speaking:  For  Against  Information

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

Representing FLORIDA FARM BUREAU

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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3/16/15 Meeting Date

SB 398 Bill Number (if applicable)

Topic

Amendment Barcode (if applicable)

Name Butch Calhoun

Job Title

Address 119 S. Monroe St., Suite 300

Phone 521-0455

Tallahassee FL 32302 City State Zip

Email butch.calhoun@AFBA.ca

Speaking: [X] For [ ] Against [ ] Information

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

Representing Florida Fruit & Vegetable Association

Appearing at request of Chair: [ ] Yes [ ] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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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)

Meeting Date

SB 398 Bill Number (if applicable)

Topic Sales Tax Exemptions

Amendment Barcode (if applicable)

Name Ben Parks

Job Title Lobbyist

Address 6279 Whittondale Drive

Phone 850-559-1155

Tallahassee FL 32312 City State Zip

Email bcparks@hotmail.com

Speaking: [ ] For [ ] Against [ ] Information

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

Representing Florida State Beekeepers Assoc.

Appearing at request of Chair: [ ] Yes [X] No

Lobbyist registered with Legislature: [X] Yes [ ] No

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S-001 (10/14/14)

THE FLORIDA SENATE  
**APPEARANCE RECORD**

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3-16-15  
Meeting Date

SB 398  
Bill Number (if applicable)

Topic \_\_\_\_\_

Amendment Barcode (if applicable) \_\_\_\_\_

Name Herb Sheheane (Sheehan)

Job Title \_\_\_\_\_

Address 1455 Cane Creek Rd  
Street

Phone \_\_\_\_\_

Quincy FL 32351  
City State Zip

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing Premier Milk

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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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)

3/16/2015  
Meeting Date

Topic \_\_\_\_\_

Bill Number 398  
(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.

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S-001 (10/20/11)

# APPEARANCE RECORD

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

3-16-15

Meeting Date

398

Bill Number (if applicable)

Topic Ag Tax Exemptions

Amendment Barcode (if applicable)

Name Jon Costello

Job Title lobbyist

Address 119 S. Monroe

Phone 850 681-6788

Street

Tallahassee FL 32301

City

State

Zip

Email jon@rathedge-ccwr.com

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

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**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.)

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

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BILL: SPB 7014

INTRODUCER: Finance and Tax Committee

SUBJECT: Corporate Income Tax

DATE: March 16, 2015      REVISED: \_\_\_\_\_

---

ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1. <u>Babin</u>	<u>Diez-Arguelles</u>	_____	<b><u>FT Submitted as Committee Bill</u></b>

---

**I. Summary:**

SPB 7014 updates Florida's corporate Income Tax Code by adopting the Internal Revenue Code as in effect on January 1, 2015.

The federal Tax Increase Prevention Act of 2014 grants extraordinary deductions for capital asset expensing and depreciation. Similar to past treatment, the bill requires Florida taxpayers to spread the benefit of these deductions over a seven year period.

The bill authorizes the Department of Revenue to adopt emergency rules to implement the bill.

The Revenue Estimating Conference has estimated that the bill will have an indeterminate impact on general revenue.

**II. Present Situation:**

Florida imposes a 5.5 percent tax on the taxable income of corporations and financial institutions doing business in Florida. The determination of taxable income for Florida tax purposes begins with the taxable income determined for federal income tax purposes. This means that a corporation paying taxes in Florida receives the same treatment in Florida as is allowed in determining its federal taxable income.

Florida maintains its relationship with the federal Internal Revenue Code by each year adopting the federal Internal Revenue Code as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income.

### III. Effect of Proposed Changes:

#### General Update

The bill updates the Florida corporate Income Tax Code to reflect changes in the federal Internal Revenue Code enacted by Congress. The bill takes effect upon becoming a law and operates retroactively to January 1, 2015.

#### Additions due to Bonus Depreciation and Increased Expensing

President Obama signed into law the Tax Increase Prevention Act of 2014<sup>1</sup> on December 19, 2014. The act contained several significant amendments to the Internal Revenue Code.

The Internal Revenue Code allows a taxpayer to deduct the cost of capital assets by deducting a portion of the cost over the useful life of the property (depreciation).<sup>2</sup> Additionally, the Internal Revenue Code allows a taxpayer to treat a certain amount of the cost of capital assets as a business expense that can be taken entirely in the year of purchase (expensing).<sup>3</sup> Until recently, the amount that could be expensed was limited to \$25,000.

Similar to other federal legislation during the past several years,<sup>4</sup> the Tax Increase Prevention Act of 2014 grants an additional depreciation deduction (bonus depreciation) and increases the expensing limitation. The Tax Prevention Act of 2014 grants a first-year bonus depreciation amount of 50 percent of the cost of the property placed in service during 2014 and increases the expensing limitation to \$500,000 for taxable years beginning in 2014.

The Revenue Estimating Conference has estimated that the adoption of the Internal Revenue Code, including the bonus depreciation and increased expensing limitation, would result in a reduction of \$180 million in corporate tax receipts in Fiscal Year 2015-2016 and increased tax receipts in subsequent years.

In order to mitigate the Fiscal Year 2015-2016 fiscal impact of the increased federal deductions on Florida, the bill requires taxpayers to spread the effect of these deductions over seven taxable years. The bill accomplishes this by requiring taxpayers to “add-back” the bonus depreciation deduction and the amount of the increased expensing deduction above \$128,000. The taxpayer is then permitted to subtract from income one-seventh (1/7) of these deductions for the current taxable year and the following six taxable years.

---

<sup>1</sup> Pub. Law No. 113-295, H.R. 5771, 113<sup>th</sup> Cong. (December 19, 2014).

<sup>2</sup> See generally ss. 167 and 168, Internal Revenue Code

<sup>3</sup> See generally s. 179, Internal Revenue Code

<sup>4</sup> The Economic Stimulus Act of 2008, the American Recovery and Reinvestment Act of 2009, the Small Business Jobs Act of 2010, the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, and the American Taxpayer Relief Act of 2012.

This mechanism was used to address the impacts of similar federal legislation in 2009, 2011, and 2013.<sup>5</sup>

The bill grants the Department of Revenue emergency rulemaking authority to implement the provisions of the bill.

The bill is effective upon becoming law and operates retroactively to January 1, 2015.

**IV. Constitutional Issues:**

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

**V. Fiscal Impact Statement:**

A. Tax/Fee Issues:

The Revenue Estimating Conference has estimated that the bill will have an indeterminate impact on general revenue.

B. Private Sector Impact:

By adopting recent changes to the Internal Revenue Code, Florida provides ease of administration for Florida corporate taxpayers.

C. Government Sector Impact:

None.

**VI. Technical Deficiencies:**

None.

**VII. Related Issues:**

None.

---

<sup>5</sup> Chapters 2009-132, 2011-229 and 2013-40, Laws of Fla.

**VIII. Statutes Affected:**

This bill substantially amends the following sections of the Florida Statutes: 220.03 and 220.13.

The bill reenacts section 1009.97(3)(l) 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.

---

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

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848556

LEGISLATIVE ACTION

Senate	.	House
Comm: FAV	.	
03/16/2015	.	
	.	
	.	
	.	

---

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

**Senate Amendment (with title amendment)**

Delete lines 118 - 127

and insert:

Section 4. For the purpose of incorporating the amendment made by this act to section 220.03, Florida Statutes, in a reference thereto, paragraph (1) of subsection (3) of section 1009.97, Florida Statutes, is reenacted to read:

1009.97 General provisions.—

(3) DEFINITIONS.—As used in ss. 1009.97-1009.984, the term:



848556

11           (1) "Internal Revenue Code" means the Internal Revenue Code  
12 of 1986, as defined in s. 220.03(1), and regulations adopted  
13 pursuant thereto.

14  
15 ===== T I T L E   A M E N D M E N T =====

16 And the title is amended as follows:

17           Delete lines 12 - 16

18 and insert:

19           F.S., relating to prepaid college board programs, to  
20           incorporate the amendment made to s. 220.03, F.S., in  
21           a reference thereto; providing for

FOR CONSIDERATION By the Committee on Finance and Tax

593-01055-15

20157014pb

1 A bill to be entitled  
 2 An act relating to the corporate income tax; amending  
 3 s. 220.03, F.S.; adopting the 2015 version of the  
 4 Internal Revenue Code; amending s. 220.13, F.S.;  
 5 incorporating a reference to a recent federal act into  
 6 state law for the purpose of defining the term  
 7 "adjusted federal income"; revising the treatment by  
 8 this state of certain depreciation and expensing of  
 9 assets that are allowed for federal income tax  
 10 purposes; authorizing the Department of Revenue to  
 11 adopt emergency rules; reenacting s. 1009.97(3)(1),  
 12 F.S., to incorporate the amendment made to s. 220.03,  
 13 F.S., in a reference thereto; reenacting ss.  
 14 220.15(1), 220.191(1)(d), 220.192(2), 220.63(3), and  
 15 220.64, F.S., to incorporate the amendments made to s.  
 16 220.13, F.S., in references thereto; providing for  
 17 retroactive application; providing an effective date.  
 18  
 19 Be It Enacted by the Legislature of the State of Florida:  
 20  
 21 Section 1. Paragraph (n) of subsection (1) and paragraph  
 22 (c) of subsection (2) of section 220.03, Florida Statutes, are  
 23 amended to read:  
 24 220.03 Definitions.—  
 25 (1) SPECIFIC TERMS.—When used in this code, and when not  
 26 otherwise distinctly expressed or manifestly incompatible with  
 27 the intent thereof, the following terms shall have the following  
 28 meanings:  
 29 (n) "Internal Revenue Code" means the United States

Page 1 of 5

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

593-01055-15

20157014pb

30 Internal Revenue Code of 1986, as amended and in effect on  
 31 January 1, 2015 ~~2014~~, except as provided in subsection (3).  
 32 (2) DEFINITIONAL RULES.—When used in this code and neither  
 33 otherwise distinctly expressed nor manifestly incompatible with  
 34 the intent thereof:  
 35 (c) Any term used in this code has the same meaning as when  
 36 used in a comparable context in the Internal Revenue Code and  
 37 other statutes of the United States relating to federal income  
 38 taxes, as such code and statutes are in effect on January 1,  
 39 2015 ~~2014~~. However, if subsection (3) is implemented, the  
 40 meaning of a term shall be taken at the time the term is applied  
 41 under this code.  
 42 Section 2. Paragraph (e) of subsection (1) of section  
 43 220.13, Florida Statutes, is amended to read:  
 44 220.13 "Adjusted federal income" defined.—  
 45 (1) The term "adjusted federal income" means an amount  
 46 equal to the taxpayer's taxable income as defined in subsection  
 47 (2), or such taxable income of more than one taxpayer as  
 48 provided in s. 220.131, for the taxable year, adjusted as  
 49 follows:  
 50 (e) *Adjustments related to federal acts.*—Taxpayers shall be  
 51 required to make the adjustments prescribed in this paragraph  
 52 for Florida tax purposes with respect to certain tax benefits  
 53 received pursuant to the Economic Stimulus Act of 2008, the  
 54 American Recovery and Reinvestment Act of 2009, the Small  
 55 Business Jobs Act of 2010, the Tax Relief, Unemployment  
 56 Insurance Reauthorization, and Job Creation Act of 2010, ~~and~~ the  
 57 American Taxpayer Relief Act of 2012, and the Tax Increase  
 58 Prevention Act of 2014.

Page 2 of 5

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593-01055-15

20157014pb

59 1. There shall be added to such taxable income an amount  
 60 equal to 100 percent of any amount deducted for federal income  
 61 tax purposes as bonus depreciation for the taxable year pursuant  
 62 to ss. 167 and 168(k) of the Internal Revenue Code of 1986, as  
 63 amended by s. 103 of Pub. L. No. 110-185, s. 1201 of Pub. L. No.  
 64 111-5, s. 2022 of Pub. L. No. 111-240, s. 401 of Pub. L. No.  
 65 111-312, ~~and~~ s. 331 of Pub. L. No. 112-240, and s. 125 of Pub.  
 66 L. No. 113-295, for property placed in service after December  
 67 31, 2007, and before January 1, 2015 ~~2014~~. For the taxable year  
 68 and for each of the 6 subsequent taxable years, there shall be  
 69 subtracted from such taxable income an amount equal to one-  
 70 seventh of the amount by which taxable income was increased  
 71 pursuant to this subparagraph, notwithstanding any sale or other  
 72 disposition of the property that is the subject of the  
 73 adjustments and regardless of whether such property remains in  
 74 service in the hands of the taxpayer.

75 2. There shall be added to such taxable income an amount  
 76 equal to 100 percent of any amount in excess of \$128,000  
 77 deducted for federal income tax purposes for the taxable year  
 78 pursuant to s. 179 of the Internal Revenue Code of 1986, as  
 79 amended by s. 102 of Pub. L. No. 110-185, s. 1202 of Pub. L. No.  
 80 111-5, s. 2021 of Pub. L. No. 111-240, s. 402 of Pub. L. No.  
 81 111-312, ~~and~~ s. 315 of Pub. L. No. 112-240, and s. 127 of Pub.  
 82 L. No. 113-295, for taxable years beginning after December 31,  
 83 2007, and before January 1, 2015 ~~2014~~. For the taxable year and  
 84 for each of the 6 subsequent taxable years, there shall be  
 85 subtracted from such taxable income one-seventh of the amount by  
 86 which taxable income was increased pursuant to this  
 87 subparagraph, notwithstanding any sale or other disposition of

Page 3 of 5

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593-01055-15

20157014pb

88 the property that is the subject of the adjustments and  
 89 regardless of whether such property remains in service in the  
 90 hands of the taxpayer.

91 3. There shall be added to such taxable income an amount  
 92 equal to the amount of deferred income not included in such  
 93 taxable income pursuant to s. 108(i)(1) of the Internal Revenue  
 94 Code of 1986, as amended by s. 1231 of Pub. L. No. 111-5. There  
 95 shall be subtracted from such taxable income an amount equal to  
 96 the amount of deferred income included in such taxable income  
 97 pursuant to s. 108(i)(1) of the Internal Revenue Code of 1986,  
 98 as amended by s. 1231 of Pub. L. No. 111-5.

99 4. Subtractions available under this paragraph may be  
 100 transferred to the surviving or acquiring entity following a  
 101 merger or acquisition and used in the same manner and with the  
 102 same limitations as specified by this paragraph.

103 5. The additions and subtractions specified in this  
 104 paragraph are intended to adjust taxable income for Florida tax  
 105 purposes, and, notwithstanding any other provision of this code,  
 106 such additions and subtractions shall be permitted to change a  
 107 taxpayer's net operating loss for Florida tax purposes.

108 Section 3. (1) The Department of Revenue is authorized, and  
 109 all conditions are deemed to be met, to adopt emergency rules  
 110 pursuant to s. 120.54(4), Florida Statutes, for the purpose of  
 111 implementing this act.

112 (2) Notwithstanding any other law, emergency rules adopted  
 113 pursuant to subsection (1) are effective for 6 months after  
 114 adoption and may be renewed during the pendency of procedures to  
 115 adopt permanent rules addressing the subject of the emergency  
 116 rules.

Page 4 of 5

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593-01055-15

20157014pb

117 (3) This section expires January 1, 2018.  
118 Section 4. Paragraph (1) of subsection (3) of s. 1009.97,  
119 Florida Statutes, is reenacted for the purpose of incorporating  
120 the amendment made by this act to s. 220.03, Florida Statutes,  
121 in a reference thereto.

122 Section 5. Subsection (1) of s. 220.15, paragraph (d) of  
123 subsection (1) of s. 220.191, subsection (2) of s. 220.192,  
124 subsection (3) of s. 220.63, and s. 220.64, Florida Statutes,  
125 are reenacted for the purpose of incorporating the amendments  
126 made by this act to s. 220.13, Florida Statutes, in references  
127 thereto.

128 Section 6. This act shall take effect upon becoming a law  
129 and shall operate retroactively to January 1, 2015.

# APPEARANCE RECORD

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

3-16-15

Meeting Date

7014

Bill Number (if applicable)

Topic Corporate Income Tax

Amendment Barcode (if applicable)

Name Jon Costello

Job Title lobbyist

Address 118 S. Monroe

Phone 850-681-6788

Street

Tallahassee FL 32301

City

State

Zip

Email Jon@ruttledge-coe.com

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

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## **Enterprise Zone Program Overview**

### **Present Situation**

- The program targets areas that suffer from pervasive poverty, unemployment, and general distress.
- There are 65 enterprise zones in 51 of the state's 67 counties.
- The program will be repealed on December 31, 2015.
- Program Incentives
  - Corporate income tax or sales tax credits for hiring residents of the zones.
  - Sales tax refunds to property owners that purchase building materials and business equipment for use in an enterprise zone.
  - Corporate income tax credits for property taxes paid on new or expanded facilities.
  - Sales tax exemption for the purchase of electricity.
  - Local governments may provide additional incentives.
- Local Government Duties
  - The local government is required to create a local development agency that includes representatives from organizations, residents, and business owners within the nominated area.
  - Local governments or development agencies are responsible for zone administration and for certifying incentive applications that are processed by DOR.

## Introduced Bills Relating to the Enterprise Zone Program

**HB 7067** (Economic Development and Tourism Subcommittee, La Rosa) revises the state's economic development programs, including the Enterprise Zone program.

- It allows the existing program to sunset and creates a program under which enterprise zones are designated by the governing bodies of counties or municipalities and may be certified by the Department of Economic Opportunity (DEO).
- The new program does not have a sunset date.
- The governing body of a county or municipality, or the governing body of a county and one or more municipalities, may create a local enterprise zone area by resolution. Within the enterprise zone area, an expanding business or a newly-established business is exempt from the following ordinances, taxes, and fees imposed by the local government for at least 24 months:
  - (a) Business taxes.
  - (b) Impact fees.
  - (c) Business, professional, and occupational regulatory fees.
  - (d) Green utility fees.
  - (e) Building permit fees.
  - (f) Special assessments, including but not limited to services associated with beach renourishment and restoration, downtown redevelopment, solid waste disposal, fire and rescue services, fire protection, parking facilities, sewer improvements, stormwater management services, street improvements, and water and sewer line extensions.
  - (g) Sign ordinance requirements, permits, and fees.
  - (h) Tree and landscape ordinance requirements, permits, and fees.
- **Any** business within the enterprise zone area is also exempt from citation for violations of a municipal code or ordinance for 24 months after creation

of the zone, unless the violation poses a direct threat to the health and safety of the public.

- The governing body of a county or municipality, or the governing body of a county and one or more municipalities, may submit an application to DEO by January 1 of each year for certification of the designated local enterprise zone area as an enterprise zone.
- The bill prescribes what must be included in the application, including information about local financial incentives.
- DEO must certify all timely submitted and complete applications, and develop a marketing and advertising plan for local enterprise zones in coordination with local governments.
- State incentive programs that grant enhanced benefits for projects located in an enterprise zone, such as the Qualified Target Industry Tax Refund program, continue to provide enhanced benefits in “certified” enterprise zones. The bill amends many existing statutory references to enterprise zones to read “certified enterprise zones.”

**SB 1030** (Detert) creates the Community Creative Grant Program within the Department of Economic Opportunity (DEO). It is a project-based economic development grant program which sunsets June 30, 2020.

- The Legislature appropriates money for the grants.
- Local governments apply for grants to fund projects that are vital and necessary to local economic development efforts, and for which other state economic incentives are unavailable.
- A single grant cannot exceed 10 percent of the total amount appropriated in a fiscal year for grants under this program.
- A local government may apply for only one grant per year, but a project may be awarded grant moneys for up to 5 consecutive years.
- A proposed project must be new or innovative to the area, must offer tangible community benefits, and must promote a sense of community, create new jobs, encourage hiring, or assist in the creation, execution, or management of a venture of great importance to the local community.
- DEO must review, evaluate, and rank all grant requests, and the bill prescribes evaluation criteria. Priority is given according to the number of new or additional jobs created, the unemployment rate in the project area, the extent to which multiple local governments commit financial resources to the project, the level of private and local-government funding, and the permanency of any structures or outcomes from the project.
- Grant funds may not be used to attract a business or sport team from another community in this state or to fulfill requirements for matching funds for other state or federal incentive programs.
- A grant award must be executed by a contract between DEO and the local government applicant, and the bill includes reporting requirements for grant recipients.
- DEO's annual report on the condition of the business climate and economic development in the state must include complete and detailed written reports provided by the governing body of each local government that sponsors a project. These reports must include:
  - A description of the projects' economic impact.
  - The number of jobs created.
  - A description of capital investment spurred by the grant.

- Any other information required by DEO.
- In addition, the annual report must include an analysis of the activities and accomplishments of the program.
- OPPAGA must evaluate the program's effectiveness by January 15, 2019.
- EDR must conduct an evaluation of the program's return on investment by January 15, 2019.

**SB 392** (Clemens) retains most features of the current Enterprise Zone program, including existing zones.

- The bill postpones the expiration of the Act to December 31, 2025.
- Enterprise Zone Boards replace development agencies.
- The Board and administrator have the same responsibilities and powers as were vested in the development agencies.
- The newly created zone administrator becomes the liaison between the municipality or county, the Department of Economic Opportunity, and any organization within the jurisdiction of the enterprise zone.
- An additional criterion is created which requires a new enterprise zone to be located within one mile of two designated Strategic Intermodal System facilities.
- Dissolution of a zone is required should the zone not meet certain goals in a timely manner.
- Allows a zone's governing body to apply to the DEO for a boundary change every year, instead of every three years.



## **SB 1556 (Montford)/HB 903 (Porter)**

SB 1556 and HB 903 delete the sunset date for the Enterprise Zone Program, increase refunds for taxes on building materials and business property in enterprise zones, and make several changes to other state incentive programs to encourage economic development in rural areas.

### **Enterprise Zone Changes**

- Deletes the sunset provisions of the Enterprise Zone Program.
- Deletes individual caps on building materials sales tax refunds and caps the total amount refundable at \$15 million annually.
- Deletes individual caps on business equipment sales tax refunds and caps the total amount refundable at \$15 million annually.

### **Rural Job Tax Credit Program Changes**

- Incorporates the retail industry into the definition of “eligible businesses” for the Rural Job Tax Credit Program.
- Authorizes Enterprise Florida, Inc., to recommend additional industries that should be included in the program.
- Allows an employee who temporarily works less than 36 hours per week to qualify as an eligible employee.
- Increases the per-employee jobs tax credit from \$1,000 to \$2,000 for new and existing businesses.
- The bill provides an additional per-employee jobs tax credit of \$3,000 for new businesses.
- New and existing businesses that receive a jobs tax credit that exceeds their corporate income tax liability may apply for an ad valorem tax reimbursement.
- A business that receives the per-employee jobs tax credit is eligible for up to a 50 percent refund on the sales tax paid for electricity.

### **Rural Infrastructure Fund**

- Rural infrastructure grants are increased from 30 to 40 percent and 40 to 50 percent (catalyst sites) of the project cost.

- The receipt of grants is no longer conditional on job-creation or job-retention opportunities.
- The bill extends eligible uses of funds to include the costs of site certification.
- The department is authorized to provide grants for constructing speculative buildings in rural counties.

### **Qualified Target Industry Program**

- Allows businesses located within a rural area of opportunity to receive the maximum state tax refund even though local support is less than 20 percent.

# APPEARANCE RECORD

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

3/16/15  
Meeting Date

Bill Number (if applicable)

Topic Enterprise Zones

Amendment Barcode (if applicable)

Name Kimberly Case

Job Title Sr. Policy advisor

Address 315 S. Calhoun St., Suite 600  
Street

Phone (850) 425-5603

Tallahassee, FL 32301  
City State Zip

Email Kimberly.Case@hklaw.com

Speaking:  For  Against  Information

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

Representing Walgreens / H + K

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)

# APPEARANCE RECORD

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

3-16-15  
Meeting Date

EZ's  
Bill Number (if applicable)

Topic Enterprise Zones

Amendment Barcode (if applicable)

Name Chris Doolin

Job Title \_\_\_\_\_

Address 1118-B Thomasville Road  
Street

Phone 850-508-5492

Tallahassee Fla 32303  
City State Zip

Email cdoolin@netally.com

Speaking:  For  Against  Information

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

Representing Small County 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.

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

S-001 (10/14/14)

# APPEARANCE RECORD

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

3/16/15  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic ENTERPRISE ZONES WORKSHOP

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name DAVID SUGG

Job Title FISCAL POLICY DIRECTOR

Address \_\_\_\_\_  
Street

Phone \_\_\_\_\_

City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Email \_\_\_\_\_

Speaking:  For  Against  Information

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

Representing FL Association of Counties

Appearing at request of Chair:  Yes  No

Lobbyist registered with Legislature:  Yes  No

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S-001 (10/14/14)

# APPEARANCE RECORD

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

3/16/15  
Meeting Date

\_\_\_\_\_  
Bill Number (if applicable)

Topic Enterprise Zones

\_\_\_\_\_  
Amendment Barcode (if applicable)

Name David Cruz

Job Title Assistant General Counsel

Address P.O. Box 1757  
Street

Phone 701-3070

City Tallahassee State FL Zip 32302

Email dcruz@flcities.com

Speaking:  For  Against  Information

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

Representing FL League of Cities

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)

Meeting Date \_\_\_\_\_ Bill Number (if applicable) \_\_\_\_\_  
Topic ENTERPRISE ZONE Amendment Barcode (if applicable) \_\_\_\_\_  
Name JESS MCCARTY  
Job Title \_\_\_\_\_  
Address 111 NW 1st St 2810 Phone 305-979-7110  
Street MIAMI 33128 Email JMM2@MIAMI.DCF.GOV  
City State Zip  
Speaking:  For  Against  Information Waive Speaking:  In Support  Against  
(The Chair will read this information into the record.)  
Representing MIAMI-DADE COUNTY  
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)

Meeting Date 3/16/15 Bill Number (if applicable) \_\_\_\_\_  
Topic Enterprise Zones Amendment Barcode (if applicable) \_\_\_\_\_  
Name Samantha Padgett  
Job Title General Counsel  
Address 227 S. Adams St. Phone 222-4082  
Street Tallahassee FL 32301 Email samanthap@prfl.org  
City State Zip  
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.



# THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

## COMMITTEES:

Judiciary, *Chair*  
Appropriations Subcommittee on Transportation,  
Tourism, and Economic Development  
Community Affairs  
Finance and Tax  
Regulated Industries  
Rules

**SENATOR MIGUEL DIAZ de la PORTILLA**

40th District

March 16, 2015

The Honorable Dorothy Hukill  
Chair  
Finance and Tax

Via Email

Dear Chair Hukill:

Due to a professional commitment in Miami, I respectfully request that I be excused from the Finance and Tax Committee meeting today.

I further request that Senator Flores be permitted to present my Senate Bill 278 along with my amendment to that bill, bar code 273320.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Miguel Diaz de la Portilla", written over a horizontal line.

Miguel Diaz de la Portilla  
Senator, District 40

Cc: Senator Anitere Flores; Mr. Jose Diez-Arguelles; Ms. Lynn Wells

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

## REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: [www.flsenate.gov](http://www.flsenate.gov)

**ANDY GARDINER**  
President of the Senate

**GARRETT RICHTER**  
President Pro Tempore

# CourtSmart Tag Report

Room: SB 401

Case:

Type:

Caption: Senate Finance and Tax Committee Judge:

Started: 3/16/2015 2:06:35 PM

Ends: 3/16/2015 3:27:17 PM

Length: 01:20:43

2:06:38 PM Sen. Hukill (Chair)  
2:07:15 PM SB 260  
2:07:27 PM Sen. Bradley  
2:07:49 PM Sen. Hukill  
2:07:56 PM Am. 842080  
2:08:04 PM Sen. Bradley  
2:08:22 PM Sen. Hukill  
2:08:25 PM Sen. Margolis  
2:10:03 PM Sen. Hukill  
2:10:30 PM SB 260 (Con't)  
2:10:37 PM Sen. Hukill  
2:10:45 PM Martha Cleaver, Florida Association of Property Appraisers  
2:10:52 PM Sen. Hukill  
2:11:01 PM Sen. Bradley  
2:11:29 PM Sen. Hukill  
2:11:59 PM SB 266  
2:12:06 PM Sen. Ring  
2:12:43 PM Sen. Hukill  
2:12:51 PM Martha Cleaver, Florida Association of Property Appraisers  
2:12:58 PM Brian Pitts, Trustee, Justice-2-Jesus  
2:15:26 PM Sen. Hukill  
2:15:31 PM Sen. Soto  
2:15:50 PM Sen. Hukill  
2:15:59 PM Sen. Ring  
2:16:08 PM Sen. Hukill  
2:16:42 PM SB 118  
2:17:01 PM Nanci Cornwell, Senator Hays' Legislative Assistant  
2:18:07 PM Sen. Hukill  
2:18:10 PM Am. 288406  
2:18:22 PM Sen. Hukill  
2:18:26 PM Sen. Margolis  
2:18:54 PM N. Cornwell  
2:19:04 PM Sen. Margolis  
2:19:38 PM Sen. Hukill  
2:20:17 PM SB118 (Con't)  
2:20:24 PM Larry Williams, Florida Consortium of Public Charter Schools (waives in support)  
2:20:48 PM Richard Watson, Legislative Counsel, Associated Builders and Contractors of Florida (waives in support)  
2:21:01 PM Brian Pitts, Trustee, Justice-2-Jesus  
2:24:31 PM Sen. Hukill  
2:24:37 PM Carolyn Johnson, Policy Director, Florida Chamber of Commerce (waives in support)  
2:25:17 PM Sen. Hukill  
2:25:28 PM SB 398  
2:25:40 PM Rachel Barnes, Senator Stargel's Legislative Assistant  
2:26:03 PM Sen. Hukill  
2:26:12 PM Adam Basford, Director of State Legislative Affairs, Florida Farm Bureau (waives in support)  
2:26:24 PM Butch Calhoun, Florida Fruit and Vegetable Association  
2:26:38 PM Brian Pitts, Trustee, Justice-2-Jesus  
2:29:09 PM Ben Parks, Lobbyist, Florida State Beekeepers Association  
2:29:16 PM Ray Hodge, Director of Government Affairs, Southeast Milk  
2:29:22 PM Sen. Hukill  
2:29:59 PM SB 278  
2:30:16 PM Sen. Flores

2:30:46 PM Sen. Hukill  
2:30:53 PM Am. 273320  
2:31:14 PM Sen. Flores  
2:31:20 PM Sen. Hukill  
2:31:24 PM Sen. Margolis  
2:32:22 PM Sen. Flores  
2:32:41 PM Sen. Hukill  
2:32:46 PM Javier Betancourt, Deputy Directory, Miami Downtown Development Authority  
2:33:37 PM Sen. Hukill  
2:33:42 PM Sen. Margolis  
2:34:16 PM Sen. Hukill  
2:34:44 PM Sen. Margolis  
2:35:11 PM Sen. Hukill  
2:35:29 PM SB 278 (Con't)  
2:35:49 PM Michael Cantens, City of Miami (waives in support)  
2:35:51 PM Brian Pitts, Trustee, Justice-2-Jesus  
2:38:38 PM Sen. Flores' motion to TP SB 278  
2:38:53 PM Sen. Hukill  
2:39:16 PM Sen. Abruzzo  
2:39:21 PM CS/SB 110  
2:39:29 PM Sen. Hukill  
2:40:26 PM Sen. Abruzzo  
2:40:31 PM Sen. Soto  
2:40:42 PM Sen. Hukill  
2:41:43 PM Sen. Soto  
2:41:49 PM Sen. Hukill  
2:42:17 PM Sen. Abruzzo  
2:42:24 PM Am. 651238  
2:42:27 PM Sen. Hukill  
2:42:45 PM Sen. Abruzzo  
2:42:59 PM Am. 115864  
2:43:11 PM Sen. Hukill  
2:43:38 PM Sen. Abruzzo  
2:43:55 PM CS/SB 110 (Con't)  
2:44:03 PM Charles Dudley, AIF (waives in support)  
2:44:16 PM Charles Dudley, Florida Cable Telecommunication Association  
2:45:15 PM Sen. Abruzzo  
2:45:22 PM JC Flores, Vice President of Government Affairs, AT&T  
2:45:28 PM Kurt Wenner, Vice President of Research, Florida TaxWatch  
2:45:40 PM Doug Mannheimer, Attorney, Sprint  
2:45:47 PM Brian Pitts, Trustee, Justice-2-Jesus  
2:49:36 PM Sen. Abruzzo  
2:49:49 PM B. Pitts  
2:49:53 PM Sen. Abruzzo  
2:50:00 PM Woody Simmons, Vice President of Government Affairs, Verizon Communication  
2:50:07 PM Carolyn Johnson, Policy, Director, Florida Chamber of Commerce  
2:50:16 PM Brian Musselwhite, Vice President of State Government Affairs, Comcast  
2:50:22 PM Skylar Zander, Deputy State Director, Americans for Prosperity  
2:50:25 PM Nancy Stephens, Executive Director, Manufacturers Association of Florida  
2:50:30 PM Gary Rutledge, T-Mobile  
2:50:32 PM Amber Hughes, Legislative Advocate, Florida League of Cities  
2:50:39 PM Megan Demartini, Deputy Legislative Affairs Director, Executive Office of the Governor  
2:50:40 PM Davin Suggs, Fiscal Policy Director, Florida Association of Counties  
2:50:44 PM Travis Keels, Director of Public Affairs, The James Madison Institute  
2:50:48 PM Bill Herrle, Executive Director, National Federation of Independent Business  
2:51:04 PM CS/SB 110 (Con't)  
2:51:12 PM Sen. Abruzzo  
2:51:28 PM Sen. Soto  
2:51:59 PM Sen. Abruzzo  
2:52:20 PM Sen. Hukill  
2:53:38 PM Sen. Abruzzo  
2:54:07 PM SPB 7014



2:54:18 PM Sen. Hukill  
2:54:24 PM Robert Babin, Staff Attorney  
2:55:03 PM Sen. Abruzzo  
2:55:08 PM Am. 848556  
2:55:17 PM R. Babin  
2:55:25 PM Sen. Abruzzo  
2:55:41 PM SPB7014 (Con't)  
2:56:16 PM Sen. Hukill  
2:56:19 PM Discussion of the Enterprise Zone Program  
2:56:40 PM Sen. Altman motion  
2:57:02 PM Sen. Flores' motion  
2:57:06 PM Sen. Hukill  
2:57:53 PM Ellen Fournier, Chief Legislative Analyst  
3:01:20 PM Sen. Hukill  
3:01:26 PM E. Fournier  
3:01:31 PM Sen. Hukill  
3:01:48 PM E. Fournier  
3:04:03 PM Sen. Hukill  
3:04:17 PM E. Fournier  
3:04:31 PM Sen. Hukill  
3:04:37 PM E. Fournier  
3:04:40 PM Sen. Hukill  
3:04:47 PM E. Fournier  
3:04:51 PM Sen. Hukill  
3:04:52 PM E. Fournier  
3:05:16 PM Sen. Hukill  
3:05:35 PM E. Fournier  
3:05:44 PM Sen. Hukill  
3:05:47 PM E. Fournier  
3:05:54 PM Sen. Hukill  
3:06:04 PM E. Fournier  
3:07:08 PM Sen. Hukill  
3:07:23 PM E. Fournier  
3:07:29 PM Sen. Hukill  
3:07:39 PM E. Fournier  
3:09:03 PM Sen. Hukill  
3:09:11 PM Sen. Soto  
3:09:13 PM Sen. Hukill  
3:09:22 PM Sen. Soto  
3:09:33 PM Sen. Hukill  
3:09:40 PM E. Fournier  
3:10:21 PM Sen. Hukill  
3:10:32 PM Kimberly Case, Senior Policy Advisor, Walgreens and H&K  
3:13:14 PM Sen. Hukill  
3:14:23 PM K. Case  
3:14:48 PM Sen. Hukill  
3:15:00 PM Davin Suggs, Fiscal Policy Directors, FL Association of Counties  
3:16:25 PM Sen. Hukill  
3:16:42 PM David Cruz, Assistant General Counsel, FL League of Cities  
3:17:25 PM Sen. Hukill  
3:17:39 PM Jess McCarty, Miami-Dade County  
3:18:10 PM Sen. Hukill  
3:18:18 PM J. McCarty  
3:18:31 PM Sen. Hukill  
3:18:41 PM Chris Doolin, Simple City Coalition  
3:19:32 PM Sen. Hukill  
3:20:06 PM C. Doolin  
3:20:09 PM Sen. Hukill  
3:20:16 PM Samantha Padgett, General Counsel, Florida Retail Federation  
3:22:01 PM Sen. Hukill  
3:22:09 PM Sen. Soto  
3:23:15 PM Sen. Hukill

**3:23:23 PM** Sen. Margolis  
**3:25:13 PM** Sen. Hukill  
**3:25:17 PM** Sen. Flores  
**3:26:13 PM** Sen. Hukill  
**3:27:14 PM** Meeting adjourned