

By Representatives Melvin, Morroni, Fasano, Posey,  
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1                                   A bill to be entitled  
2           An act relating to intangible personal property  
3           taxes; repealing chapter 199, F.S., which  
4           provides for taxes on intangible personal  
5           property; amending ss. 72.011, 192.091,  
6           196.199, 196.1993, 201.23, 212.02, 213.015,  
7           213.05, 213.053, 213.054, 213.31, 215.555,  
8           220.68, 288.1045, 288.106, 288.1066, 493.6102,  
9           516.031, 624.509, 627.311, 627.351, 650.05,  
10          655.071, 733.604, and 766.105, F.S., to conform  
11          to such repeal; repealing ss. 192.032(5),  
12          192.042(3), 193.114(4), 196.015(9), 213.27(2)  
13          and (7), 607.1622(1)(g), and 731.111(2), F.S.,  
14          relating to assessment of intangible personal  
15          property, the intangible personal property tax  
16          roll, filing of intangible tax returns as a  
17          factor in determining residency, Department of  
18          Revenue contracts to identify intangible tax  
19          liability, intangible tax liability information  
20          in a corporation's annual report, and claims  
21          against a decedent's estate for intangible  
22          taxes; providing an effective date.

23  
24 Be It Enacted by the Legislature of the State of Florida:

25  
26           Section 1. Chapter 199, Florida Statutes, consisting  
27 of sections 199.012, 199.023, 199.032, 199.042, 199.052,  
28 199.057, 199.062, 199.103, 199.104, 199.106, 199.133, 199.135,  
29 199.143, 199.145, 199.155, 199.175, 199.183, 199.185, 199.202,  
30 199.212, 199.218, 199.232, 199.262, 199.272, 199.282, 199.292,  
31 and 199.303, Florida Statutes, is hereby repealed.

1           Section 2. Paragraph (a) of subsection (1) of section  
2 72.011, Florida Statutes, 1996 Supplement, is amended to read:

3           72.011 Jurisdiction of circuit courts in specific tax  
4 matters; administrative hearings and appeals; time for  
5 commencing action; parties; deposits.--

6           (1)(a) A taxpayer may contest the legality of any  
7 assessment or denial of refund of tax, fee, surcharge, permit,  
8 interest, or penalty provided for under s. 125.0104, s.  
9 125.0108, chapter 198, ~~chapter 199~~, chapter 201, chapter 203,  
10 chapter 206, chapter 207, chapter 210, chapter 211, chapter  
11 212, chapter 213, chapter 220, chapter 221, s. 370.07(3),  
12 chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195,  
13 s. 403.7197, s. 538.09, s. 538.25, chapter 550, chapter 561,  
14 chapter 562, chapter 563, chapter 564, chapter 565, chapter  
15 624, or s. 681.117 by filing an action in circuit court; or,  
16 alternatively, the taxpayer may file a petition under the  
17 applicable provisions of chapter 120. However, once an action  
18 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.  
19 120.57, or s. 120.80(14)(b), no action relating to the same  
20 subject matter may be filed by the taxpayer in circuit court,  
21 and judicial review shall be exclusively limited to appellate  
22 review pursuant to s. 120.68; and once an action has been  
23 initiated in circuit court, no action may be brought under  
24 chapter 120.

25           Section 3. Subsection (5) of section 192.091, Florida  
26 Statutes, 1996 Supplement, is amended to read:

27           192.091 Commissions of property appraisers and tax  
28 collectors.--

29           (5) Provided, that the provisions of this section  
30 shall not apply to commissions on ~~intangible property taxes or~~  
31 ~~drainage district or drainage subdistrict taxes.~~ and

1           Section 4. Paragraph (b) of subsection (2) of section  
2 196.199, Florida Statutes, 1996 Supplement, is amended to  
3 read:

4           196.199 Government property exemption.--

5           (2) Property owned by the following governmental units  
6 but used by nongovernmental lessees shall only be exempt from  
7 taxation under the following conditions:

8           (b) Except as provided in paragraph (c), the exemption  
9 provided by this subsection shall not apply to those portions  
10 of a leasehold or other interest defined by s. 199.023(1)(d),  
11 Florida Statutes, 1995, subject to the provisions of  
12 subsection (7). ~~Such leasehold or other interest shall be~~  
13 ~~taxed only as intangible personal property pursuant to chapter~~  
14 ~~199 if rental payments are due in consideration of such~~  
15 ~~leasehold or other interest.~~ If no rental payments are due  
16 pursuant to the agreement creating such leasehold or other  
17 interest, the leasehold or other interest shall be taxed as  
18 real property. Nothing in this paragraph shall be deemed to  
19 exempt personal property, buildings, or other real property  
20 improvements owned by the lessee from ad valorem taxation.

21           Section 5. Section 196.1993, Florida Statutes, is  
22 amended to read:

23           196.1993 Certain agreements with local governments for  
24 use of public property; exemption.--Any agreement entered into  
25 with a local governmental authority prior to January 1, 1969,  
26 for use of public property, under which it was understood and  
27 agreed in a written instrument or by special act that no ad  
28 valorem real property taxes would be paid by the licensee or  
29 lessee, shall be deemed a license or management agreement for  
30 the use or management of public property. Such interest shall  
31 be deemed not to convey an interest in the property and shall

1 not be subject to ad valorem real property taxation. Nothing  
2 in this section shall be deemed to exempt such licensee from  
3 the ~~ad valorem intangible tax and the~~ ad valorem personal  
4 property tax.

5 Section 6. Subsection (4) of section 201.23, Florida  
6 Statutes, is amended to read:

7 201.23 Foreign notes and other written obligations  
8 exempt.--

9 (4) The excise taxes imposed by this chapter shall not  
10 apply to the documents, notes, evidences of indebtedness,  
11 financing statements, drafts, bills of exchange, or other  
12 taxable items dealt with, made, issued, drawn upon, accepted,  
13 delivered, shipped, received, signed, executed, assigned,  
14 transferred, or sold by or to a banking organization, as  
15 defined in s. 199.023(9), Florida Statutes, 1995, in the  
16 conduct of an international banking transaction, as defined in  
17 s. 199.023(11), Florida Statutes, 1995. Nothing in this  
18 subsection shall be construed to change the application of  
19 paragraph (2)(a).

20 Section 7. Subsection (19) of section 212.02, Florida  
21 Statutes, 1996 Supplement, is amended to read:

22 212.02 Definitions.--The following terms and phrases  
23 when used in this chapter have the meanings ascribed to them  
24 in this section, except where the context clearly indicates a  
25 different meaning:

26 (19) "Tangible personal property" means and includes  
27 personal property which may be seen, weighed, measured, or  
28 touched or is in any manner perceptible to the senses,  
29 including electric power or energy, boats, motor vehicles and  
30 mobile homes as defined in s. 320.01(1) and (2), aircraft as  
31 defined in s. 330.27, and all other types of vehicles. The

1 term "tangible personal property" does not include stocks,  
2 bonds, notes, insurance, or other obligations or securities, +  
3 ~~intangibles as defined by the intangible tax law of the state;~~  
4 or pari-mutuel tickets sold or issued under the racing laws of  
5 the state.

6 Section 8. Subsections (3), (6), and (11) of section  
7 213.015, Florida Statutes, 1996 Supplement, are amended to  
8 read:

9 213.015 Taxpayer rights.--There is created a Florida  
10 Taxpayer's Bill of Rights to guarantee that the rights,  
11 privacy, and property of Florida taxpayers are adequately  
12 safeguarded and protected during tax assessment, collection,  
13 and enforcement processes administered under the revenue laws  
14 of this state. The Taxpayer's Bill of Rights compiles, in one  
15 document, brief but comprehensive statements which explain, in  
16 simple, nontechnical terms, the rights and obligations of the  
17 Department of Revenue and taxpayers. The rights afforded  
18 taxpayers to assure that their privacy and property are  
19 safeguarded and protected during tax assessment and collection  
20 are available only insofar as they are implemented in other  
21 parts of the Florida Statutes or rules of the Department of  
22 Revenue. The rights so guaranteed Florida taxpayers in the  
23 Florida Statutes and the departmental rules are:

24 (3) The right to be represented or advised by counsel  
25 or other qualified representatives at any time in  
26 administrative interactions with the department, the right to  
27 procedural safeguards with respect to recording of interviews  
28 during tax determination or collection processes conducted by  
29 the department, and the right to have audits, inspections of  
30 records, and interviews conducted at a reasonable time and  
31 place except in criminal and internal investigations (see ss.

1 198.06, ~~199.218~~, 201.11(1), 203.02, 206.14, 211.125(3),  
2 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (13),  
3 212.13(5), 213.05, 213.21(1)(a) and (c), and 213.34).

4 (6) The right to be informed of impending collection  
5 actions which require sale or seizure of property or freezing  
6 of assets, except jeopardy assessments, and the right to at  
7 least 30 days' notice in which to pay the liability or seek  
8 further review (see ss. 198.20, ~~199.262~~, 201.16, 206.075,  
9 206.24, 211.125(5), 212.03(5), 212.0305(3)(k), 212.04(7),  
10 212.14(1), 213.73(3), 213.731, and 220.739).

11 (11) The right to procedures for requesting  
12 cancellation, release, or modification of liens filed by the  
13 department and for requesting that any lien which is filed in  
14 error be so noted on the lien cancellation filed by the  
15 department, in public notice, and in notice to any credit  
16 agency at the taxpayer's request (see ss. 198.22, ~~199.262~~,  
17 212.15(4), 213.733, and 220.819).

18 Section 9. Section 213.05, Florida Statutes, as  
19 amended by chapter 95-417, Laws of Florida, is amended to  
20 read:

21 213.05 Department of Revenue; control and  
22 administration of revenue laws.--The Department of Revenue  
23 shall have only those responsibilities for ad valorem taxation  
24 specified to the department in chapter 192, taxation, general  
25 provisions; chapter 193, assessments; chapter 194,  
26 administrative and judicial review of property taxes; chapter  
27 195, property assessment administration and finance; chapter  
28 196, exemption; chapter 197, tax collections, sales, and  
29 liens; ~~chapter 199, intangible personal property taxes;~~ and  
30 chapter 200, determination of millage. The Department of  
31 Revenue shall have the responsibility of regulating,

1 controlling, and administering all revenue laws and performing  
2 all duties as provided in s. 125.0104, the Local Option  
3 Tourist Development Act; s. 125.0108, tourist impact tax;  
4 chapter 198, estate taxes; chapter 201, excise tax on  
5 documents; chapter 203, gross receipts taxes; chapter 206,  
6 motor and other fuel taxes; chapter 211, tax on production of  
7 oil and gas and severance of solid minerals; chapter 212, tax  
8 on sales, use, and other transactions; chapter 220, income tax  
9 code; chapter 221, emergency excise tax; ss. 336.021 and  
10 336.025, taxes on motor fuel and special fuel; s. 370.07(3),  
11 Apalachicola Bay oyster surcharge; s. 376.11, pollutant spill  
12 prevention and control; s. 403.718, waste tire fees; s.  
13 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint  
14 disposal fees; s. 403.7197, advance disposal fees; s. 538.09,  
15 registration of secondhand dealers; s. 538.25, registration of  
16 secondary metals recyclers; s. 440.57, group self-insurer's  
17 fund premium tax; s. 624.5091, retaliatory tax; s. 624.475,  
18 commercial self-insurance fund premium tax; ss.  
19 624.509-624.511, insurance code: administration and general  
20 provisions; s. 624.515, State Fire Marshal regulatory  
21 assessment; s. 627.357, medical malpractice self-insurance  
22 premium tax; s. 629.5011, reciprocal insurers premium tax; and  
23 s. 681.117, motor vehicle warranty enforcement.

24 Section 10. Subsections (1) and (4), paragraph (1) of  
25 subsection (7), and paragraph (a) of subsection (14) of  
26 section 213.053, Florida Statutes, 1996 Supplement, and  
27 subsection (15) of said section, as amended by section 63 of  
28 chapter 96-406, Laws of Florida, are amended to read:

29 213.053 Confidentiality and information sharing.--

30 (1) The provisions of this section apply to s.  
31 125.0104, county government; s. 125.0108, tourist impact tax;

1 chapter 198, estate taxes; ~~chapter 199, intangible personal~~  
2 ~~property taxes~~; chapter 201, excise tax on documents; chapter  
3 203, gross receipts taxes; chapter 211, tax on severance and  
4 production of minerals; part I of chapter 212, tax on sales,  
5 use, and other transactions; chapter 220, income tax code;  
6 chapter 221, emergency excise tax; s. 370.07(3), Apalachicola  
7 Bay oyster surcharge; chapter 376, pollutant spill prevention  
8 and control; s. 403.718, waste tire fees; s. 403.7185,  
9 lead-acid battery fees; s. 403.7195, waste newsprint disposal  
10 fees; s. 403.7197, advance disposal fees; s. 538.09,  
11 registration of secondhand dealers; s. 538.25, registration of  
12 secondary metals recyclers; ss. 624.509-624.514, insurance  
13 code: administration and general provisions; s. 681.117, motor  
14 vehicle warranty enforcement; and s. 896.102, reports of  
15 financial transactions in trade or business.

16 (4) Nothing contained in this section shall prevent  
17 the department from publishing statistics so classified as to  
18 prevent the identification of particular accounts, reports,  
19 declarations, or returns or prevent the department from  
20 disclosing to the Comptroller the names and addresses of those  
21 taxpayers who have claimed ~~an exemption pursuant to s.~~  
22 ~~199.185(1)(i) or a deduction pursuant to s. 220.63(5).~~

23 (7) Notwithstanding any other provision of this  
24 section, the department may provide:

25 (1) Payment information relative to chapters ~~199~~, 201,  
26 212, 220, and 221 to the Department of Commerce in its  
27 administration of the tax refund program for qualified defense  
28 contractors authorized by s. 288.104 and the tax refund  
29 program for qualified target industry businesses authorized by  
30 s. 288.106.

31



1 Disclosure of information under this subsection shall be  
2 pursuant to a written agreement between the executive director  
3 and the agency. Such agencies, governmental or  
4 nongovernmental, shall be bound by the same requirements of  
5 confidentiality as the Department of Revenue. Breach of  
6 confidentiality is a misdemeanor of the first degree,  
7 punishable as provided by s. 775.082 or s. 775.083.

8 (14)(a) Notwithstanding any other provision of this  
9 section, the department shall, subject to the safeguards  
10 specified in paragraph (c), disclose to the Division of  
11 Corporations of the Department of State the name, address,  
12 federal employer identification number, and duration of tax  
13 filings with this state of all corporate or partnership  
14 entities which are not on file or have a dissolved status with  
15 the Division of Corporations and which have filed tax returns  
16 pursuant to ~~either chapter 199 or~~ chapter 220.

17 (15) The department may disclose location information  
18 limited to the names and addresses contained in returns,  
19 reports, accounts, or declarations filed with the department  
20 by persons subject to a tax enumerated in s. 213.05 to the  
21 Division of Child Support Enforcement to assist in the  
22 location of parents who owe or potentially owe a duty of  
23 support pursuant to Title IV-D of the Social Security Act.  
24 ~~Additionally, the department may disclose asset information~~  
25 ~~limited to the number of units, value, and description of all~~  
26 ~~intangible personal property contained in returns, reports,~~  
27 ~~accounts, or declarations filed with the department by persons~~  
28 ~~subject to the tax imposed in chapter 199 to the Division of~~  
29 ~~Child Support Enforcement to assist in the location of assets~~  
30 ~~owned by parents who owe or potentially owe a duty of support~~  
31 ~~pursuant to Title IV-D of the Social Security Act. Nothing in~~

1 this subsection authorizes the disclosure of information if  
2 such disclosure is prohibited by federal law. Employees of the  
3 Division of Child Support Enforcement are bound by the same  
4 requirements of confidentiality and the same penalties for  
5 violation of the requirements as the department.

6 Section 11. Section 213.054, Florida Statutes, 1996  
7 Supplement, is amended to read:

8 213.054 Persons claiming tax ~~exemptions~~ or deductions;  
9 annual report.--The Department of Revenue shall be responsible  
10 for monitoring the utilization of tax exemptions and tax  
11 deductions authorized pursuant to chapter 81-179, Laws of  
12 Florida. On or before September 1 of each year, the  
13 department shall report to the Comptroller the names and  
14 addresses of all persons who have claimed ~~an exemption~~  
15 ~~pursuant to s. 199.185(1)(i) or~~ a deduction pursuant to s.  
16 220.63(5).

17 Section 12. Section 213.31, Florida Statutes, is  
18 amended to read:

19 213.31 Corporation Tax Administration Trust  
20 Fund.--There is hereby created in the State Treasury the  
21 Corporation Tax Administration Trust Fund. Moneys in the fund  
22 are hereby appropriated to the Department of Revenue for the  
23 administration of taxes levied upon corporations, including,  
24 but not limited to, those imposed under ~~chapter 199,~~chapter  
25 220, or chapter 221.

26 Section 13. Paragraph (c) of subsection (6) of section  
27 215.555, Florida Statutes, 1996 Supplement, is amended to  
28 read:

29 215.555 Florida Hurricane Catastrophe Fund.--  
30 (6) REVENUE BONDS.--

31

1 (c) Florida Hurricane Catastrophe Fund Finance  
2 Corporation.--

3 1. In addition to the findings and declarations in  
4 subsection (1), the Legislature also finds and declares that:

5 a. The public benefits corporation created under this  
6 paragraph will provide a mechanism necessary for the  
7 cost-effective and efficient issuance of bonds. This mechanism  
8 will eliminate unnecessary costs in the bond issuance process,  
9 thereby increasing the amounts available to pay reimbursement  
10 for losses to property sustained as a result of hurricane  
11 damage.

12 b. The purpose of such bonds is to fund reimbursements  
13 through the Florida Hurricane Catastrophe Fund to pay for the  
14 costs of construction, reconstruction, repair, restoration,  
15 and other costs associated with damage to properties of  
16 policyholders of covered policies due to the occurrence of a  
17 hurricane.

18 2.a. There is created a public benefits corporation to  
19 be known as the Florida Hurricane Catastrophe Fund Finance  
20 Corporation.

21 b. The corporation shall operate under a five-member  
22 board of directors consisting of the Governor or a designee,  
23 the Comptroller or a designee, the Treasurer or a designee,  
24 the director of the Division of Bond Finance of the State  
25 Board of Administration, and the chief operating officer of  
26 the Florida Hurricane Catastrophe Fund.

27 c. The corporation has all of the powers of  
28 corporations under chapter 607 and under chapter 617.

29 d. The corporation may issue bonds and engage in such  
30 other financial transactions as are necessary to provide  
31 sufficient funds to achieve the purposes of this section.

1 e. The corporation may invest in any of the  
2 investments authorized under s. 215.47.

3 f. There shall be no liability on the part of, and no  
4 cause of action shall arise against, any board members or  
5 employees of the corporation for any actions taken by them in  
6 the performance of their duties under this paragraph.

7 3.a. In actions under chapter 75 to validate any bonds  
8 issued by the corporation, the notice required by s. 75.06  
9 shall be published only in Leon County and in two newspapers  
10 of general circulation in the state, and the complaint and  
11 order of the court shall be served only on the State Attorney  
12 of the Second Judicial Circuit.

13 b. The state hereby covenants with holders of bonds of  
14 the corporation that the state will not repeal or abrogate the  
15 power of the board to direct the Department of Insurance to  
16 levy the assessments and to collect the proceeds of the  
17 revenues pledged to the payment of such bonds as long as any  
18 such bonds remain outstanding unless adequate provision has  
19 been made for the payment of such bonds pursuant to the  
20 documents authorizing the issuance of such bonds.

21 4. The bonds of the corporation are not a debt of the  
22 state or of any political subdivision, and neither the state  
23 nor any political subdivision is liable on such bonds. The  
24 corporation does not have the power to pledge the credit, the  
25 revenues, or the taxing power of the state or of any political  
26 subdivision. The credit, revenues, or taxing power of the  
27 state or of any political subdivision shall not be deemed to  
28 be pledged to the payment of any bonds of the corporation.

29 5.a. The property, revenues, and other assets of the  
30 corporation; the transactions and operations of the  
31 corporation and the income from such transactions and

1 operations; and all bonds issued under this paragraph and  
2 interest on such bonds are exempt from taxation by the state  
3 and any political subdivision, including ~~the intangibles tax~~  
4 ~~under chapter 199~~ and the income tax under chapter 220. This  
5 exemption does not apply to any tax imposed by chapter 220 on  
6 interest, income, or profits on debt obligations owned by  
7 corporations other than the Florida Hurricane Catastrophe Fund  
8 Finance Corporation.

9           b. All bonds of the corporation shall be and  
10 constitute legal investments without limitation for all public  
11 bodies of this state; for all banks, trust companies, savings  
12 banks, savings associations, savings and loan associations,  
13 and investment companies; for all administrators, executors,  
14 trustees, and other fiduciaries; for all insurance companies  
15 and associations and other persons carrying on an insurance  
16 business; and for all other persons who are now or may  
17 hereafter be authorized to invest in bonds or other  
18 obligations of the state and shall be and constitute eligible  
19 securities to be deposited as collateral for the security of  
20 any state, county, municipal, or other public funds. This  
21 sub-subparagraph shall be considered as additional and  
22 supplemental authority and shall not be limited without  
23 specific reference to this sub-subparagraph.

24           6. The corporation and its corporate existence shall  
25 continue until terminated by law; however, no such law shall  
26 take effect as long as the corporation has bonds outstanding  
27 unless adequate provision has been made for the payment of  
28 such bonds pursuant to the documents authorizing the issuance  
29 of such bonds. Upon termination of the existence of the  
30 corporation, all of its rights and properties in excess of its  
31 obligations shall pass to and be vested in the state.

1           Section 14. Section 220.68, Florida Statutes, is  
2 amended to read:

3           220.68 Credit against tax.--There shall be allowed as  
4 a credit against the tax imposed by this part for the taxable  
5 year an amount which shall not exceed ~~whichever of the~~  
6 ~~following is the lesser:~~

7           ~~(1) The intangible tax imposed upon, and paid by, any~~  
8 ~~bank or savings association pursuant to s. 199.032; or~~

9           (2) sixty-five percent of the sum of the tax due  
10 pursuant to this part before the credit and the tax due  
11 pursuant to chapter 221.

12

13 However, the credit granted in this section shall be allowed  
14 only if the department is permitted by all appropriate federal  
15 agencies to audit the accounts and records of the bank or  
16 savings association claiming the credit, in order to determine  
17 that all taxes due the State of Florida are in fact paid, and  
18 the credit shall not be granted for any taxable year in which  
19 the department is denied access to such accounts and records.

20           Section 15. Paragraph (f) of subsection (2) and  
21 paragraphs (b), (c), and (d) of subsection (3) of section  
22 288.1045, Florida Statutes, 1996 Supplement, are amended to  
23 read:

24           288.1045 Qualified defense contractor tax refund  
25 program.--

26           (2) GRANTING OF A TAX REFUND; ELIGIBLE AMOUNTS.--

27           (f) After entering into a tax refund agreement  
28 pursuant to subsection (4), a qualified applicant may receive  
29 refunds from the Economic Development Trust Fund for the  
30 following taxes due and paid by the qualified applicant

31

1 beginning with the applicant's first taxable year that begins  
2 after entering into the agreement:

3 1. Taxes on sales, use, and other transactions paid  
4 pursuant to part I of chapter 212.

5 2. Corporate income taxes paid pursuant to chapter  
6 220.

7 ~~3. Intangible personal property taxes paid pursuant to~~  
8 ~~chapter 199.~~

9 3.4. Emergency excise taxes paid pursuant to chapter  
10 221.

11 4.5. Excise taxes paid on documents pursuant to  
12 chapter 201.

13 5.6. Ad valorem taxes paid, as defined in s.  
14 220.03(1)(a) on June 1, 1996.

15

16 However, a qualified applicant may not receive a tax refund  
17 pursuant to this section for any amount of credit, refund, or  
18 exemption granted such contractor for any of such taxes. If a  
19 refund for such taxes is provided by the Department of  
20 Commerce, which are subsequently adjusted by the application  
21 of any credit, refund, or exemption granted to the qualified  
22 applicant other than that provided in this section, the  
23 qualified applicant shall reimburse the Economic Development  
24 Trust Fund for the amount of such credit, refund, or  
25 exemption. A qualified applicant must notify and tender  
26 payment to the Department of Commerce within 20 days after  
27 receiving a credit, refund, or exemption, other than that  
28 provided in this section.

29 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
30 DETERMINATION.--

31

- 1 (b) Applications for certification based on the  
2 consolidation of a Department of Defense contract or a new  
3 Department of Defense contract must be submitted to the  
4 division as prescribed by the Department of Commerce and must  
5 include, but are not limited to, the following information:  
6 1. The applicant's federal employer identification  
7 number, the applicant's Florida sales tax registration number,  
8 and a notarized signature of an officer of the applicant.  
9 2. The permanent location of the manufacturing,  
10 assembling, fabricating, research, development, or design  
11 facility in this state at which the project is or is to be  
12 located.  
13 3. The Department of Defense contract numbers of the  
14 contract to be consolidated, the new Department of Defense  
15 contract number, or the "RFP" number of a proposed Department  
16 of Defense contract.  
17 4. The date the contract was executed or is expected  
18 to be executed, and the date the contract is due to expire or  
19 is expected to expire.  
20 5. The commencement date for project operations under  
21 the contract in this state.  
22 6. The number of full-time equivalent jobs in this  
23 state which are or will be dedicated to the project during the  
24 year and the average wage of such jobs.  
25 7. The total number of full-time equivalent employees  
26 employed by the applicant in this state.  
27 8. The percentage of the applicant's gross receipts  
28 derived from Department of Defense contracts during the 5  
29 taxable years immediately preceding the date the application  
30 is submitted.  
31 9. The amount of:



1           a. Taxes on sales, use, and other transactions paid  
2 pursuant to part I of chapter 212;  
3           b. Corporate income taxes paid pursuant to chapter  
4 220;  
5           ~~c. Intangible personal property taxes paid pursuant to~~  
6 ~~chapter 199;~~  
7           c.d. Emergency excise taxes paid pursuant to chapter  
8 221;  
9           d.e. Excise taxes paid on documents pursuant to  
10 chapter 201; and  
11           e.f. Ad valorem taxes paid  
12  
13 during the 5 fiscal years immediately preceding the date of  
14 the application, and the projected amounts of such taxes to be  
15 due in the 3 fiscal years immediately following the date of  
16 the application.  
17           10. The estimated amount of tax refunds to be claimed  
18 in each fiscal year.  
19           11. A brief statement concerning the applicant's need  
20 for tax refunds, and the proposed uses of such refunds by the  
21 applicant.  
22           12. A resolution adopted by the county commissioners  
23 of the county in which the project will be located, which  
24 recommends the applicant be approved as a qualified applicant,  
25 and which indicates that the necessary commitments of local  
26 financial support for the applicant exist. Prior to the  
27 adoption of the resolution, the county commission may review  
28 the proposed public or private sources of such support and  
29 determine whether the proposed sources of local financial  
30 support can be provided or, for any applicant whose project is  
31 located in a county designated by the Rural Economic

1 Development Initiative, a resolution adopted by the county  
2 commissioners of such county requesting that the applicant's  
3 project be exempt from the local financial support  
4 requirement.

5           13. Any additional information requested by the  
6 division.

7           (c) Applications for certification based on the  
8 conversion of defense production jobs to nondefense production  
9 jobs must be submitted to the division as prescribed by the  
10 Department of Commerce and must include, but are not limited  
11 to, the following information:

12           1. The applicant's federal employer identification  
13 number, the applicant's Florida sales tax registration number,  
14 and a notarized signature of an officer of the applicant.

15           2. The permanent location of the manufacturing,  
16 assembling, fabricating, research, development, or design  
17 facility in this state at which the project is or is to be  
18 located.

19           3. The Department of Defense contract numbers of the  
20 contract under which the defense production jobs will be  
21 converted to nondefense production jobs.

22           4. The date the contract was executed, and the date  
23 the contract is due to expire or is expected to expire, or was  
24 canceled.

25           5. The commencement date for the nondefense production  
26 operations in this state.

27           6. The number of full-time equivalent jobs in this  
28 state which are or will be dedicated to the nondefense  
29 production project during the year and the average wage of  
30 such jobs.

31

1           7. The total number of full-time equivalent employees  
2 employed by the applicant in this state.

3           8. The percentage of the applicant's gross receipts  
4 derived from Department of Defense contracts during the 5  
5 taxable years immediately preceding the date the application  
6 is submitted.

7           9. The amount of:

8           a. Taxes on sales, use, and other transactions paid  
9 pursuant to part I of chapter 212;

10           b. Corporate income taxes paid pursuant to chapter  
11 220;

12           ~~c. Intangible personal property taxes paid pursuant to~~  
13 ~~chapter 199;~~

14           c.d. Emergency excise taxes paid pursuant to chapter  
15 221;

16           d.e. Excise taxes paid on documents pursuant to  
17 chapter 201; and

18           e.f. Ad valorem taxes paid

19  
20 during the 5 fiscal years immediately preceding the date of  
21 the application, and the projected amounts of such taxes to be  
22 due in the 3 fiscal years immediately following the date of  
23 the application.

24           10. The estimated amount of tax refunds to be claimed  
25 in each fiscal year.

26           11. A brief statement concerning the applicant's need  
27 for tax refunds, and the proposed uses of such refunds by the  
28 applicant.

29           12. A resolution adopted by the county commissioners  
30 of the county in which the project will be located, which  
31 recommends the applicant be approved as a qualified applicant,

1 and which indicates that the necessary commitments of local  
2 financial support for the applicant exist. Prior to the  
3 adoption of the resolution, the county commission may review  
4 the proposed public or private sources of such support and  
5 determine whether the proposed sources of local financial  
6 support can be provided or, for any applicant whose project is  
7 located in a county designated by the Rural Economic  
8 Development Initiative, a resolution adopted by the county  
9 commissioners of such county requesting that the applicant's  
10 project be exempt from the local financial support  
11 requirement.

12           13. Any additional information requested by the  
13 division.

14           (d) Applications for certification based on a contract  
15 for reuse of a defense-related facility must be submitted to  
16 the division as prescribed by the Department of Commerce and  
17 must include, but are not limited to, the following  
18 information:

19           1. The applicant's Florida sales tax registration  
20 number and a notarized signature of an officer of the  
21 applicant.

22           2. The permanent location of the manufacturing,  
23 assembling, fabricating, research, development, or design  
24 facility in this state at which the project is or is to be  
25 located.

26           3. The business entity holding a valid Department of  
27 Defense contract or branch of the Armed Forces of the United  
28 States that previously occupied the facility, and the date  
29 such entity last occupied the facility.

30           4. A copy of the contract to reuse the facility, or  
31 such alternative proof as may be prescribed by the department

1 that the applicant is seeking to contract for the reuse of  
2 such facility.

3 5. The date the contract to reuse the facility was  
4 executed or is expected to be executed, and the date the  
5 contract is due to expire or is expected to expire.

6 6. The commencement date for project operations under  
7 the contract in this state.

8 7. The number of full-time equivalent jobs in this  
9 state which are or will be dedicated to the project during the  
10 year and the average wage of such jobs.

11 8. The total number of full-time equivalent employees  
12 employed by the applicant in this state.

13 9. The amount of:

14 a. Taxes on sales, use, and other transactions paid  
15 pursuant to part I of chapter 212.

16 b. Corporate income taxes paid pursuant to chapter  
17 220.

18 ~~c. Intangible personal property taxes paid pursuant to~~  
19 ~~chapter 199.~~

20 c.d. Emergency excise taxes paid pursuant to chapter  
21 221.

22 ~~d.e.~~ Excise taxes paid on documents pursuant to  
23 chapter 201.

24 ~~e.f.~~ Ad valorem taxes paid during the 5 fiscal years  
25 immediately preceding the date of the application, and the  
26 projected amounts of such taxes to be due in the 3 fiscal  
27 years immediately following the date of the application.

28 10. The estimated amount of tax refunds to be claimed  
29 in each fiscal year.

30  
31

1           11. A brief statement concerning the applicant's need  
2 for tax refunds, and the proposed uses of such refunds by the  
3 applicant.

4           12. A resolution adopted by the county commissioners  
5 of the county in which the project will be located, which  
6 recommends the applicant be approved as a qualified applicant,  
7 and which indicates that the necessary commitments of local  
8 financial support for the applicant exist. Prior to the  
9 adoption of the resolution, the county commission may review  
10 the proposed public or private sources of such support and  
11 determine whether the proposed sources of local financial  
12 support can be provided or, for any applicant whose project is  
13 located in a county designated by the Rural Economic  
14 Development Initiative, a resolution adopted by the county  
15 commissioners of such county requesting that the applicant's  
16 project be exempt from the local financial support  
17 requirement.

18           13. Any additional information requested by the  
19 division.

20           Section 16. Paragraph (c) of subsection (3) and  
21 paragraph (a) of subsection (4) of section 288.106, Florida  
22 Statutes, 1996 Supplement, are amended to read:

23           288.106 Tax refund program for qualified target  
24 industry businesses.--

25           (3) TAX REFUND; ELIGIBLE AMOUNTS.--

26           (c) After entering into a tax refund agreement under  
27 subsection (5), a qualified target industry business may  
28 receive refunds from the account for the following taxes due  
29 and paid by that business beginning with the first taxable  
30 year of the business which begins after entering into the  
31 agreement:

1           1. Taxes on sales, use, and other transactions under  
2 part I of chapter 212.

3           2. Corporate income taxes under chapter 220.

4           ~~3. Intangible personal property taxes under chapter~~  
5 ~~199.~~

6           3.4. Emergency excise taxes under chapter 221.

7           4.5. Excise taxes on documents under chapter 201.

8           5.6. Ad valorem taxes paid, as defined in s.  
9 220.03(1).

10          6.7. Insurance premium tax under s. 624.509.

11

12 However, a qualified target industry business may not receive  
13 a refund under this section for any amount of credit, refund,  
14 or exemption granted to that business for any of such taxes.

15 If a refund for such taxes is provided by the office, which  
16 taxes are subsequently adjusted by the application of any  
17 credit, refund, or exemption granted to the qualified target  
18 industry business other than as provided in this section, the  
19 business shall reimburse the account for the amount of that  
20 credit, refund, or exemption. A qualified target industry  
21 business shall notify and tender payment to the office within  
22 20 days after receiving any credit, refund, or exemption other  
23 than one provided in this section.

24           (4) APPLICATION AND APPROVAL PROCESS.--

25           (a) To apply for certification as a qualified target  
26 industry business under this section, the business must file  
27 an application with the office before the business has made  
28 the decision to locate a new business in this state or before  
29 the business had made the decision to expand an existing  
30 business in this state. The application shall include, but is  
31 not limited to, the following information:

- 1           1. The applicant's federal employer identification  
2 number and the applicant's state sales tax registration  
3 number.
- 4           2. The permanent location of the applicant's facility  
5 in this state at which the project is or is to be located.
- 6           3. A description of the type of business activity or  
7 product covered by the project, including four-digit SIC codes  
8 for all activities included in the project.
- 9           4. The number of full-time equivalent jobs in this  
10 state that are or will be dedicated to the project and the  
11 average wage of those jobs. If more than one type of business  
12 activity or product is included in the project, the number of  
13 jobs and average wage for those jobs must be separately stated  
14 for each type of business activity or product.
- 15           5. The total number of full-time equivalent employees  
16 employed by the applicant in this state.
- 17           6. The anticipated commencement date of the project.
- 18           7. The amount of:
  - 19           a. Taxes on sales, use, and other transactions paid  
20 under part I of chapter 212;
  - 21           b. Corporate income taxes paid under chapter 220;
  - 22           c. ~~Intangible personal property taxes paid under~~  
23 ~~chapter 199;~~
  - 24           c.d. Emergency excise taxes paid under chapter 221;
  - 25 and
  - 26           d.e. Excise taxes on documents paid under chapter 201.
- 27           8. The estimated amount of tax refunds to be claimed  
28 in each fiscal year.
- 29           9. A brief statement concerning the role that the tax  
30 refunds requested will play in the decision of the applicant  
31 to locate or expand in this state.



1           10. An estimate of the proportion of the sales  
2 resulting from the project that will be made outside this  
3 state.

4           11. A resolution adopted by the governing board of the  
5 county or municipality in which the project will be located,  
6 which resolution recommends that certain types of businesses  
7 be approved as a qualified target industry business and states  
8 that the commitments of local financial support necessary for  
9 the target industry business exist. Before adoption of the  
10 resolution, the governing board may review the proposed public  
11 or private sources of such support and determine whether the  
12 proposed sources of local financial support can be provided.

13           12. Any additional information requested by the  
14 office.

15           Section 17. Paragraph (c) of subsection (1) and  
16 paragraph (d) of subsection (2) of section 288.1066, Florida  
17 Statutes, 1996 Supplement, are amended to read:

18           288.1066 Confidentiality of records.--

19           (1) The following information when received by the  
20 Department of Commerce; the Office of Tourism, Trade, and  
21 Economic Development; Enterprise Florida, Inc.; or county or  
22 municipal governmental entities and their employees pursuant  
23 to the qualified defense contractor tax refund program as  
24 required by s. 288.104 is confidential and exempt from the  
25 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
26 Constitution for a period not to exceed the duration of the  
27 tax refund agreement or 10 years, whichever is earlier:

28           (c) The amount of:

29           1. Taxes on sales, use, and other transactions paid  
30 pursuant to chapter 212;

31

1           2. Corporate income taxes paid pursuant to chapter  
2 220;  
3           ~~3. Intangible personal property taxes paid pursuant to~~  
4 ~~chapter 199;~~  
5           3.4. Emergency excise taxes paid pursuant to chapter  
6 221; and  
7           4.5. Ad valorem taxes paid  
8  
9 during the 5 fiscal years immediately preceding the date of  
10 the application, and the projected amounts of such taxes to be  
11 due in the 3 fiscal years immediately following the date of  
12 the application.  
13           (2) The following information when received by the  
14 Department of Commerce; the Office of Tourism, Trade, and  
15 Economic Development; Enterprise Florida, Inc.; or county or  
16 municipal governmental entities and their employees pursuant  
17 to the qualified target industry tax refund program as  
18 required by s. 288.106 is confidential and exempt from the  
19 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
20 Constitution for a period not to exceed the duration of the  
21 tax refund agreement or 10 years, whichever is earlier:  
22           (d) The amount of:  
23           1. Taxes on sales, use, and other transactions paid  
24 pursuant to chapter 212;  
25           2. Corporate income taxes paid pursuant to chapter  
26 220;  
27           ~~3. Intangible personal property taxes paid pursuant to~~  
28 ~~chapter 199;~~  
29           3.4. Emergency excise taxes paid pursuant to chapter  
30 221; and  
31           4.5. Ad valorem taxes paid

1  
2 during the 5 fiscal years immediately preceding the date of  
3 the application, and the projected amounts of such taxes to be  
4 due in the 3 fiscal years immediately following the date of  
5 the application.

6 Section 18. Subsection (13) of section 493.6102,  
7 Florida Statutes, 1996 Supplement, is amended to read:

8 493.6102 Inapplicability of parts I through IV of this  
9 chapter.--This chapter shall not apply to:

10 (13) Any individual employed as a security officer by  
11 a church or ecclesiastical or denominational organization  
12 having an established physical place of worship in this state  
13 at which nonprofit religious services and activities are  
14 regularly conducted or by a church cemetery ~~religious~~  
15 ~~institution as defined in s. 199.183(2)(a)~~ to provide security  
16 on the ~~institution~~ property of the organization or cemetery,  
17 and who does not carry a firearm in the course of his or her  
18 duties.

19 Section 19. Paragraph (a) of subsection (3) of section  
20 516.031, Florida Statutes, is amended to read:

21 516.031 Finance charge; maximum rates.--

22 (3) OTHER CHARGES.--

23 (a) In addition to the interest and insurance charges  
24 herein provided for, no further or other charges or amount  
25 whatsoever for any examination, service, commission, or other  
26 thing or otherwise shall be directly or indirectly charged,  
27 contracted for, or received as a condition to the grant of a  
28 loan, except:

29 1. An amount not to exceed \$10 to reimburse a portion  
30 of the costs for investigating the character and credit of the  
31 person applying for the loan;

1           2. An annual fee of \$25 on the anniversary date of  
2 each line-of-credit account;

3           3. Charges paid for brokerage fee on a loan or line of  
4 credit of more than \$10,000, title insurance, and the  
5 appraisal of real property offered as security when paid to a  
6 third party and supported by an actual expenditure;

7           ~~4. Intangible personal property tax on the loan note~~  
8 ~~or obligation when secured by a lien on real property;~~

9           4.5. The documentary excise tax and lawful fees, if  
10 any, actually and necessarily paid out by the licensee to any  
11 public officer for filing, recording, or releasing in any  
12 public office any instrument securing the loan, which fees may  
13 be collected when the loan is made or at any time thereafter;

14           ~~5.6.~~ The premium payable for any insurance in lieu of  
15 perfecting any security interest otherwise required by the  
16 licensee in connection with the loan, if the premium does not  
17 exceed the fees which would otherwise be payable, which  
18 premium may be collected when the loan is made or at any time  
19 thereafter;

20           6.7. Actual and reasonable attorney's fees and court  
21 costs as determined by the court in which suit is filed; or

22           7.8. Actual and commercially reasonable expenses of  
23 repossession, storing, repairing and placing in condition for  
24 sale, and selling of any property pledged as security.

25

26 Any charges, including interest, in excess of the combined  
27 total of all charges authorized and permitted by this chapter  
28 constitute a violation of chapter 687 governing interest and  
29 usury, and the penalties of that chapter apply. In the event  
30 of a bona fide error, the licensee shall refund or credit the  
31

1 borrower with the amount of the overcharge immediately but  
2 within 20 days from the discovery of such error.

3 Section 20. Subsections (4), (7), and (8) of section  
4 624.509, Florida Statutes, are amended to read:

5 624.509 Premium tax; rate and computation.--

6 (4) ~~The intangible tax imposed under chapter 199,~~The  
7 income tax imposed under chapter 220, and the emergency excise  
8 tax imposed under chapter 221 which are paid by any insurer  
9 shall be credited against, and to the extent thereof shall  
10 discharge, the liability for tax imposed by this section for  
11 the annual period in which such tax payments are made. As to  
12 any insurer issuing policies insuring against loss or damage  
13 from the risks of fire, tornado, and certain casualty lines,  
14 the tax imposed by this section, as intended and contemplated  
15 by this subsection, shall be construed to mean the net amount  
16 of such tax remaining after there has been credited thereon  
17 such gross premium receipts tax as may be payable by such  
18 insurer in pursuance of the imposition of such tax by any  
19 incorporated cities or towns in the state for firemen's relief  
20 and pension funds and policemen's retirement funds maintained  
21 in such cities or towns, as provided in and by relevant  
22 provisions of the Florida Statutes. For purposes of this  
23 subsection, payments of estimated income tax under chapter 220  
24 and of estimated emergency excise tax under chapter 221 shall  
25 be deemed paid either at the time the insurer actually files  
26 its annual returns under chapter 220 or at the time such  
27 returns are required to be filed, whichever first occurs, and  
28 not at such earlier time as such payments of estimated tax are  
29 actually made.

30 (7) Credits and deductions against the tax imposed by  
31 this section shall be taken in the following order: deductions

1 for assessments made pursuant to s. 440.51; credits for taxes  
2 paid under ss. 175.101 and 185.08; credits for income taxes  
3 paid under chapter 220, the emergency excise tax paid under  
4 chapter 221 and the credit allowed under subsection (5), as  
5 these credits are limited by subsection (6); ~~credits for~~  
6 ~~intangible taxes paid under chapter 199~~; all other available  
7 credits and deductions.

8 (8) From and after July 1, 1980, the premium tax  
9 authorized by this section shall not be imposed upon receipts  
10 of annuity premiums or considerations paid by holders in this  
11 state ~~and from and after July 1, 1991, the intangible tax~~  
12 ~~imposed by chapter 199 shall not be imposed on assets equal to~~  
13 ~~the statutory legal reserves of annuity products maintained by~~  
14 ~~insurance companies on behalf of their holders~~ if the tax  
15 savings derived are credited to the annuity holders. Upon  
16 request by the Department of Revenue, any insurer availing  
17 itself of this provision shall submit to the department  
18 evidence which establishes that the tax savings derived have  
19 been credited to annuity holders. As used in this subsection,  
20 the term "holders" shall be deemed to include employers  
21 contributing to an employee's pension, annuity, or  
22 profit-sharing plan.

23 Section 21. Paragraph (1) of subsection (4) of section  
24 627.311, Florida Statutes, is amended to read:

25 627.311 Joint underwriters and joint reinsurers.--

26 (4)

27 (1) Each joint underwriting plan or association  
28 created under this section is not a state agency, board, or  
29 commission. However, ~~for the purposes of s. 199.183(1) only,~~  
30 ~~the joint underwriting plan is a political subdivision of the~~  
31 ~~state and~~ is exempt from the corporate income tax.

1           Section 22. Paragraph (j) of subsection (6) of section  
2 627.351, Florida Statutes, 1996 Supplement, is amended to  
3 read:

4           627.351 Insurance risk apportionment plans.--

5           (6) RESIDENTIAL PROPERTY AND CASUALTY JOINT  
6 UNDERWRITING ASSOCIATION.--

7           (j) The Residential Property and Casualty Joint  
8 Underwriting Association is not a state agency, board, or  
9 commission. However, ~~for the purposes of s. 199.183(1), the~~  
10 Residential Property and Casualty Joint Underwriting  
11 Association ~~shall be considered a political subdivision of the~~  
12 ~~state and~~ shall be exempt from the corporate income tax.

13           Section 23. Paragraph (b) of subsection (6) of section  
14 650.05, Florida Statutes, is amended to read:

15           650.05 Plans for coverage of employees of political  
16 subdivisions.--

17           (6)

18           (b) The grants-in-aid and other revenue referred to in  
19 paragraph (a) specifically include, but are not limited to,  
20 minimum foundation program grants to public school districts  
21 and community colleges; gasoline, motor fuel, ~~intangible,~~  
22 cigarette, racing, and insurance premium taxes distributed to  
23 political subdivisions; and amounts specifically appropriated  
24 as grants-in-aid for mental health, mental retardation, and  
25 mosquito control programs.

26           Section 24. Subsection (1) of section 655.071, Florida  
27 Statutes, is amended to read:

28           655.071 International banking facilities; definitions;  
29 notice before establishment.--

30           (1) "International banking facility" means a set of  
31 asset and liability accounts segregated on the books and

1 records of a banking organization, as that term is defined in  
2 s. 199.023, Florida Statutes, 1995, that includes only  
3 international banking facility deposits, borrowings, and  
4 extensions of credit, as those terms shall be defined by the  
5 department pursuant to subsection (2).

6 Section 25. Subsection (2) of section 733.604, Florida  
7 Statutes, is amended to read:

8 733.604 Inventory.--

9 (2) The personal representative shall serve a copy of  
10 the inventory on ~~the Department of Revenue, as provided in s.~~  
11 ~~199.062(4)~~, the surviving spouse, each heir at law in an  
12 intestate estate, each residuary beneficiary in a testate  
13 estate, and any other interested person who may request it;  
14 and the personal representative shall file proof of such  
15 service. The inventory shall be verified by the personal  
16 representative.

17 Section 26. Paragraph (a) of subsection (1) of section  
18 766.105, Florida Statutes, 1996 Supplement, is amended to  
19 read:

20 766.105 Florida Patient's Compensation Fund.--

21 (1) DEFINITIONS.--The following definitions apply in  
22 the interpretation and enforcement of this section:

23 (a) The term "fund" means the Florida Patient's  
24 Compensation Fund. The fund is not a state agency, board, or  
25 commission. ~~However, for the purposes of s. 199.183(1) only,~~  
26 ~~the fund shall be considered a political subdivision of this~~  
27 ~~state.~~

28 Section 27. Subsection (5) of section 192.032,  
29 subsection (3) of section 192.042, subsection (4) of section  
30 193.114, subsection (9) of section 196.015, subsections (2)  
31 and (7) of section 213.27, paragraph (g) of subsection (1) of



1 section 607.1622, and subsection (2) of section 731.111, all  
2 Florida Statutes, are hereby repealed.

3           Section 28. This act shall take effect January 1,  
4 1998.

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6                           \*\*\*\*\*

7                           HOUSE SUMMARY

8           Repeals the taxes on intangible personal property.  
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