

By Representative Ritchie

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,
 8 220.1845, 288.039, 288.1045, 288.106, 288.1066,
 9 376.30781, 440.49, 493.6102, 516.031, 624.509,
 10 627.311, 627.351, 650.05, 655.071, 733.604, and
 11 766.105, F.S., to conform to such repeal;
 12 repealing ss. 192.032(5), 192.042(3),
 13 193.114(4), 196.015(9), 213.27(2) and (7),
 14 607.1622(1)(g), and 731.111(2), F.S., relating
 15 to assessment of intangible personal property,
 16 the intangible personal property tax roll,
 17 filing of intangible tax returns as a factor in
 18 determining residency, Department of Revenue
 19 contracts to identify intangible tax liability,
 20 intangible tax liability information in a
 21 corporation's annual report, and claims against
 22 a decedent's estate for intangible taxes;
 23 providing an effective date.

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

26
 27 Section 1. Chapter 199, Florida Statutes, consisting
 28 of sections 199.012, 199.023, 199.032, 199.033, 199.042,
 29 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106,
 30 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183,
 31 199.185, 199.202, 199.212, 199.218, 199.232, 199.262, 199.272,

1 199.282, 199.292, and 199.303, Florida Statutes, is hereby
2 repealed.

3 Section 2. Paragraph (a) of subsection (1) of section
4 72.011, Florida Statutes, 1998 Supplement, is amended to read:

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

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

27 Section 3. Subsection (5) of section 192.091, Florida
28 Statutes, is amended to read:

29 192.091 Commissions of property appraisers and tax
30 collectors.--

31

1 (5) Provided, that the provisions of this section
2 shall not apply to commissions on ~~intangible property taxes or~~
3 drainage district or drainage subdistrict taxes. ~~† and~~

4 Section 4. Paragraph (b) of subsection (2) of section
5 196.199, Florida Statutes, is amended to read:

6 196.199 Government property exemption.--

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

10 (b) Except as provided in paragraph (c), the exemption
11 provided by this subsection shall not apply to those portions
12 of a leasehold or other interest defined by s. 199.023(1)(d),
13 Florida Statutes, 1997, subject to the provisions of
14 subsection (7). ~~Such leasehold or other interest shall be~~
15 ~~taxed only as intangible personal property pursuant to chapter~~
16 ~~199 if rental payments are due in consideration of such~~
17 ~~leasehold or other interest.~~ If no rental payments are due
18 pursuant to the agreement creating such leasehold or other
19 interest, the leasehold or other interest shall be taxed as
20 real property. Nothing in this paragraph shall be deemed to
21 exempt personal property, buildings, or other real property
22 improvements owned by the lessee from ad valorem taxation.

23 Section 5. Section 196.1993, Florida Statutes, is
24 amended to read:

25 196.1993 Certain agreements with local governments for
26 use of public property; exemption.--Any agreement entered into
27 with a local governmental authority prior to January 1, 1969,
28 for use of public property, under which it was understood and
29 agreed in a written instrument or by special act that no ad
30 valorem real property taxes would be paid by the licensee or
31 lessee, shall be deemed a license or management agreement for

1 the use or management of public property. Such interest shall
2 be deemed not to convey an interest in the property and shall
3 not be subject to ad valorem real property taxation. Nothing
4 in this section shall be deemed to exempt such licensee from
5 the ~~ad valorem intangible tax and the~~ ad valorem personal
6 property tax.

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

9 201.23 Foreign notes and other written obligations
10 exempt.--

11 (4) The excise taxes imposed by this chapter shall not
12 apply to the documents, notes, evidences of indebtedness,
13 financing statements, drafts, bills of exchange, or other
14 taxable items dealt with, made, issued, drawn upon, accepted,
15 delivered, shipped, received, signed, executed, assigned,
16 transferred, or sold by or to a banking organization, as
17 defined in s. 199.023(9), Florida Statutes, 1997, in the
18 conduct of an international banking transaction, as defined in
19 s. 199.023(11), Florida Statutes, 1997. Nothing in this
20 subsection shall be construed to change the application of
21 paragraph (2)(a).

22 Section 7. Subsection (19) of section 212.02, Florida
23 Statutes, 1998 Supplement, is amended to read:

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

28 (19) "Tangible personal property" means and includes
29 personal property which may be seen, weighed, measured, or
30 touched or is in any manner perceptible to the senses,
31 including electric power or energy, boats, motor vehicles and

1 mobile homes as defined in s. 320.01(1) and (2), aircraft as
2 defined in s. 330.27, and all other types of vehicles. The
3 term "tangible personal property" does not include stocks,
4 bonds, notes, insurance, or other obligations or securities,+
5 ~~intangibles as defined by the intangible tax law of the state,~~
6 or pari-mutuel tickets sold or issued under the racing laws of
7 the state.

8 Section 8. Subsections (3), (6), and (11) of section
9 213.015, Florida Statutes, are amended to read:

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

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

1 place except in criminal and internal investigations (see ss.
2 198.06, ~~199.218~~, 201.11(1), 203.02, 206.14, 211.125(3),
3 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (13),
4 212.13(5), 213.05, 213.21(1)(a) and (c), and 213.34).

5 (6) The right to be informed of impending collection
6 actions which require sale or seizure of property or freezing
7 of assets, except jeopardy assessments, and the right to at
8 least 30 days' notice in which to pay the liability or seek
9 further review (see ss. 198.20, ~~199.262~~, 201.16, 206.075,
10 206.24, 211.125(5), 212.03(5), 212.0305(3)(k), 212.04(7),
11 212.14(1), 213.73(3), 213.731, and 220.739).

12 (11) The right to procedures for requesting
13 cancellation, release, or modification of liens filed by the
14 department and for requesting that any lien which is filed in
15 error be so noted on the lien cancellation filed by the
16 department, in public notice, and in notice to any credit
17 agency at the taxpayer's request (see ss. 198.22, ~~199.262~~,
18 212.15(4), 213.733, and 220.819).

19 Section 9. Section 213.05, Florida Statutes, is
20 amended to 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), paragraphs (l)
25 and (q) of subsection (7), and paragraph (a) of subsection
26 (14) of section 213.053, Florida Statutes, 1998 Supplement,
27 are amended to read:

28 213.053 Confidentiality and information sharing.--
29 (1) The provisions of this section apply to s.
30 125.0104, county government; s. 125.0108, tourist impact tax;
31 chapter 175, municipal firefighters' pension trust funds;

1 chapter 185, municipal police officers' retirement trust
2 funds; chapter 198, estate taxes; ~~chapter 199, intangible~~
3 ~~personal property taxes;~~chapter 201, excise tax on documents;
4 chapter 203, gross receipts taxes; chapter 211, tax on
5 severance and production of minerals; chapter 212, tax on
6 sales, use, and other transactions; chapter 220, income tax
7 code; chapter 221, emergency excise tax; s. 252.372, emergency
8 management, preparedness, and assistance surcharge; s.
9 370.07(3), Apalachicola Bay oyster surcharge; chapter 376,
10 pollutant spill prevention and control; s. 403.718, waste tire
11 fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste
12 newsprint disposal fees; s. 538.09, registration of secondhand
13 dealers; s. 538.25, registration of secondary metals
14 recyclers; ss. 624.501 and 624.509-624.515, insurance code; s.
15 681.117, motor vehicle warranty enforcement; and s. 896.102,
16 reports of financial transactions in trade or business.

17 (4) Nothing contained in this section shall prevent
18 the department from publishing statistics so classified as to
19 prevent the identification of particular accounts, reports,
20 declarations, or returns or prevent the department from
21 disclosing to the Comptroller the names and addresses of those
22 taxpayers who have claimed ~~an exemption pursuant to s.~~
23 ~~199.185(1)(i) or~~ a deduction pursuant to s. 220.63(5).

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

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

1 (q) Information relative to ss. ~~199.1055~~, 220.1845,
2 and 376.30781 to the Department of Environmental Protection in
3 the conduct of its official business.

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

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

21 Section 11. Section 213.054, Florida Statutes, is
22 amended to read:

23 213.054 Persons claiming tax ~~exemptions or~~ deductions;
24 annual report.--The Department of Revenue shall be responsible
25 for monitoring the utilization of tax exemptions and tax
26 deductions authorized pursuant to chapter 81-179, Laws of
27 Florida. On or before September 1 of each year, the
28 department shall report to the Comptroller the names and
29 addresses of all persons who have claimed ~~an exemption~~
30 ~~pursuant to s. 199.185(1)(i) or~~ a deduction pursuant to s.
31 220.63(5).

1 Section 12. Section 213.31, Florida Statutes, is
2 amended to read:

3 213.31 Corporation Tax Administration Trust
4 Fund.--There is hereby created in the State Treasury the
5 Corporation Tax Administration Trust Fund. Moneys in the fund
6 are hereby appropriated to the Department of Revenue for the
7 administration of taxes levied upon corporations, including,
8 but not limited to, those imposed under ~~chapter 199~~, chapter
9 220, or chapter 221.

10 Section 13. Paragraph (c) of subsection (6) of section
11 215.555, Florida Statutes, 1998 Supplement, is amended to
12 read:

13 215.555 Florida Hurricane Catastrophe Fund.--

14 (6) REVENUE BONDS.--

15 (c) Florida Hurricane Catastrophe Fund Finance
16 Corporation.--

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

19 a. The public benefits corporation created under this
20 paragraph will provide a mechanism necessary for the
21 cost-effective and efficient issuance of bonds. This mechanism
22 will eliminate unnecessary costs in the bond issuance process,
23 thereby increasing the amounts available to pay reimbursement
24 for losses to property sustained as a result of hurricane
25 damage.

26 b. The purpose of such bonds is to fund reimbursements
27 through the Florida Hurricane Catastrophe Fund to pay for the
28 costs of construction, reconstruction, repair, restoration,
29 and other costs associated with damage to properties of
30 policyholders of covered policies due to the occurrence of a
31 hurricane.

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

4 b. The corporation shall operate under a five-member
5 board of directors consisting of the Governor or a designee,
6 the Comptroller or a designee, the Treasurer or a designee,
7 the director of the Division of Bond Finance of the State
8 Board of Administration, and the chief operating officer of
9 the Florida Hurricane Catastrophe Fund.

10 c. The corporation has all of the powers of
11 corporations under chapter 607 and under chapter 617.

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

15 e. The corporation may invest in any of the
16 investments authorized under s. 215.47.

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

21 3.a. In actions under chapter 75 to validate any bonds
22 issued by the corporation, the notice required by s. 75.06
23 shall be published only in Leon County and in two newspapers
24 of general circulation in the state, and the complaint and
25 order of the court shall be served only on the State Attorney
26 of the Second Judicial Circuit.

27 b. The state hereby covenants with holders of bonds of
28 the corporation that the state will not repeal or abrogate the
29 power of the board to direct the Department of Insurance to
30 levy the assessments and to collect the proceeds of the
31 revenues pledged to the payment of such bonds as long as any

1 such bonds remain outstanding unless adequate provision has
2 been made for the payment of such bonds pursuant to the
3 documents authorizing the issuance of such bonds.

4 4. The bonds of the corporation are not a debt of the
5 state or of any political subdivision, and neither the state
6 nor any political subdivision is liable on such bonds. The
7 corporation does not have the power to pledge the credit, the
8 revenues, or the taxing power of the state or of any political
9 subdivision. The credit, revenues, or taxing power of the
10 state or of any political subdivision shall not be deemed to
11 be pledged to the payment of any bonds of the corporation.

12 5.a. The property, revenues, and other assets of the
13 corporation; the transactions and operations of the
14 corporation and the income from such transactions and
15 operations; and all bonds issued under this paragraph and
16 interest on such bonds are exempt from taxation by the state
17 and any political subdivision, including ~~the intangibles tax~~
18 ~~under chapter 199~~ and the income tax under chapter 220. This
19 exemption does not apply to any tax imposed by chapter 220 on
20 interest, income, or profits on debt obligations owned by
21 corporations other than the Florida Hurricane Catastrophe Fund
22 Finance Corporation.

23 b. All bonds of the corporation shall be and
24 constitute legal investments without limitation for all public
25 bodies of this state; for all banks, trust companies, savings
26 banks, savings associations, savings and loan associations,
27 and investment companies; for all administrators, executors,
28 trustees, and other fiduciaries; for all insurance companies
29 and associations and other persons carrying on an insurance
30 business; and for all other persons who are now or may
31 hereafter be authorized to invest in bonds or other

1 obligations of the state and shall be and constitute eligible
2 securities to be deposited as collateral for the security of
3 any state, county, municipal, or other public funds. This
4 sub-subparagraph shall be considered as additional and
5 supplemental authority and shall not be limited without
6 specific reference to this sub-subparagraph.

7 6. The corporation and its corporate existence shall
8 continue until terminated by law; however, no such law shall
9 take effect as long as the corporation has bonds outstanding
10 unless adequate provision has been made for the payment of
11 such bonds pursuant to the documents authorizing the issuance
12 of such bonds. Upon termination of the existence of the
13 corporation, all of its rights and properties in excess of its
14 obligations shall pass to and be vested in the state.

15 Section 14. Section 220.1845, Florida Statutes, 1998
16 Supplement, is amended to read:

17 220.1845 Contaminated site rehabilitation tax
18 credit.--

19 (1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--

20 (a) A credit in the amount of 35 percent of the costs
21 of voluntary cleanup activity that is integral to site
22 rehabilitation at the following sites is allowed against any
23 tax due for a taxable year under this chapter:

24 1. A drycleaning-solvent-contaminated site eligible
25 for state-funded site rehabilitation under s. 376.3078(3);

26 2. A drycleaning-solvent-contaminated site at which
27 cleanup is undertaken by the real property owner pursuant to
28 s. 376.3078(11), if the real property owner is not also, and
29 has never been, the owner or operator of the drycleaning
30 facility where the contamination exists; or
31

1 3. A brownfield site in a designated brownfield area
2 under s. 376.80.

3 (b) A taxpayer, or multiple taxpayers working jointly
4 to clean up a single site, may not receive more than \$250,000
5 per year in tax credits for each site voluntarily
6 rehabilitated. Multiple taxpayers shall receive tax credits in
7 the same proportion as their contribution to payment of
8 cleanup costs. Subject to the same conditions and limitations
9 as provided in this section, a municipality or county which
10 voluntarily rehabilitates a site may receive not more than
11 \$250,000 per year in tax credits which it can subsequently
12 transfer subject to the provisions in paragraph (g) ~~(h)~~.

13 (c) If the credit granted under this section is not
14 fully used in any one year because of insufficient tax
15 liability on the part of the corporation, the unused amount
16 may be carried forward for a period not to exceed 5 years. The
17 carryover credit may be used in a subsequent year when the tax
18 imposed by this chapter for that year exceeds the credit for
19 which the corporation is eligible in that year under this
20 section after applying the other credits and unused carryovers
21 in the order provided by s. 220.02(10).

22 (d) A taxpayer that files a consolidated return in
23 this state as a member of an affiliated group under s.
24 220.131(1) may be allowed the credit on a consolidated return
25 basis up to the amount of tax imposed upon and paid by the
26 taxpayer that incurred the rehabilitation costs.

27 ~~(e) A taxpayer that receives credit under s. 199.1055~~
28 ~~is ineligible to receive credit under this section in a given~~
29 ~~tax year.~~

30 (e)(f) A taxpayer that receives state-funded site
31 rehabilitation under s. 376.3078(3) for rehabilitation of a

1 drycleaning-solvent-contaminated site is ineligible to receive
2 credit under this section for costs incurred by the taxpayer
3 in conjunction with the rehabilitation of that site during the
4 same time period that state-administered site rehabilitation
5 was underway.

6 (f)~~(g)~~ The total amount of the tax credits which may
7 be granted under this section ~~and s. 199.1055~~ is \$2 million
8 annually.

9 (g)~~(h)~~1. Tax credits that may be available under this
10 section to an entity eligible under s. 376.30781 may be
11 transferred after a merger or acquisition to the surviving or
12 acquiring entity and used in the same manner and with the same
13 limitations.

14 2. The entity or its surviving or acquiring entity as
15 described in subparagraph 1., may transfer any unused credit
16 in whole or in units of no less than 25 percent of the
17 remaining credit. The entity acquiring such credit may use it
18 in the same manner and with the same limitation as described
19 in this section. Such transferred credits may not be
20 transferred again although they may succeed to a surviving or
21 acquiring entity subject to the same conditions and
22 limitations as described in this section.

23 3. In the event the credit provided for under this
24 section is reduced either as a result of a determination by
25 the Department of Environmental Protection or an examination
26 or audit by the Department of Revenue, such tax deficiency
27 shall be recovered from the first entity, or the surviving or
28 acquiring entity, to have claimed such credit up to the amount
29 of credit taken. Any subsequent deficiencies shall be
30 assessed against any entity acquiring and claiming such
31

1 credit, or in the case of multiple succeeding entities in the
2 order of credit succession.

3 (i) In order to encourage completion of site
4 rehabilitation at contaminated sites being voluntarily cleaned
5 up and eligible for a tax credit under this section, the
6 taxpayer may claim an additional 10 percent of the total
7 cleanup costs, not to exceed \$50,000, in the final year of
8 cleanup as evidenced by the Department of Environmental
9 Protection issuing a "No Further Action" order for that site.

10 (2) FILING REQUIREMENTS.--Any corporation that wishes
11 to obtain credit under this section must submit with its
12 return a tax credit certificate approving partial tax credits
13 issued by the Department of Environmental Protection under s.
14 376.30781.

15 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
16 FORFEITURE.--

17 (a) The Department of Revenue may adopt rules to
18 prescribe any necessary forms required to claim a tax credit
19 under this section and to provide the administrative
20 guidelines and procedures required to administer this section.

21 (b) In addition to its existing audit and
22 investigation authority relating to ~~chapter 199~~ and this
23 chapter, the Department of Revenue may perform any additional
24 financial and technical audits and investigations, including
25 examining the accounts, books, or records of the tax credit
26 applicant, which are necessary to verify the site
27 rehabilitation costs included in a tax credit return and to
28 ensure compliance with this section. The Department of
29 Environmental Protection shall provide technical assistance,
30 when requested by the Department of Revenue, on any technical
31 audits performed pursuant to this section.

1 (c) It is grounds for forfeiture of previously claimed
2 and received tax credits if the Department of Revenue
3 determines, as a result of either an audit or information
4 received from the Department of Environmental Protection, that
5 a taxpayer received tax credits pursuant to this section to
6 which the taxpayer was not entitled. In the case of fraud, the
7 taxpayer shall be prohibited from claiming any future tax
8 credits under this section ~~or s. 199.1055.~~

9 1. The taxpayer is responsible for returning forfeited
10 tax credits to the Department of Revenue, and such funds shall
11 be paid into the General Revenue Fund of the state.

12 2. The taxpayer shall file with the Department of
13 Revenue an amended tax return or such other report as the
14 Department of Revenue prescribes by rule and shall pay any
15 required tax within 60 days after the taxpayer receives
16 notification from the Department of Environmental Protection
17 pursuant to s. 376.30781 that previously approved tax credits
18 have been revoked or modified, if uncontested, or within 60
19 days after a final order is issued following proceedings
20 involving a contested revocation or modification order.

21 3. A notice of deficiency may be issued by the
22 Department of Revenue at any time within 5 years after the
23 date the taxpayer receives notification from the Department of
24 Environmental Protection pursuant to s. 376.30781 that
25 previously approved tax credits have been revoked or modified.
26 If a taxpayer fails to notify the Department of Revenue of any
27 change in its tax credit claimed, a notice of deficiency may
28 be issued at any time. In either case, the amount of any
29 proposed assessment set forth in such notice of deficiency
30 shall be limited to the amount of any deficiency resulting
31

1 under this section from the recomputation of the taxpayer's
2 tax for the taxable year.

3 4. Any taxpayer that fails to report and timely pay
4 any tax due as a result of the forfeiture of its tax credit is
5 in violation of this section and is subject to applicable
6 penalty and interest.

7 Section 15. Paragraph (b) of subsection (2) of section
8 288.039, Florida Statutes, is amended to read:

9 288.039 Employing and Training our Youths (ENTRY).--

10 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

11 (b) After entering into an employment/tax refund
12 agreement under subsection (3), an eligible business may
13 receive refunds for the following taxes or fees due and paid
14 by that business:

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

17 2. Corporate income taxes under chapter 220.

18 ~~3. Intangible personal property taxes under chapter~~
19 ~~199.~~

20 3.4. Emergency excise taxes under chapter 221.

21 4.5. Excise taxes on documents under chapter 201.

22 5.6. Ad valorem taxes paid, as defined in s.

23 220.03(1).

24 6.7. Insurance premium taxes under s. 624.509.

25 7.8. Occupational license fees under chapter 205.

26

27 However, an eligible business may not receive a refund under
28 this section for any amount of credit, refund, or exemption
29 granted to that business for any of such taxes or fees. If a
30 refund for such taxes or fees is provided by the office, which
31 taxes or fees are subsequently adjusted by the application of

1 any credit, refund, or exemption granted to the eligible
2 business other than as provided in this section, the business
3 shall reimburse the office for the amount of that credit,
4 refund, or exemption. An eligible business shall notify and
5 tender payment to the office within 20 days after receiving
6 any credit, refund, or exemption other than the one provided
7 in this section.

8 Section 16. Paragraph (f) of subsection (2) and
9 paragraphs (b), (c), and (d) of subsection (3) of section
10 288.1045, Florida Statutes, are amended to read:

11 288.1045 Qualified defense contractor tax refund
12 program.--

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

14 (f) After entering into a tax refund agreement
15 pursuant to subsection (4), a qualified applicant may receive
16 refunds from the Economic Development Trust Fund for the
17 following taxes due and paid by the qualified applicant
18 beginning with the applicant's first taxable year that begins
19 after entering into the agreement:

20 1. Taxes on sales, use, and other transactions paid
21 pursuant to chapter 212.

22 2. Corporate income taxes paid pursuant to chapter
23 220.

24 ~~3. Intangible personal property taxes paid pursuant to~~
25 ~~chapter 199.~~

26 3.4. Emergency excise taxes paid pursuant to chapter
27 221.

28 4.5. Excise taxes paid on documents pursuant to
29 chapter 201.

30 5.6. Ad valorem taxes paid, as defined in s.
31 220.03(1)(a) on June 1, 1996.

1
2 However, a qualified applicant may not receive a tax refund
3 pursuant to this section for any amount of credit, refund, or
4 exemption granted such contractor for any of such taxes. If a
5 refund for such taxes is provided by the Department of
6 Commerce, which are subsequently adjusted by the application
7 of any credit, refund, or exemption granted to the qualified
8 applicant other than that provided in this section, the
9 qualified applicant shall reimburse the Economic Development
10 Trust Fund for the amount of such credit, refund, or
11 exemption. A qualified applicant must notify and tender
12 payment to the Department of Commerce within 20 days after
13 receiving a credit, refund, or exemption, other than that
14 provided in this section.

15 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
16 DETERMINATION.--

17 (b) Applications for certification based on the
18 consolidation of a Department of Defense contract or a new
19 Department of Defense contract must be submitted to the
20 division as prescribed by the Department of Commerce and must
21 include, but are not limited to, the following information:

22 1. The applicant's federal employer identification
23 number, the applicant's Florida sales tax registration number,
24 and a notarized signature of an officer of the applicant.

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

29 3. The Department of Defense contract numbers of the
30 contract to be consolidated, the new Department of Defense
31

1 contract number, or the "RFP" number of a proposed Department
2 of Defense contract.

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

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

8 6. 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 7. The total number of full-time equivalent employees
12 employed by the applicant in this state.

13 8. The percentage of the applicant's gross receipts
14 derived from Department of Defense contracts during the 5
15 taxable years immediately preceding the date the application
16 is submitted.

17 9. The amount of:

18 a. Taxes on sales, use, and other transactions paid
19 pursuant to chapter 212;

20 b. Corporate income taxes paid pursuant to chapter
21 220;

22 ~~c. Intangible personal property taxes paid pursuant to~~
23 ~~chapter 199;~~

24 c.d. Emergency excise taxes paid pursuant to chapter
25 221;

26 ~~d.e.~~ Excise taxes paid on documents pursuant to
27 chapter 201; and

28 e.f. Ad valorem taxes paid
29

30 during the 5 fiscal years immediately preceding the date of
31 the application, and the projected amounts of such taxes to be

1 due in the 3 fiscal years immediately following the date of
2 the application.

3 10. The estimated amount of tax refunds to be claimed
4 in each fiscal year.

5 11. A brief statement concerning the applicant's need
6 for tax refunds, and the proposed uses of such refunds by the
7 applicant.

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

22 13. Any additional information requested by the
23 division.

24 (c) Applications for certification based on the
25 conversion of defense production jobs to nondefense production
26 jobs must be submitted to the division as prescribed by the
27 Department of Commerce and must include, but are not limited
28 to, the following information:

29 1. The applicant's federal employer identification
30 number, the applicant's Florida sales tax registration number,
31 and a notarized signature of an officer of the applicant.

- 1 2. The permanent location of the manufacturing,
2 assembling, fabricating, research, development, or design
3 facility in this state at which the project is or is to be
4 located.
- 5 3. The Department of Defense contract numbers of the
6 contract under which the defense production jobs will be
7 converted to nondefense production jobs.
- 8 4. The date the contract was executed, and the date
9 the contract is due to expire or is expected to expire, or was
10 canceled.
- 11 5. The commencement date for the nondefense production
12 operations in this state.
- 13 6. The number of full-time equivalent jobs in this
14 state which are or will be dedicated to the nondefense
15 production project during the year and the average wage of
16 such jobs.
- 17 7. The total number of full-time equivalent employees
18 employed by the applicant in this state.
- 19 8. The percentage of the applicant's gross receipts
20 derived from Department of Defense contracts during the 5
21 taxable years immediately preceding the date the application
22 is submitted.
- 23 9. The amount of:
- 24 a. Taxes on sales, use, and other transactions paid
25 pursuant to chapter 212;
- 26 b. Corporate income taxes paid pursuant to chapter
27 220;
- 28 ~~c. Intangible personal property taxes paid pursuant to~~
29 ~~chapter 199;~~
- 30 c.d. Emergency excise taxes paid pursuant to chapter
31 221;

1 ~~d.e.~~ Excise taxes paid on documents pursuant to
2 chapter 201; and

3 ~~e.f.~~ Ad valorem taxes paid
4

5 during the 5 fiscal years immediately preceding the date of
6 the application, and the projected amounts of such taxes to be
7 due in the 3 fiscal years immediately following the date of
8 the application.

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

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

14 12. A resolution adopted by the county commissioners
15 of the county in which the project will be located, which
16 recommends the applicant be approved as a qualified applicant,
17 and which indicates that the necessary commitments of local
18 financial support for the applicant exist. Prior to the
19 adoption of the resolution, the county commission may review
20 the proposed public or private sources of such support and
21 determine whether the proposed sources of local financial
22 support can be provided or, for any applicant whose project is
23 located in a county designated by the Rural Economic
24 Development Initiative, a resolution adopted by the county
25 commissioners of such county requesting that the applicant's
26 project be exempt from the local financial support
27 requirement.

28 13. Any additional information requested by the
29 division.

30 (d) Applications for certification based on a contract
31 for reuse of a defense-related facility must be submitted to

1 the division as prescribed by the Department of Commerce and
2 must include, but are not limited to, the following
3 information:

- 4 1. The applicant's Florida sales tax registration
5 number and a notarized signature of an officer of the
6 applicant.
- 7 2. The permanent location of the manufacturing,
8 assembling, fabricating, research, development, or design
9 facility in this state at which the project is or is to be
10 located.
- 11 3. The business entity holding a valid Department of
12 Defense contract or branch of the Armed Forces of the United
13 States that previously occupied the facility, and the date
14 such entity last occupied the facility.
- 15 4. A copy of the contract to reuse the facility, or
16 such alternative proof as may be prescribed by the department
17 that the applicant is seeking to contract for the reuse of
18 such facility.
- 19 5. The date the contract to reuse the facility was
20 executed or is expected to be executed, and the date the
21 contract is due to expire or is expected to expire.
- 22 6. The commencement date for project operations under
23 the contract in this state.
- 24 7. The number of full-time equivalent jobs in this
25 state which are or will be dedicated to the project during the
26 year and the average wage of such jobs.
- 27 8. The total number of full-time equivalent employees
28 employed by the applicant in this state.
- 29 9. The amount of:
 - 30 a. Taxes on sales, use, and other transactions paid
31 pursuant to chapter 212.

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

1 13. Any additional information requested by the
2 division.

3 Section 17. Paragraph (c) of subsection (3) and
4 paragraph (a) of subsection (4) of section 288.106, Florida
5 Statutes, 1998 Supplement, are amended to read:

6 288.106 Tax refund program for qualified target
7 industry businesses.--

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

9 (c) After entering into a tax refund agreement under
10 subsection (5), a qualified target industry business may
11 receive refunds from the account for the following taxes due
12 and paid by that business beginning with the first taxable
13 year of the business which begins after entering into the
14 agreement:

15 1. Taxes on sales, use, and other transactions under
16 chapter 212.

17 2. Corporate income taxes under chapter 220.

18 ~~3. Intangible personal property taxes under chapter~~
19 ~~199.~~

20 3.4. Emergency excise taxes under chapter 221.

21 4.5. Excise taxes on documents under chapter 201.

22 5.6. Ad valorem taxes paid, as defined in s.
23 220.03(1).

24 6.7. Insurance premium tax under s. 624.509.

25

26 However, a qualified target industry business may not receive
27 a refund under this section for any amount of credit, refund,
28 or exemption granted to that business for any of such taxes.
29 If a refund for such taxes is provided by the office, which
30 taxes are subsequently adjusted by the application of any
31 credit, refund, or exemption granted to the qualified target

1 industry business other than as provided in this section, the
2 business shall reimburse the account for the amount of that
3 credit, refund, or exemption. A qualified target industry
4 business shall notify and tender payment to the office within
5 20 days after receiving any credit, refund, or exemption other
6 than one provided in this section.

7 (4) APPLICATION AND APPROVAL PROCESS.--

8 (a) To apply for certification as a qualified target
9 industry business under this section, the business must file
10 an application with the office before the business has made
11 the decision to locate a new business in this state or before
12 the business had made the decision to expand an existing
13 business in this state. The application shall include, but is
14 not limited to, the following information:

15 1. The applicant's federal employer identification
16 number and the applicant's state sales tax registration
17 number.

18 2. The permanent location of the applicant's facility
19 in this state at which the project is or is to be located.

20 3. A description of the type of business activity or
21 product covered by the project, including four-digit SIC codes
22 for all activities included in the project.

23 4. The number of full-time equivalent jobs in this
24 state that are or will be dedicated to the project and the
25 average wage of those jobs. If more than one type of business
26 activity or product is included in the project, the number of
27 jobs and average wage for those jobs must be separately stated
28 for each type of business activity or product.

29 5. The total number of full-time equivalent employees
30 employed by the applicant in this state.

31 6. The anticipated commencement date of the project.

- 1 7. The amount of:
- 2 a. Taxes on sales, use, and other transactions paid
- 3 under chapter 212;
- 4 b. Corporate income taxes paid under chapter 220;
- 5 ~~c. Intangible personal property taxes paid under~~
- 6 ~~chapter 199;~~
- 7 c.d. Emergency excise taxes paid under chapter 221;
- 8 and
- 9 d.e. Excise taxes on documents paid under chapter 201.
- 10 8. The estimated amount of tax refunds to be claimed
- 11 in each fiscal year.
- 12 9. A brief statement concerning the role that the tax
- 13 refunds requested will play in the decision of the applicant
- 14 to locate or expand in this state.
- 15 10. An estimate of the proportion of the sales
- 16 resulting from the project that will be made outside this
- 17 state.
- 18 11. A resolution adopted by the governing board of the
- 19 county or municipality in which the project will be located,
- 20 which resolution recommends that certain types of businesses
- 21 be approved as a qualified target industry business and states
- 22 that the commitments of local financial support necessary for
- 23 the target industry business exist. Before adoption of the
- 24 resolution, the governing board may review the proposed public
- 25 or private sources of such support and determine whether the
- 26 proposed sources of local financial support can be provided.
- 27 12. Any additional information requested by the
- 28 office.
- 29 Section 18. Paragraph (c) of subsection (1) and
- 30 paragraph (d) of subsection (2) of section 288.1066, Florida
- 31 Statutes, are amended to read:

1 288.1066 Confidentiality of records.--
2 (1) The following information when received by the
3 Department of Commerce; the Office of Tourism, Trade, and
4 Economic Development; Enterprise Florida, Inc.; or county or
5 municipal governmental entities and their employees pursuant
6 to the qualified defense contractor tax refund program as
7 required by s. 288.104 is confidential and exempt from the
8 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
9 Constitution for a period not to exceed the duration of the
10 tax refund agreement or 10 years, whichever is earlier:
11 (c) The amount of:
12 1. Taxes on sales, use, and other transactions paid
13 pursuant to chapter 212;
14 2. Corporate income taxes paid pursuant to chapter
15 220;
16 ~~3. Intangible personal property taxes paid pursuant to~~
17 ~~chapter 199;~~
18 3.4. Emergency excise taxes paid pursuant to chapter
19 221; and
20 4.5. Ad valorem taxes paid
21
22 during the 5 fiscal years immediately preceding the date of
23 the application, and the projected amounts of such taxes to be
24 due in the 3 fiscal years immediately following the date of
25 the application.
26 (2) The following information when received by the
27 Department of Commerce; the Office of Tourism, Trade, and
28 Economic Development; Enterprise Florida, Inc.; or county or
29 municipal governmental entities and their employees pursuant
30 to the qualified target industry tax refund program as
31 required by s. 288.106 is confidential and exempt from the

1 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
2 Constitution for a period not to exceed the duration of the
3 tax refund agreement or 10 years, whichever is earlier:
4 (d) The amount of:
5 1. Taxes on sales, use, and other transactions paid
6 pursuant to chapter 212;
7 2. Corporate income taxes paid pursuant to chapter
8 220;
9 ~~3. Intangible personal property taxes paid pursuant to~~
10 ~~chapter 199;~~
11 3.4. Emergency excise taxes paid pursuant to chapter
12 221; and
13 4.5. Ad valorem taxes paid
14
15 during the 5 fiscal years immediately preceding the date of
16 the application, and the projected amounts of such taxes to be
17 due in the 3 fiscal years immediately following the date of
18 the application.
19 Section 19. Paragraph (a) of subsection (2) and
20 subsections (3) and (12) of section 376.30781, Florida
21 Statutes, 1998 Supplement, are amended to read:
22 376.30781 Partial tax credits for rehabilitation of
23 drycleaning-solvent-contaminated sites and brownfield sites in
24 designated brownfield areas; application process; rulemaking
25 authority; revocation authority.--
26 (2)(a) A credit in the amount of 35 percent of the
27 costs of voluntary cleanup activity that is integral to site
28 rehabilitation at the following sites is allowed pursuant to
29 ~~s.ss. 199.1055 and 220.1845:~~
30 1. A drycleaning-solvent-contaminated site eligible
31 for state-funded site rehabilitation under s. 376.3078(3);

1 2. A drycleaning-solvent-contaminated site at which
2 cleanup is undertaken by the real property owner pursuant to
3 s. 376.3078(10), if the real property owner is not also, and
4 has never been, the owner or operator of the drycleaning
5 facility where the contamination exists; or

6 3. A brownfield site in a designated brownfield area
7 under s. 376.80.

8 (3) The Department of Environmental Protection shall
9 be responsible for allocating the tax credits provided for in
10 s. ss. 199.1055 and 220.1845, not to exceed a total of \$2
11 million in tax credits annually.

12 (12) An owner, operator, or real property owner who
13 receives state-funded site rehabilitation under s. 376.3078(3)
14 for rehabilitation of a drycleaning-solvent-contaminated site
15 is ineligible to receive a tax credit under ~~s. 199.1055~~ or s.
16 220.1845 for costs incurred by the taxpayer in conjunction
17 with the rehabilitation of that site during the same time
18 period that state-administered site rehabilitation was
19 underway.

20 Section 20. Paragraph (e) of subsection (14) of
21 section 440.49, Florida Statutes, 1998 Supplement, is amended
22 to read:

23 440.49 Limitation of liability for subsequent injury
24 through Special Disability Trust Fund.--

25 (14) FLORIDA SPECIAL DISABILITY TRUST FUND FINANCING
26 CORPORATION.--

27 (e)1. The funds, credit, property, or taxing power of
28 the state or political subdivisions of the state shall not be
29 pledged for the payment of such bonds. The bonds of the
30 corporation are not a debt of the state or of any political
31 subdivision, and neither the state nor any political

1 subdivision is liable on such bonds. The corporation does not
2 have the power to pledge the credit, the revenues, or the
3 taxing power of the state or of any political subdivision. The
4 credit, revenues, or taxing power of the state or of any
5 political subdivision shall not be deemed to be pledged to the
6 payment of any bonds of the corporation. However, bonds issued
7 under this subsection are declared to be for an essential
8 public and governmental purpose.

9 2. The property, revenues, and other assets of the
10 corporation; the transactions and operations of the
11 corporation and the income from such transactions and
12 operations; and all bonds issued under this paragraph and the
13 interest on such bonds, which is exempt from income taxes of
14 the United States, are exempt from taxation by the state and
15 any political subdivision, including, but not limited to, ~~the~~
16 ~~intangibles tax under chapter 199,~~ the income tax under
17 chapter 220, and the premium tax under the Florida Insurance
18 Code. This exemption does not apply to any tax imposed by
19 chapter 220 on interest income or profits on debt obligations
20 owned by corporations other than the Special Disability Trust
21 Fund Financing Corporation. The corporation is not subject to
22 the reporting requirements mandated by the Florida Insurance
23 Code.

24 Section 21. Subsection (13) of section 493.6102,
25 Florida Statutes, is amended to read:

26 493.6102 Inapplicability of parts I through IV of this
27 chapter.--This chapter shall not apply to:

28 (13) Any individual employed as a security officer by
29 a church or ecclesiastical or denominational organization
30 having an established physical place of worship in this state
31 at which nonprofit religious services and activities are

1 regularly conducted or by a church cemetery ~~religious~~
2 ~~institution as defined in s. 199.183(2)(a)~~ to provide security
3 on the ~~institution~~ property of the organization or cemetery,
4 and who does not carry a firearm in the course of her or his
5 duties.

6 Section 22. Paragraph (a) of subsection (3) of section
7 516.031, Florida Statutes, is amended to read:

8 516.031 Finance charge; maximum rates.--

9 (3) OTHER CHARGES.--

10 (a) In addition to the interest and insurance charges
11 herein provided for, no further or other charges or amount
12 whatsoever for any examination, service, commission, or other
13 thing or otherwise shall be directly or indirectly charged,
14 contracted for, or received as a condition to the grant of a
15 loan, except:

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

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

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

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

27 4.5. The documentary excise tax and lawful fees, if
28 any, actually and necessarily paid out by the licensee to any
29 public officer for filing, recording, or releasing in any
30 public office any instrument securing the loan, which fees may
31 be collected when the loan is made or at any time thereafter;

1 5.6. The premium payable for any insurance in lieu of
2 perfecting any security interest otherwise required by the
3 licensee in connection with the loan, if the premium does not
4 exceed the fees which would otherwise be payable, which
5 premium may be collected when the loan is made or at any time
6 thereafter;

7 6.7. Actual and reasonable attorney's fees and court
8 costs as determined by the court in which suit is filed; or

9 7.8. Actual and commercially reasonable expenses of
10 repossession, storing, repairing and placing in condition for
11 sale, and selling of any property pledged as security.

12
13 Any charges, including interest, in excess of the combined
14 total of all charges authorized and permitted by this chapter
15 constitute a violation of chapter 687 governing interest and
16 usury, and the penalties of that chapter apply. In the event
17 of a bona fide error, the licensee shall refund or credit the
18 borrower with the amount of the overcharge immediately but
19 within 20 days from the discovery of such error.

20 Section 23. Subsections (4), (7), and (8) of section
21 624.509, Florida Statutes, 1998 Supplement, are amended to
22 read:

23 624.509 Premium tax; rate and computation.--

24 (4) ~~The intangible tax imposed under chapter 199,~~The
25 income tax imposed under chapter 220, and the emergency excise
26 tax imposed under chapter 221 which are paid by any insurer
27 shall be credited against, and to the extent thereof shall
28 discharge, the liability for tax imposed by this section for
29 the annual period in which such tax payments are made. As to
30 any insurer issuing policies insuring against loss or damage
31 from the risks of fire, tornado, and certain casualty lines,

1 the tax imposed by this section, as intended and contemplated
2 by this subsection, shall be construed to mean the net amount
3 of such tax remaining after there has been credited thereon
4 such gross premium receipts tax as may be payable by such
5 insurer in pursuance of the imposition of such tax by any
6 incorporated cities or towns in the state for firefighters'
7 relief and pension funds and police officers' retirement funds
8 maintained in such cities or towns, as provided in and by
9 relevant provisions of the Florida Statutes. For purposes of
10 this subsection, payments of estimated income tax under
11 chapter 220 and of estimated emergency excise tax under
12 chapter 221 shall be deemed paid either at the time the
13 insurer actually files its annual returns under chapter 220 or
14 at the time such returns are required to be filed, whichever
15 first occurs, and not at such earlier time as such payments of
16 estimated tax are actually made.

17 (7) Credits and deductions against the tax imposed by
18 this section shall be taken in the following order: deductions
19 for assessments made pursuant to s. 440.51; credits for taxes
20 paid under ss. 175.101 and 185.08; credits for income taxes
21 paid under chapter 220, the emergency excise tax paid under
22 chapter 221 and the credit allowed under subsection (5), as
23 these credits are limited by subsection (6); ~~credits for~~
24 ~~intangible taxes paid under chapter 199;~~ all other available
25 credits and deductions.

26 (8) From and after July 1, 1980, the premium tax
27 authorized by this section shall not be imposed upon receipts
28 of annuity premiums or considerations paid by holders in this
29 state ~~and from and after July 1, 1991, the intangible tax~~
30 ~~imposed by chapter 199 shall not be imposed on assets equal to~~
31 ~~the statutory legal reserves of annuity products maintained by~~

1 ~~insurance companies on behalf of their holders~~ if the tax
2 savings derived are credited to the annuity holders. Upon
3 request by the Department of Revenue, any insurer availing
4 itself of this provision shall submit to the department
5 evidence which establishes that the tax savings derived have
6 been credited to annuity holders. As used in this subsection,
7 the term "holders" shall be deemed to include employers
8 contributing to an employee's pension, annuity, or
9 profit-sharing plan.

10 Section 24. Paragraph (m) of subsection (4) of section
11 627.311, Florida Statutes, 1998 Supplement, is amended to
12 read:

13 627.311 Joint underwriters and joint reinsurers.--
14 (4)

15 (m) Each joint underwriting plan or association
16 created under this section is not a state agency, board, or
17 commission. However, ~~for the purposes of s. 199.183(1) only,~~
18 the joint underwriting plan ~~is a political subdivision of the~~
19 ~~state and~~ is exempt from the corporate income tax.

20 Section 25. Paragraph (j) of subsection (6) of section
21 627.351, Florida Statutes, 1998 Supplement, is amended to
22 read:

23 627.351 Insurance risk apportionment plans.--
24 (6) RESIDENTIAL PROPERTY AND CASUALTY JOINT
25 UNDERWRITING ASSOCIATION.--

26 (j) The Residential Property and Casualty Joint
27 Underwriting Association is not a state agency, board, or
28 commission. However, ~~for the purposes of s. 199.183(1),~~ the
29 Residential Property and Casualty Joint Underwriting
30 Association ~~shall be considered a political subdivision of the~~
31 ~~state and~~ shall be exempt from the corporate income tax.

1 Section 26. Paragraph (b) of subsection (6) of section
2 650.05, Florida Statutes, is amended to read:

3 650.05 Plans for coverage of employees of political
4 subdivisions.--

5 (6)

6 (b) The grants-in-aid and other revenue referred to in
7 paragraph (a) specifically include, but are not limited to,
8 minimum foundation program grants to public school districts
9 and community colleges; gasoline, motor fuel, ~~intangible,~~
10 cigarette, racing, and insurance premium taxes distributed to
11 political subdivisions; and amounts specifically appropriated
12 as grants-in-aid for mental health, mental retardation, and
13 mosquito control programs.

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

16 655.071 International banking facilities; definitions;
17 notice before establishment.--

18 (1) "International banking facility" means a set of
19 asset and liability accounts segregated on the books and
20 records of a banking organization, as that term is defined in
21 s. 199.023, Florida Statutes, 1997, that includes only
22 international banking facility deposits, borrowings, and
23 extensions of credit, as those terms shall be defined by the
24 department pursuant to subsection (2).

25 Section 28. Subsection (2) of section 733.604, Florida
26 Statutes, is amended to read:

27 733.604 Inventory.--

28 (2) The personal representative shall serve a copy of
29 the inventory on ~~the Department of Revenue, as provided in s.~~
30 ~~199.062(4)~~, the surviving spouse, each heir at law in an
31 intestate estate, each residuary beneficiary in a testate

1 estate, and any other interested person who may request it;
2 and the personal representative shall file proof of such
3 service. The inventory shall be verified by the personal
4 representative.

5 Section 29. Paragraph (a) of subsection (1) of section
6 766.105, Florida Statutes, 1998 Supplement, is amended to
7 read:

8 766.105 Florida Patient's Compensation Fund.--

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

11 (a) The term "fund" means the Florida Patient's
12 Compensation Fund. The fund is not a state agency, board, or
13 commission. ~~However, for the purposes of s. 199.183(1) only,~~
14 ~~the fund shall be considered a political subdivision of this~~
15 ~~state.~~

16 Section 30. Subsection (5) of section 192.032,
17 subsection (3) of section 192.042, subsection (4) of section
18 193.114, subsection (9) of section 196.015, subsections (2)
19 and (7) of section 213.27, paragraph (g) of subsection (1) of
20 section 607.1622, and subsection (2) of section 731.111, all
21 Florida Statutes, are hereby repealed.

22 Section 31. This act shall take effect January 1,
23 2000.

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25 *****

26 HOUSE SUMMARY

27 Repeals the taxes on intangible personal property.
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