

By the Committee on Fiscal Resource and Senator Latvala

314-2076-99

1 A bill to be entitled
2 An act relating to certified capital companies;
3 amending s. 288.99, F.S.; redefining the term
4 "transferee" for purposes of allocating unused
5 premium tax credits; providing an effective
6 date.

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

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10 Section 1. Subsection (11) of section 288.99, Florida
11 Statutes, 1998 Supplement, is amended to read:

12 288.99 Certified Capital Company Act.--

13 (11) TRANSFERABILITY.--The claim of a transferee of a
14 certified investor's unused premium tax credit shall be
15 permitted in the same manner and subject to the same
16 provisions and limitations of this act as the original
17 certified investor. The term "transferee" means any person
18 who:

19 (a) Through the voluntary sale, assignment, or other
20 transfer of the business or control of the business of the
21 certified investor, including the sale or other transfer of
22 stock or assets by merger, consolidation, or dissolution,
23 succeeds to all or substantially all of the business and
24 property of the certified investor;

25 (b) Becomes by operation of law or otherwise the
26 parent company of the certified investor; ~~or~~

27 (c) Directly or indirectly owns, whether through
28 rights, options, convertible interests, or otherwise,
29 controls, or holds power to vote 10 percent or more of the
30 outstanding voting securities or other ownership interest of
31 the certified investor; -

1 (d) Is a subsidiary of the certified investor or 10
2 percent or more of whose outstanding voting securities or
3 other ownership interest are directly or indirectly owned,
4 whether through rights, options, convertible interests, or
5 otherwise, by the certified investor; or

6 (e) Directly or indirectly controls, is controlled by,
7 or is under common control with the certified investor.

8 Section 2. This act shall take effect upon becoming a
9 law.

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11 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
12 COMMITTEE SUBSTITUTE FOR
13 SB 2252

14 The original bill amends s. 288.99(11), F.S., by expanding the
15 definition of the term "transferee" to allow a subsidiary of
16 the certified investor to use tax credits authorized under the
17 Certified Capital Company Act. The bill also allows such
credits to be transferred to an entity of 10 percent or more
of whose outstanding voting securities are owned by the
certified investor.

18 The bill as amended further defines "transferee" to include an
19 entity that directly or indirectly controls, is controlled by,
or is under common control with the certified investor.