

By Senator Saunders

25-1380A-99

1 A bill to be entitled
 2 An act relating to the intangible personal
 3 property tax; repealing ss. 199.012, 199.023,
 4 199.032, 199.033, 199.042, 199.052, 199.057,
 5 199.062, 199.103, 199.1055, 199.106, 199.133,
 6 199.135, 199.143, 199.145, 199.155, 199.175,
 7 199.183, 199.185, 199.202, 199.212, 199.218,
 8 199.232, 199.262, 199.272, 199.282, 199.292,
 9 199.303, F.S., which provide taxes on
 10 intangible personal property; amending ss.
 11 72.011, 192.091, 196.199, 196.1993, 201.23,
 12 212.02, 213.015, 213.05, 213.053, 213.054,
 13 213.31, 215.555, 220.1845, 288.039, 288.106,
 14 288.1066, 376.30781, 440.49, 493.6102, 516.031,
 15 624.509, 627.311, 627.351, 650.05, 655.071,
 16 733.604, 766.105, F.S., to conform to such
 17 repeal; repealing s. 192.032(5), F.S., relating
 18 to situs of property for assessment purposes,
 19 s. 192.042(3), F.S., relating to the date of
 20 assessment, s. 193.114(4), F.S., relating to
 21 preparation of assessment rolls, s. 196.015(9),
 22 F.S., relating to determination of residency,
 23 s. 213.27(2), (7), F.S., relating to contracts
 24 with debt collection agencies, s.
 25 607.1622(1)(g), F.S., relating to corporate
 26 reports to the Department of State, s.
 27 731.111(2), F.S., relating to notice to
 28 creditors, to conform to such repeal; providing
 29 an effective date.

30
 31 Be It Enacted by the Legislature of the State of Florida:

1 Section 1. Chapter 199, Florida Statutes, consisting
2 of sections 199.012, 199.023, 199.032, 199.033, 199.042,
3 199.057, 199.062, 199.103, 199.1055, 199.106, 199.133,
4 199.135, 199.143, 199.145, 199.183, 199.212, 199.218, 199.232,
5 199.262, 199.272, and 199.303, Florida Statutes; section
6 199.052, Florida Statutes, as amended by sections 2 and 3 of
7 chapter 98-132, Laws of Florida, and section 25 of chapter
8 98-342, Laws of Florida; section 199.1055, Florida Statutes,
9 as created by section 1 of chapter 98-189, Laws of Florida;
10 section 199.175, Florida Statutes, as amended by sections 4
11 and 5 of chapter 98-132, Laws of Florida; section 199.185,
12 Florida Statutes, as amended by section 6 of chapter 98-132,
13 Laws of Florida; section 199.202, Florida Statutes, as amended
14 by section 15 of chapter 98-200, Laws of Florida; section
15 199.282, Florida Statutes, as amended by section 9 of chapter
16 98-132, Laws of Florida; and section 199.292, Florida
17 Statutes, as amended by section 10 of chapter 98-132, Laws of
18 Florida, is repealed.

19 Section 2. Paragraph (a) of subsection (1) of section
20 72.011, Florida Statutes, 1998 Supplement, is amended to read:

21 72.011 Jurisdiction of circuit courts in specific tax
22 matters; administrative hearings and appeals; time for
23 commencing action; parties; deposits.--

24 (1)(a) A taxpayer may contest the legality of any
25 assessment or denial of refund of tax, fee, surcharge, permit,
26 interest, or penalty provided for under s. 125.0104, s.
27 125.0108, chapter 198, ~~chapter 199~~, chapter 201, chapter 203,
28 chapter 206, chapter 207, chapter 210, chapter 211, chapter
29 212, chapter 213, chapter 220, chapter 221, s. 370.07(3),
30 chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195,
31 s. 403.7197, s. 538.09, s. 538.25, chapter 550, chapter 561,

1 chapter 562, chapter 563, chapter 564, chapter 565, chapter
2 624, or s. 681.117 by filing an action in circuit court; or,
3 alternatively, the taxpayer may file a petition under the
4 applicable provisions of chapter 120. However, once an action
5 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.
6 120.57, or s. 120.80(14)(b), no action relating to the same
7 subject matter may be filed by the taxpayer in circuit court,
8 and judicial review shall be exclusively limited to appellate
9 review pursuant to s. 120.68; and once an action has been
10 initiated in circuit court, no action may be brought under
11 chapter 120.

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

14 192.091 Commissions of property appraisers and tax
15 collectors.--

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

19 Section 4. Paragraph (b) of subsection (2) of section
20 196.199, Florida Statutes, is amended to read:

21 196.199 Government property exemption.--

22 (2) Property owned by the following governmental units
23 but used by nongovernmental lessees shall only be exempt from
24 taxation under the following conditions:

25 (b) Except as provided in paragraph (c), the exemption
26 provided by this subsection shall not apply to those portions
27 of a leasehold or other interest defined by s. 199.023(1)(d),
28 Florida Statutes 1997, subject to the provisions of subsection
29 (7). ~~Such leasehold or other interest shall be taxed only as~~
30 ~~intangible personal property pursuant to chapter 199 if rental~~
31 ~~payments are due in consideration of such leasehold or other~~

1 ~~interest.~~ If no rental payments are due pursuant to the
2 agreement creating such leasehold or other interest, the
3 leasehold or other interest shall be taxed as real property.
4 Nothing in this paragraph shall be deemed to exempt personal
5 property, buildings, or other real property improvements owned
6 by the lessee from ad valorem taxation.

7 Section 5. Section 196.1993, Florida Statutes, is
8 amended to read:

9 196.1993 Certain agreements with local governments for
10 use of public property; exemption.--Any agreement entered into
11 with a local governmental authority prior to January 1, 1969,
12 for use of public property, under which it was understood and
13 agreed in a written instrument or by special act that no ad
14 valorem real property taxes would be paid by the licensee or
15 lessee, shall be deemed a license or management agreement for
16 the use or management of public property. Such interest shall
17 be deemed not to convey an interest in the property and shall
18 not be subject to ad valorem real property taxation. Nothing
19 in this section shall be deemed to exempt such licensee from
20 the ~~ad valorem intangible tax and the ad valorem personal~~
21 property tax.

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

24 201.23 Foreign notes and other written obligations
25 exempt.--

26 (4) The excise taxes imposed by this chapter shall not
27 apply to the documents, notes, evidences of indebtedness,
28 financing statements, drafts, bills of exchange, or other
29 taxable items dealt with, made, issued, drawn upon, accepted,
30 delivered, shipped, received, signed, executed, assigned,
31 transferred, or sold by or to a banking organization, as

1 defined in s. 199.023(9), Florida Statutes 1997, in the
2 conduct of an international banking transaction, as defined in
3 s. 199.023(11), Florida Statutes 1997. Nothing in this
4 subsection shall be construed to change the application of
5 paragraph (2)(a).

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

8 212.02 Definitions.--The following terms and phrases
9 when used in this chapter have the meanings ascribed to them
10 in this section, except where the context clearly indicates a
11 different meaning:

12 (19) "Tangible personal property" means and includes
13 personal property which may be seen, weighed, measured, or
14 touched or is in any manner perceptible to the senses,
15 including electric power or energy, boats, motor vehicles and
16 mobile homes as defined in s. 320.01(1) and (2), aircraft as
17 defined in s. 330.27, and all other types of vehicles. The
18 term "tangible personal property" does not include stocks,
19 bonds, notes, insurance, or other obligations or securities~~+~~
20 ~~intangibles as defined by the intangible tax law of the state~~~~+~~
21 or pari-mutuel tickets sold or issued under the racing laws of
22 the state.

23 Section 8. Subsections (3), (6), and (11) of section
24 213.015, Florida Statutes, are amended to read:

25 213.015 Taxpayer rights.--There is created a Florida
26 Taxpayer's Bill of Rights to guarantee that the rights,
27 privacy, and property of Florida taxpayers are adequately
28 safeguarded and protected during tax assessment, collection,
29 and enforcement processes administered under the revenue laws
30 of this state. The Taxpayer's Bill of Rights compiles, in one
31 document, brief but comprehensive statements which explain, in

1 simple, nontechnical terms, the rights and obligations of the
2 Department of Revenue and taxpayers. The rights afforded
3 taxpayers to assure that their privacy and property are
4 safeguarded and protected during tax assessment and collection
5 are available only insofar as they are implemented in other
6 parts of the Florida Statutes or rules of the Department of
7 Revenue. The rights so guaranteed Florida taxpayers in the
8 Florida Statutes and the departmental rules are:

9 (3) The right to be represented or advised by counsel
10 or other qualified representatives at any time in
11 administrative interactions with the department, the right to
12 procedural safeguards with respect to recording of interviews
13 during tax determination or collection processes conducted by
14 the department, and the right to have audits, inspections of
15 records, and interviews conducted at a reasonable time and
16 place except in criminal and internal investigations (see ss.
17 198.06, ~~199-218~~, 201.11(1), 203.02, 206.14, 211.125(3),
18 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (13),
19 212.13(5), 213.05, 213.21(1)(a) and (c), and 213.34).

20 (6) The right to be informed of impending collection
21 actions which require sale or seizure of property or freezing
22 of assets, except jeopardy assessments, and the right to at
23 least 30 days' notice in which to pay the liability or seek
24 further review (see ss. 198.20, ~~199-262~~, 201.16, 206.075,
25 206.24, 211.125(5), 212.03(5), 212.0305(3)(k), 212.04(7),
26 212.14(1), 213.73(3), 213.731, and 220.739).

27 (11) The right to procedures for requesting
28 cancellation, release, or modification of liens filed by the
29 department and for requesting that any lien which is filed in
30 error be so noted on the lien cancellation filed by the
31 department, in public notice, and in notice to any credit

1 agency at the taxpayer's request (see ss. 198.22, ~~199.262,~~
2 212.15(4), 213.733, and 220.819).

3 Section 9. Section 213.05, Florida Statutes, is
4 amended to read:

5 213.05 Department of Revenue; control and
6 administration of revenue laws.--The Department of Revenue
7 shall have only those responsibilities for ad valorem taxation
8 specified to the department in chapter 192, taxation, general
9 provisions; chapter 193, assessments; chapter 194,
10 administrative and judicial review of property taxes; chapter
11 195, property assessment administration and finance; chapter
12 196, exemption; chapter 197, tax collections, sales, and
13 liens; ~~chapter 199, intangible personal property taxes,~~ and
14 chapter 200, determination of millage. The Department of
15 Revenue shall have the responsibility of regulating,
16 controlling, and administering all revenue laws and performing
17 all duties as provided in s. 125.0104, the Local Option
18 Tourist Development Act; s. 125.0108, tourist impact tax;
19 chapter 198, estate taxes; chapter 201, excise tax on
20 documents; chapter 203, gross receipts taxes; chapter 206,
21 motor and other fuel taxes; chapter 211, tax on production of
22 oil and gas and severance of solid minerals; chapter 212, tax
23 on sales, use, and other transactions; chapter 220, income tax
24 code; chapter 221, emergency excise tax; ss. 336.021 and
25 336.025, taxes on motor fuel and special fuel; s. 370.07(3),
26 Apalachicola Bay oyster surcharge; s. 376.11, pollutant spill
27 prevention and control; s. 403.718, waste tire fees; s.
28 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint
29 disposal fees; s. 403.7197, advance disposal fees; s. 538.09,
30 registration of secondhand dealers; s. 538.25, registration of
31 secondary metals recyclers; s. 440.57, group self-insurer's

1 fund premium tax; s. 624.5091, retaliatory tax; s. 624.475,
2 commercial self-insurance fund premium tax; ss.
3 624.509-624.511, insurance code: administration and general
4 provisions; s. 624.515, State Fire Marshal regulatory
5 assessment; s. 627.357, medical malpractice self-insurance
6 premium tax; s. 629.5011, reciprocal insurers premium tax; and
7 s. 681.117, motor vehicle warranty enforcement.

8 Section 10. Subsections (1) and (4), paragraphs (l)
9 and (q) of subsection (7), and paragraph (a) of subsection
10 (14) of section 213.053, Florida Statutes, 1998 Supplement,
11 are amended to read:

12 213.053 Confidentiality and information sharing.--

13 (1) The provisions of this section apply to s.
14 125.0104, county government; s. 125.0108, tourist impact tax;
15 chapter 175, municipal firefighters' pension trust funds;
16 chapter 185, municipal police officers' retirement trust
17 funds; chapter 198, estate taxes; ~~chapter 199, intangible~~
18 ~~personal property taxes;~~ chapter 201, excise tax on documents;
19 chapter 203, gross receipts taxes; chapter 211, tax on
20 severance and production of minerals; chapter 212, tax on
21 sales, use, and other transactions; chapter 220, income tax
22 code; chapter 221, emergency excise tax; s. 252.372, emergency
23 management, preparedness, and assistance surcharge; s.
24 370.07(3), Apalachicola Bay oyster surcharge; chapter 376,
25 pollutant spill prevention and control; s. 403.718, waste tire
26 fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste
27 newsprint disposal fees; s. 538.09, registration of secondhand
28 dealers; s. 538.25, registration of secondary metals
29 recyclers; ss. 624.501 and 624.509-624.515, insurance code; s.
30 681.117, motor vehicle warranty enforcement; and s. 896.102,
31 reports of financial transactions in trade or business.

1 (4) Nothing contained in this section shall prevent
2 the department from publishing statistics so classified as to
3 prevent the identification of particular accounts, reports,
4 declarations, or returns or prevent the department from
5 disclosing to the Comptroller the names and addresses of those
6 taxpayers who have claimed ~~an exemption pursuant to s.~~
7 ~~199.185(1)(i)~~ or a deduction pursuant to s. 220.63(5).

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

10 (1) Payment information relative to chapters ~~199~~, 201,
11 212, 220, and 221 to the Department of Commerce in its
12 administration of the tax refund program for qualified defense
13 contractors authorized by s. 288.104 and the tax refund
14 program for qualified target industry businesses authorized by
15 s. 288.106.

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

19
20 Disclosure of information under this subsection shall be
21 pursuant to a written agreement between the executive director
22 and the agency. Such agencies, governmental or
23 nongovernmental, shall be bound by the same requirements of
24 confidentiality as the Department of Revenue. Breach of
25 confidentiality is a misdemeanor of the first degree,
26 punishable as provided by s. 775.082 or s. 775.083.

27 (14)(a) Notwithstanding any other provision of this
28 section, the department shall, subject to the safeguards
29 specified in paragraph (c), disclose to the Division of
30 Corporations of the Department of State the name, address,
31 federal employer identification number, and duration of tax

1 filings with this state of all corporate or partnership
2 entities which are not on file or have a dissolved status with
3 the Division of Corporations and which have filed tax returns
4 pursuant to ~~either chapter 199 or~~ chapter 220.

5 Section 11. Section 213.054, Florida Statutes, is
6 amended to read:

7 213.054 Persons claiming tax ~~exemptions or~~ deductions;
8 annual report.--The Department of Revenue shall be responsible
9 for monitoring the utilization of tax exemptions and tax
10 deductions authorized pursuant to chapter 81-179, Laws of
11 Florida. On or before September 1 of each year, the
12 department shall report to the Comptroller the names and
13 addresses of all persons who have claimed ~~an exemption~~
14 ~~pursuant to s. 199.185(1)(i) or~~ a deduction pursuant to s.
15 220.63(5).

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

18 213.31 Corporation Tax Administration Trust
19 Fund.--There is hereby created in the State Treasury the
20 Corporation Tax Administration Trust Fund. Moneys in the fund
21 are hereby appropriated to the Department of Revenue for the
22 administration of taxes levied upon corporations, including,
23 but not limited to, those imposed under ~~chapter 199,~~chapter
24 220,or chapter 221.

25 Section 13. Paragraph (c) of subsection (6) of section
26 215.555, Florida Statutes, 1998 Supplement, is amended to
27 read:

28 215.555 Florida Hurricane Catastrophe Fund.--

29 (6) REVENUE BONDS.--

30 (c) Florida Hurricane Catastrophe Fund Finance
31 Corporation.--

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

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

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

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

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

25 c. The corporation has all of the powers of
26 corporations under chapter 607 and under chapter 617.

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

30 e. The corporation may invest in any of the
31 investments authorized under s. 215.47.

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

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

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

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

27 5.a. The property, revenues, and other assets of the
28 corporation; the transactions and operations of the
29 corporation and the income from such transactions and
30 operations; and all bonds issued under this paragraph and
31 interest on such bonds are exempt from taxation by the state

1 and any political subdivision, including ~~the intangibles tax~~
2 ~~under chapter 199~~ and the income tax under chapter 220. This
3 exemption does not apply to any tax imposed by chapter 220 on
4 interest, income, or profits on debt obligations owned by
5 corporations other than the Florida Hurricane Catastrophe Fund
6 Finance Corporation.

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

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

30
31

1 Section 14. Subsection (1) and paragraphs (b) and (c)
2 of subsection (3) of section 220.1845, Florida Statutes, 1998
3 Supplement, are amended to read:

4 220.1845 Contaminated site rehabilitation tax
5 credit.--

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

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

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

13 2. A drycleaning-solvent-contaminated site at which
14 cleanup is undertaken by the real property owner pursuant to
15 s. 376.3078(11), if the real property owner is not also, and
16 has never been, the owner or operator of the drycleaning
17 facility where the contamination exists; or

18 3. A brownfield site in a designated brownfield area
19 under s. 376.80.

20 (b) A taxpayer, or multiple taxpayers working jointly
21 to clean up a single site, may not receive more than \$250,000
22 per year in tax credits for each site voluntarily
23 rehabilitated. Multiple taxpayers shall receive tax credits in
24 the same proportion as their contribution to payment of
25 cleanup costs. Subject to the same conditions and limitations
26 as provided in this section, a municipality or county which
27 voluntarily rehabilitates a site may receive not more than
28 \$250,000 per year in tax credits which it can subsequently
29 transfer subject to the provisions in paragraph (h).

30 (c) If the credit granted under this section is not
31 fully used in any one year because of insufficient tax

1 liability on the part of the corporation, the unused amount
2 may be carried forward for a period not to exceed 5 years. The
3 carryover credit may be used in a subsequent year when the tax
4 imposed by this chapter for that year exceeds the credit for
5 which the corporation is eligible in that year under this
6 section after applying the other credits and unused carryovers
7 in the order provided by s. 220.02(10).

8 (d) A taxpayer that files a consolidated return in
9 this state as a member of an affiliated group under s.
10 220.131(1) may be allowed the credit on a consolidated return
11 basis up to the amount of tax imposed upon and paid by the
12 taxpayer that incurred the rehabilitation costs.

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

16 (e)~~(f)~~ A taxpayer that receives state-funded site
17 rehabilitation under s. 376.3078(3) for rehabilitation of a
18 drycleaning-solvent-contaminated site is ineligible to receive
19 credit under this section for costs incurred by the taxpayer
20 in conjunction with the rehabilitation of that site during the
21 same time period that state-administered site rehabilitation
22 was underway.

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

26 (g)1.~~(h)1.~~ Tax credits that may be available under
27 this section to an entity eligible under s. 376.30781 may be
28 transferred after a merger or acquisition to the surviving or
29 acquiring entity and used in the same manner and with the same
30 limitations.

31

1 2. The entity or its surviving or acquiring entity as
2 described in subparagraph 1., may transfer any unused credit
3 in whole or in units of no less than 25 percent of the
4 remaining credit. The entity acquiring such credit may use it
5 in the same manner and with the same limitation as described
6 in this section. Such transferred credits may not be
7 transferred again although they may succeed to a surviving or
8 acquiring entity subject to the same conditions and
9 limitations as described in this section.

10 3. In the event the credit provided for under this
11 section is reduced either as a result of a determination by
12 the Department of Environmental Protection or an examination
13 or audit by the Department of Revenue, such tax deficiency
14 shall be recovered from the first entity, or the surviving or
15 acquiring entity, to have claimed such credit up to the amount
16 of credit taken. Any subsequent deficiencies shall be
17 assessed against any entity acquiring and claiming such
18 credit, or in the case of multiple succeeding entities in the
19 order of credit succession.

20 (h)~~(i)~~ In order to encourage completion of site
21 rehabilitation at contaminated sites being voluntarily cleaned
22 up and eligible for a tax credit under this section, the
23 taxpayer may claim an additional 10 percent of the total
24 cleanup costs, not to exceed \$50,000, in the final year of
25 cleanup as evidenced by the Department of Environmental
26 Protection issuing a "No Further Action" order for that site.

27 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
28 FORFEITURE.--

29 (b) In addition to its existing audit and
30 investigation authority relating to ~~chapter 199~~ and this
31 chapter, the Department of Revenue may perform any additional

1 financial and technical audits and investigations, including
2 examining the accounts, books, or records of the tax credit
3 applicant, which are necessary to verify the site
4 rehabilitation costs included in a tax credit return and to
5 ensure compliance with this section. The Department of
6 Environmental Protection shall provide technical assistance,
7 when requested by the Department of Revenue, on any technical
8 audits performed pursuant to this section.

9 (c) It is grounds for forfeiture of previously claimed
10 and received tax credits if the Department of Revenue
11 determines, as a result of either an audit or information
12 received from the Department of Environmental Protection, that
13 a taxpayer received tax credits pursuant to this section to
14 which the taxpayer was not entitled. In the case of fraud, the
15 taxpayer shall be prohibited from claiming any future tax
16 credits under this section ~~or s. 199.1055~~.

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

20 2. The taxpayer shall file with the Department of
21 Revenue an amended tax return or such other report as the
22 Department of Revenue prescribes by rule and shall pay any
23 required tax within 60 days after the taxpayer receives
24 notification from the Department of Environmental Protection
25 pursuant to s. 376.30781 that previously approved tax credits
26 have been revoked or modified, if uncontested, or within 60
27 days after a final order is issued following proceedings
28 involving a contested revocation or modification order.

29 3. A notice of deficiency may be issued by the
30 Department of Revenue at any time within 5 years after the
31 date the taxpayer receives notification from the Department of

1 Environmental Protection pursuant to s. 376.30781 that
2 previously approved tax credits have been revoked or modified.
3 If a taxpayer fails to notify the Department of Revenue of any
4 change in its tax credit claimed, a notice of deficiency may
5 be issued at any time. In either case, the amount of any
6 proposed assessment set forth in such notice of deficiency
7 shall be limited to the amount of any deficiency resulting
8 under this section from the recomputation of the taxpayer's
9 tax for the taxable year.

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

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

16 288.039 Employing and Training our Youths (ENTRY).--

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

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

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

24 2. Corporate income taxes under chapter 220.

25 ~~3. Intangible personal property taxes under chapter~~
26 ~~199.~~

27 3.4. Emergency excise taxes under chapter 221.

28 4.5. Excise taxes on documents under chapter 201.

29 5.6. Ad valorem taxes paid, as defined in s.

30 220.03(1).

31 6.7. Insurance premium taxes under s. 624.509.

1 7.8. Occupational license fees under chapter 205.

2
3 However, an eligible business may not receive a refund under
4 this section for any amount of credit, refund, or exemption
5 granted to that business for any of such taxes or fees. If a
6 refund for such taxes or fees is provided by the office, which
7 taxes or fees are subsequently adjusted by the application of
8 any credit, refund, or exemption granted to the eligible
9 business other than as provided in this section, the business
10 shall reimburse the office for the amount of that credit,
11 refund, or exemption. An eligible business shall notify and
12 tender payment to the office within 20 days after receiving
13 any credit, refund, or exemption other than the one provided
14 in this section.

15 Section 16. Paragraph (c) of subsection (3) and
16 paragraph (a) of subsection (4) of section 288.106, Florida
17 Statutes, 1998 Supplement, are amended to read:

18 288.106 Tax refund program for qualified target
19 industry businesses.--

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

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

27 1. Taxes on sales, use, and other transactions under
28 chapter 212.

29 2. Corporate income taxes under chapter 220.

30 3. ~~Intangible personal property taxes under chapter~~
31 ~~199.~~

1 ~~3.4.~~ Emergency excise taxes under chapter 221.

2 ~~4.5.~~ Excise taxes on documents under chapter 201.

3 ~~5.6.~~ Ad valorem taxes paid, as defined in s.

4 220.03(1).

5 ~~6.7.~~ Insurance premium tax under s. 624.509.

6

7 However, a qualified target industry business may not receive
8 a refund under this section for any amount of credit, refund,
9 or exemption granted to that business for any of such taxes.
10 If a refund for such taxes is provided by the office, which
11 taxes are subsequently adjusted by the application of any
12 credit, refund, or exemption granted to the qualified target
13 industry business other than as provided in this section, the
14 business shall reimburse the account for the amount of that
15 credit, refund, or exemption. A qualified target industry
16 business shall notify and tender payment to the office within
17 20 days after receiving any credit, refund, or exemption other
18 than one provided in this section.

19 (4) APPLICATION AND APPROVAL PROCESS.--

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

27 1. The applicant's federal employer identification
28 number and the applicant's state sales tax registration
29 number.

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

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

4 4. The number of full-time equivalent jobs in this
5 state that are or will be dedicated to the project and the
6 average wage of those jobs. If more than one type of business
7 activity or product is included in the project, the number of
8 jobs and average wage for those jobs must be separately stated
9 for each type of business activity or product.

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

12 6. The anticipated commencement date of the project.

13 7. The amount of:

14 a. Taxes on sales, use, and other transactions paid
15 under chapter 212;

16 b. Corporate income taxes paid under chapter 220;

17 ~~c. Intangible personal property taxes paid under
18 chapter 199;~~

19 c.d. Emergency excise taxes paid under chapter 221;

20 and

21 d.e. Excise taxes on documents paid under chapter 201.

22 8. The estimated amount of tax refunds to be claimed
23 in each fiscal year.

24 9. A brief statement concerning the role that the tax
25 refunds requested will play in the decision of the applicant
26 to locate or expand in this state.

27 10. An estimate of the proportion of the sales
28 resulting from the project that will be made outside this
29 state.

30 11. A resolution adopted by the governing board of the
31 county or municipality in which the project will be located,

1 which resolution recommends that certain types of businesses
2 be approved as a qualified target industry business and states
3 that the commitments of local financial support necessary for
4 the target industry business exist. Before adoption of the
5 resolution, the governing board may review the proposed public
6 or private sources of such support and determine whether the
7 proposed sources of local financial support can be provided.

8 12. Any additional information requested by the
9 office.

10 Section 17. Paragraph (c) of subsection (1) and
11 paragraph (d) of subsection (2) of section 288.1066, Florida
12 Statutes, are amended to read:

13 288.1066 Confidentiality of records.--

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

23 (c) The amount of:

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

26 2. Corporate income taxes paid pursuant to chapter
27 220;

28 3. Intangible personal property taxes paid pursuant to
29 former chapter 199;

30 4. Emergency excise taxes paid pursuant to chapter
31 221; and

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

1 Section 18. Subsection (3) of section 376.30781,
2 Florida Statutes, 1998 Supplement, is amended to read:

3 376.30781 Partial tax credits for rehabilitation of
4 drycleaning-solvent-contaminated sites and brownfield sites in
5 designated brownfield areas; application process; rulemaking
6 authority; revocation authority.--

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

11 Section 19. Paragraph (e) of subsection (14) of
12 section 440.49, Florida Statutes, 1998 Supplement, is amended
13 to read:

14 440.49 Limitation of liability for subsequent injury
15 through Special Disability Trust Fund.--

16 (14) FLORIDA SPECIAL DISABILITY TRUST FUND FINANCING
17 CORPORATION.--

18 (e)1. The funds, credit, property, or taxing power of
19 the state or political subdivisions of the state shall not be
20 pledged for the payment of such bonds. The bonds of the
21 corporation are not a debt of the state or of any political
22 subdivision, and neither the state nor any political
23 subdivision is liable on such bonds. The corporation does not
24 have the power to pledge the credit, the revenues, or the
25 taxing power of the state or of any political subdivision. The
26 credit, revenues, or taxing power of the state or of any
27 political subdivision shall not be deemed to be pledged to the
28 payment of any bonds of the corporation. However, bonds issued
29 under this subsection are declared to be for an essential
30 public and governmental purpose.

31

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

16 Section 20. Subsection (13) of section 493.6102,
17 Florida Statutes, is amended to read:

18 493.6102 Inapplicability of parts I through IV of this
19 chapter.--This chapter shall not apply to:

20 (13) Any individual employed as a security officer by
21 a church or ecclesiastical or denominational organization
22 having an established physical place of worship in this state
23 at which nonprofit religious services and activities are
24 regularly conducted or by a church cemetery ~~religious~~
25 ~~institution as defined in s. 199.183(2)(a)~~to provide security
26 on the institution property of the organization or cemetery,
27 and who does not carry a firearm in the course of her or his
28 duties.

29 Section 21. Paragraph (a) of subsection (3) of section
30 516.031, Florida Statutes, is amended to read:

31 516.031 Finance charge; maximum rates.--

1 (3) OTHER CHARGES.--

2 (a) In addition to the interest and insurance charges
3 herein provided for, no further or other charges or amount
4 whatsoever for any examination, service, commission, or other
5 thing or otherwise shall be directly or indirectly charged,
6 contracted for, or received as a condition to the grant of a
7 loan, except:

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

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

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

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

19 4.5. The documentary excise tax and lawful fees, if
20 any, actually and necessarily paid out by the licensee to any
21 public officer for filing, recording, or releasing in any
22 public office any instrument securing the loan, which fees may
23 be collected when the loan is made or at any time thereafter;

24 ~~5.6.~~ The premium payable for any insurance in lieu of
25 perfecting any security interest otherwise required by the
26 licensee in connection with the loan, if the premium does not
27 exceed the fees which would otherwise be payable, which
28 premium may be collected when the loan is made or at any time
29 thereafter;

30 ~~6.7.~~ Actual and reasonable attorney's fees and court
31 costs as determined by the court in which suit is filed; or

1 7.8. Actual and commercially reasonable expenses of
2 repossession, storing, repairing and placing in condition for
3 sale, and selling of any property pledged as security.

4
5 Any charges, including interest, in excess of the combined
6 total of all charges authorized and permitted by this chapter
7 constitute a violation of chapter 687 governing interest and
8 usury, and the penalties of that chapter apply. In the event
9 of a bona fide error, the licensee shall refund or credit the
10 borrower with the amount of the overcharge immediately but
11 within 20 days from the discovery of such error.

12 Section 22. Subsections (4), (7), and (8) of section
13 624.509, Florida Statutes, 1998 Supplement, are amended to
14 read:

15 624.509 Premium tax; rate and computation.--

16 (4) The ~~intangible tax imposed under chapter 199, the~~
17 income tax imposed under chapter 220, and the emergency excise
18 tax imposed under chapter 221 which are paid by any insurer
19 shall be credited against, and to the extent thereof shall
20 discharge, the liability for tax imposed by this section for
21 the annual period in which such tax payments are made. As to
22 any insurer issuing policies insuring against loss or damage
23 from the risks of fire, tornado, and certain casualty lines,
24 the tax imposed by this section, as intended and contemplated
25 by this subsection, shall be construed to mean the net amount
26 of such tax remaining after there has been credited thereon
27 such gross premium receipts tax as may be payable by such
28 insurer in pursuance of the imposition of such tax by any
29 incorporated cities or towns in the state for firefighters'
30 relief and pension funds and police officers' retirement funds
31 maintained in such cities or towns, as provided in and by

1 relevant provisions of the Florida Statutes. For purposes of
2 this subsection, payments of estimated income tax under
3 chapter 220 and of estimated emergency excise tax under
4 chapter 221 shall be deemed paid either at the time the
5 insurer actually files its annual returns under chapter 220 or
6 at the time such returns are required to be filed, whichever
7 first occurs, and not at such earlier time as such payments of
8 estimated tax are actually made.

9 (7) Credits and deductions against the tax imposed by
10 this section shall be taken in the following order: deductions
11 for assessments made pursuant to s. 440.51; credits for taxes
12 paid under ss. 175.101 and 185.08; credits for income taxes
13 paid under chapter 220, the emergency excise tax paid under
14 chapter 221 and the credit allowed under subsection (5), as
15 these credits are limited by subsection (6); ~~credits for~~
16 ~~intangible taxes paid under chapter 199~~; all other available
17 credits and deductions.

18 (8) From and after July 1, 1980, the premium tax
19 authorized by this section shall not be imposed upon receipts
20 of annuity premiums or considerations paid by holders in this
21 state ~~and from and after July 1, 1991, the intangible tax~~
22 ~~imposed by chapter 199 shall not be imposed on assets equal to~~
23 ~~the statutory legal reserves of annuity products maintained by~~
24 ~~insurance companies on behalf of their holders~~ if the tax
25 savings derived are credited to the annuity holders. Upon
26 request by the Department of Revenue, any insurer availing
27 itself of this provision shall submit to the department
28 evidence which establishes that the tax savings derived have
29 been credited to annuity holders. As used in this subsection,
30 the term "holders" shall be deemed to include employers
31

1 contributing to an employee's pension, annuity, or
2 profit-sharing plan.

3 Section 23. Effective July 1, 2000, subsections (4),
4 (7), and (8) of section 624.509, Florida Statutes, as amended
5 by section 12 of chapter 98-132, Laws of Florida, are
6 reenacted to read:

7 624.509 Premium tax; rate and computation.--

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

1 (7) Credits and deductions against the tax imposed by
2 this section shall be taken in the following order: deductions
3 for assessments made pursuant to s. 440.51; credits for taxes
4 paid under ss. 175.101 and 185.08; credits for income taxes
5 paid under chapter 220, the emergency excise tax paid under
6 chapter 221 and the credit allowed under subsection (5), as
7 these credits are limited by subsection (6); all other
8 available credits and deductions.

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

20 Section 24. Paragraph (m) of subsection (4) of section
21 627.311, Florida Statutes, 1998 Supplement, is amended to
22 read:

23 627.311 Joint underwriters and joint reinsurers.--

24 (4)

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

30
31

1 Section 25. Paragraph (j) of subsection (6) of section
2 627.351, Florida Statutes, 1998 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 26. 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 27. 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 1997, 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 28. 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 29. Paragraph (a) of subsection (1) of section
18 766.105, Florida Statutes, 1998 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 30. 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,
2 Florida Statutes, are repealed.

3 Section 31. This act shall take effect January 1,
4 2000.

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7 SENATE SUMMARY

8 Abolishes the intangible personal property tax.
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