

Bill No. SB 2374

Amendment No. ____

<u>Senate</u>	CHAMBER ACTION	<u>House</u>
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Senator Clary moved the following amendment:

Senate Amendment (with title amendment)

On page 2, line 1, delete that line,

and insert:

Section 2. Subsection (1) of section 196.2001, Florida Statutes, is amended to read:

196.2001 Not-for-profit sewer and water company property exemption.--

(1) Property of any sewer and water company owned or operated by a Florida corporation not for profit, the income from which has been exempt, as of January 1 of the year for which the exemption from ad valorem property taxes is requested, from federal income taxation by having qualified under s. 115(a) or s. 501(c)(12) of the Internal Revenue Code of 1954 or of a corresponding section of a subsequently enacted federal revenue act, shall be exempt from ad valorem taxation, provided the following criteria for exemption are met by the not-for-profit sewer and water company:

(a) Net income derived by the company does not inure

Bill No. SB 2374

Amendment No. ____

1 to any private shareholder or individual.

2 (b) Gross receipts do not constitute gross income for
3 federal income tax purposes.

4 (c) Members of the company's governing board serve
5 without compensation.

6 (d) Rates for services rendered by the company are
7 established by the governing board of the county or counties
8 within which the company provides service; by the Public
9 Service Commission, in those counties in which rates are
10 regulated by the commission; or by the Farmers Home
11 Administration.

12 ~~(e) Ownership of the company reverts to the county in
13 which the company conducts its business upon retirement of all
14 outstanding indebtedness of the company.~~

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16 Notwithstanding anything above, no exemption shall be granted
17 until the property appraiser has considered the proposed
18 exemption and has made a specific finding that the water and
19 sewer company in question performs a public purpose in the
20 absence of which the expenditure of public funds would be
21 required.

22 Section 3. The amendment made to section 196.2001,
23 Florida Statutes, by this act shall apply retroactively to
24 January 1, 1998.

25 Section 4. Notwithstanding any provision of chapter
26 196, Florida Statutes, to the contrary, any exemption which
27 would be authorized by the amendment to section 196.2001(1),
28 Florida Statutes, by this act, and which was applied for and
29 granted in good faith to any not-for-profit sewer or water
30 company after December 31, 1997, shall not be subject to any
31 assessment, penalty, or interest otherwise allowed by law.

Bill No. SB 2374

Amendment No. ____

1 Section 5. This act shall take effect upon becoming a
2 law, except that section 1 shall take effect July 1, 1999.

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5 ===== T I T L E A M E N D M E N T =====

6 And the title is amended as follows:

7 On page 1, lines 2 and 3, delete those lines,

8

9 and insert:

10 An act relating to taxation; amending s.
11 212.06, F.S.; revising the application of
12 provisions which exempt from use tax a person
13 who secures rock, fill dirt, or similar
14 materials from a location he or she owns for
15 use on his or her own property, to include
16 affiliated groups; amending s. 196.2001, F.S.;
17 revising the conditions for qualification for
18 the ad valorem tax exemption for property of a
19 not-for-profit sewer and water company;
20 providing for retroactive application;
21 providing that certain exemptions that conform
22 to such revision that were previously granted
23 shall not be subject to any assessment,
24 penalty, or interest; amending s. 212.08, F.S.;

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