

Bill No. CS for SB 2414

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 3, between lines 2 and 3, delete

and insert:

Section 3. 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

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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 (2) This section shall take effect upon this act  
23 becoming a law and shall apply retroactively to January 1,  
24 1998.

25 Section 4. (1) Notwithstanding any provision of  
26 chapter 196, Florida Statutes, to the contrary, any exemption  
27 which would be authorized by the amendment to s. 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.

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1           (2) This section shall take effect upon this act  
2 becoming a law.

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4 (Redesignate subsequent sections.)

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

8 And the title is amended as follows:

9           On page 1, line 11, after the semicolon

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11 insert:

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

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