

By Representatives Melvin, Dockery, Morroni, Harrington,  
 Alexander, Cantens, Patterson, Bense, Levine, Littlefield,  
 Bullard, Bush, Farkas, Stansel, Sorensen and Kelly

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, 213.27, 213.31,  
 8           215.555, 220.1845, 288.039, 288.1045, 288.106,  
 9           288.1066, 376.30781, 440.49, 493.6102, 516.031,  
 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), 607.1622(1)(g), and  
 14          731.111(2), F.S., relating to assessment of  
 15          intangible personal property, the intangible  
 16          personal property tax roll, filing of  
 17          intangible tax returns as a factor in  
 18          determining residency, intangible tax liability  
 19          information in a corporation's annual report,  
 20          and claims against a decedent's estate for  
 21          intangible taxes; providing an effective date.

22  
 23 Be It Enacted by the Legislature of the State of Florida:

24  
 25           Section 1. Chapter 199, Florida Statutes, consisting  
 26 of sections 199.012, 199.023, 199.032, 199.033, 199.042,  
 27 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106,  
 28 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183,  
 29 199.185, 199.202, 199.212, 199.218, 199.232, 199.262, 199.272,  
 30 199.282, 199.292, and 199.303, Florida Statutes, is hereby  
 31 repealed.

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

3           72.011 Jurisdiction of circuit courts in specific tax  
4 matters; administrative hearings and appeals; time for  
5 commencing action; parties; deposits.--

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

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

27           192.091 Commissions of property appraisers and tax  
28 collectors.--

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

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

3           196.199 Government property exemption.--

4           (2) Property owned by the following governmental units  
5 but used by nongovernmental lessees shall only be exempt from  
6 taxation under the following conditions:

7           (b) Except as provided in paragraph (c), the exemption  
8 provided by this subsection shall not apply to those portions  
9 of a leasehold or other interest defined by s. 199.023(1)(d),  
10 Florida Statutes, 1999, subject to the provisions of  
11 subsection (7). ~~Such leasehold or other interest shall be~~  
12 ~~taxed only as intangible personal property pursuant to chapter~~  
13 ~~199 if rental payments are due in consideration of such~~  
14 ~~leasehold or other interest.~~ If no rental payments are due  
15 pursuant to the agreement creating such leasehold or other  
16 interest, the leasehold or other interest shall be taxed as  
17 real property. Nothing in this paragraph shall be deemed to  
18 exempt personal property, buildings, or other real property  
19 improvements owned by the lessee from ad valorem taxation.

20           Section 5. Section 196.1993, Florida Statutes, is  
21 amended to read:

22           196.1993 Certain agreements with local governments for  
23 use of public property; exemption.--Any agreement entered into  
24 with a local governmental authority prior to January 1, 1969,  
25 for use of public property, under which it was understood and  
26 agreed in a written instrument or by special act that no ad  
27 valorem real property taxes would be paid by the licensee or  
28 lessee, shall be deemed a license or management agreement for  
29 the use or management of public property. Such interest shall  
30 be deemed not to convey an interest in the property and shall  
31 not be subject to ad valorem real property taxation. Nothing

1 in this section shall be deemed to exempt such licensee from  
2 the ~~ad valorem intangible tax and the ad valorem personal~~  
3 property tax.

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

6 201.23 Foreign notes and other written obligations  
7 exempt.--

8 (4) The excise taxes imposed by this chapter shall not  
9 apply to the documents, notes, evidences of indebtedness,  
10 financing statements, drafts, bills of exchange, or other  
11 taxable items dealt with, made, issued, drawn upon, accepted,  
12 delivered, shipped, received, signed, executed, assigned,  
13 transferred, or sold by or to a banking organization, as  
14 defined in s. 199.023(9), Florida Statutes, 1999, in the  
15 conduct of an international banking transaction, as defined in  
16 s. 199.023(11), Florida Statutes, 1999. Nothing in this  
17 subsection shall be construed to change the application of  
18 paragraph (2)(a).

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

21 212.02 Definitions.--The following terms and phrases  
22 when used in this chapter have the meanings ascribed to them  
23 in this section, except where the context clearly indicates a  
24 different meaning:

25 (19) "Tangible personal property" means and includes  
26 personal property which may be seen, weighed, measured, or  
27 touched or is in any manner perceptible to the senses,  
28 including electric power or energy, boats, motor vehicles and  
29 mobile homes as defined in s. 320.01(1) and (2), aircraft as  
30 defined in s. 330.27, and all other types of vehicles. The  
31 term "tangible personal property" does not include stocks,

1 bonds, notes, insurance, or other obligations or securities, +  
2 ~~intangibles as defined by the intangible tax law of the state;~~  
3 or pari-mutuel tickets sold or issued under the racing laws of  
4 the state.

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

7 213.015 Taxpayer rights.--There is created a Florida  
8 Taxpayer's Bill of Rights to guarantee that the rights,  
9 privacy, and property of Florida taxpayers are adequately  
10 safeguarded and protected during tax assessment, collection,  
11 and enforcement processes administered under the revenue laws  
12 of this state. The Taxpayer's Bill of Rights compiles, in one  
13 document, brief but comprehensive statements which explain, in  
14 simple, nontechnical terms, the rights and obligations of the  
15 Department of Revenue and taxpayers. The rights afforded  
16 taxpayers to assure that their privacy and property are  
17 safeguarded and protected during tax assessment and collection  
18 are available only insofar as they are implemented in other  
19 parts of the Florida Statutes or rules of the Department of  
20 Revenue. The rights so guaranteed Florida taxpayers in the  
21 Florida Statutes and the departmental rules are:

22 (3) The right to be represented or advised by counsel  
23 or other qualified representatives at any time in  
24 administrative interactions with the department, the right to  
25 procedural safeguards with respect to recording of interviews  
26 during tax determination or collection processes conducted by  
27 the department, and the right to have audits, inspections of  
28 records, and interviews conducted at a reasonable time and  
29 place except in criminal and internal investigations (see ss.  
30 198.06, ~~199.218~~, 201.11(1), 203.02, 206.14, 211.125(3),  
31

1 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (13),  
2 212.13(5), 213.05, 213.21(1)(a) and (c), and 213.34).

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

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

17 Section 9. Section 213.05, Florida Statutes, is  
18 amended to read:

19 213.05 Department of Revenue; control and  
20 administration of revenue laws.--The Department of Revenue  
21 shall have only those responsibilities for ad valorem taxation  
22 specified to the department in chapter 192, taxation, general  
23 provisions; chapter 193, assessments; chapter 194,  
24 administrative and judicial review of property taxes; chapter  
25 195, property assessment administration and finance; chapter  
26 196, exemption; chapter 197, tax collections, sales, and  
27 liens; ~~chapter 199, intangible personal property taxes;~~ and  
28 chapter 200, determination of millage. The Department of  
29 Revenue shall have the responsibility of regulating,  
30 controlling, and administering all revenue laws and performing  
31 all duties as provided in s. 125.0104, the Local Option

1 Tourist Development Act; s. 125.0108, tourist impact tax;  
2 chapter 198, estate taxes; chapter 201, excise tax on  
3 documents; chapter 203, gross receipts taxes; chapter 206,  
4 motor and other fuel taxes; chapter 211, tax on production of  
5 oil and gas and severance of solid minerals; chapter 212, tax  
6 on sales, use, and other transactions; chapter 220, income tax  
7 code; chapter 221, emergency excise tax; ss. 336.021 and  
8 336.025, taxes on motor fuel and special fuel; s. 370.07(3),  
9 Apalachicola Bay oyster surcharge; s. 376.11, pollutant spill  
10 prevention and control; s. 403.718, waste tire fees; s.  
11 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint  
12 disposal fees; s. 538.09, registration of secondhand dealers;  
13 s. 538.25, registration of secondary metals recyclers; s.  
14 624.4621, group self-insurer's fund premium tax; s. 624.5091,  
15 retaliatory tax; s. 624.475, commercial self-insurance fund  
16 premium tax; ss. 624.509-624.511, insurance code:  
17 administration and general provisions; s. 624.515, State Fire  
18 Marshal regulatory assessment; s. 627.357, medical malpractice  
19 self-insurance premium tax; s. 629.5011, reciprocal insurers  
20 premium tax; and s. 681.117, motor vehicle warranty  
21 enforcement.

22 Section 10. Subsections (1) and (4), paragraphs (k)  
23 and (p) of subsection (7), and paragraph (a) of subsection  
24 (14) of section 213.053, Florida Statutes, are amended to  
25 read:

26 213.053 Confidentiality and information sharing.--  
27 (1) The provisions of this section apply to s.  
28 125.0104, county government; s. 125.0108, tourist impact tax;  
29 chapter 175, municipal firefighters' pension trust funds;  
30 chapter 185, municipal police officers' retirement trust  
31 funds; chapter 198, estate taxes; ~~chapter 199, intangible~~

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

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

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

24 (k) Payment information relative to chapters ~~199~~,201,  
25 212, 220, and 221 to the Office of Tourism, Trade, and  
26 Economic Development in its administration of the tax refund  
27 program for qualified defense contractors authorized by s.  
28 288.1045 and the tax refund program for qualified target  
29 industry businesses authorized by s. 288.106.

30  
31



1 (p) 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 213.27, Florida Statutes, is  
2 amended to read:

3           213.27 Contracts with debt collection agencies and  
4 certain vendors.--

5           (1) The Department of Revenue may, for the purpose of  
6 collecting any delinquent taxes due from a taxpayer, including  
7 taxes for which a bill or notice has been generated, contract  
8 with any debt collection agency or attorney doing business  
9 within or without this state for the collection of such  
10 delinquent taxes including penalties and interest thereon. The  
11 department may also share confidential information pursuant to  
12 the contract necessary for the collection of delinquent taxes  
13 and taxes for which a billing or notice has been generated.  
14 Contracts will be made pursuant to chapter 287. The taxpayer  
15 must be notified by mail by the department, its employees, or  
16 its authorized representative 30 days prior to commencing any  
17 litigation to recover any delinquent taxes. The taxpayer must  
18 be notified by mail by the department 30 days prior to the  
19 department assigning the collection of any taxes to the debt  
20 collection agency.

21           ~~(2) The department may enter into contracts with any~~  
22 ~~individual or business for the purpose of identifying~~  
23 ~~intangible personal property tax liability. Contracts may~~  
24 ~~provide for the identification of assets subject to the tax on~~  
25 ~~intangible personal property, the determination of value of~~  
26 ~~such property, the requirement for filing a tax return and the~~  
27 ~~collection of taxes due, including applicable penalties and~~  
28 ~~interest thereon. The department may share confidential~~  
29 ~~information pursuant to the contract necessary for the~~  
30 ~~identification of taxable intangible personal property.~~  
31 ~~Contracts shall be made pursuant to chapter 287. The taxpayer~~

1 ~~must be notified by mail by the department 30 days prior to~~  
2 ~~the department assigning identification of intangible personal~~  
3 ~~property to an individual or business.~~

4 (2)~~(3)~~ Any contract may provide, in the discretion of  
5 the executive director of the Department of Revenue, the  
6 manner in which the compensation for such services will be  
7 paid. Under standards established by the department, such  
8 compensation shall be added to the amount of the tax and  
9 collected as a part thereof by the agency or deducted from the  
10 amount of tax, penalty, and interest actually collected.

11 (3)~~(4)~~ All funds collected under the terms of the  
12 contract, less the fees provided in the contract, shall be  
13 remitted to the department within 30 days from the date of  
14 collection from a taxpayer. Forms to be used for such purpose  
15 shall be prescribed by the department.

16 (4)~~(5)~~ The department shall require a bond from the  
17 debt collection agency ~~or the individual or business~~  
18 ~~contracted with under subsection (2)~~not in excess of \$100,000  
19 guaranteeing compliance with the terms of the contract.  
20 However, a bond of \$10,000 is required from a debt collection  
21 agency if the agency does not actually collect and remit  
22 delinquent funds to the department.

23 (5)~~(6)~~ The department may, for the purpose of  
24 ascertaining the amount of or collecting any taxes due from a  
25 person doing mail order business in this state, contract with  
26 any auditing agency doing business within or without this  
27 state for the purpose of conducting an audit of such mail  
28 order business; however, such audit agency may not conduct an  
29 audit on behalf of the department of any person domiciled in  
30 this state, person registered for sales and use tax purposes  
31 in this state, or corporation filing a Florida corporate tax

1 return, if any such person or corporation objects to such  
2 audit in writing to the department and the auditing agency.  
3 The department shall notify the taxpayer by mail at least 30  
4 days before the department assigns the collection of such  
5 taxes.

6 (6)~~(7)~~ Confidential information shared by the  
7 department with debt collection or auditing agencies ~~or~~  
8 ~~individuals or businesses with which the department has~~  
9 ~~contracted under subsection (2)~~ is exempt from the provisions  
10 of s. 119.07(1), and debt collection or auditing agencies ~~and~~  
11 ~~individuals or businesses with which the department has~~  
12 ~~contracted under subsection (2)~~ shall be bound by the same  
13 requirements of confidentiality as the Department of Revenue.  
14 Breach of confidentiality is a misdemeanor of the first  
15 degree, punishable as provided by ss. 775.082 and 775.083.

16 (7)~~(8)~~(a) The executive director of the department may  
17 enter into contracts with private vendors to develop and  
18 implement systems to enhance tax collections where  
19 compensation to the vendors is funded through increased tax  
20 collections. The amount of compensation paid to a vendor  
21 shall be based on a percentage of increased tax collections  
22 attributable to the system after all administrative and  
23 judicial appeals are exhausted, and the total amount of  
24 compensation paid to a vendor shall not exceed the maximum  
25 amount stated in the contract.

26 (b) A person acting on behalf of the department under  
27 a contract authorized by this subsection does not exercise any  
28 of the powers of the department, except that the person is an  
29 agent of the department for the purposes of developing and  
30 implementing a system to enhance tax collection.

31

1 (c) Disclosure of information under this subsection  
2 shall be pursuant to a written agreement between the executive  
3 director and the private vendors. The vendors shall be bound  
4 by the same requirements of confidentiality as the department.  
5 Breach of confidentiality is a misdemeanor of the first  
6 degree, punishable as provided in s. 775.082 or s. 775.083.

7 Section 13. Section 213.31, Florida Statutes, is  
8 amended to read:

9 213.31 Corporation Tax Administration Trust  
10 Fund.--There is hereby created in the State Treasury the  
11 Corporation Tax Administration Trust Fund. Moneys in the fund  
12 are hereby appropriated to the Department of Revenue for the  
13 administration of taxes levied upon corporations, including,  
14 but not limited to, those imposed under ~~chapter 199~~, chapter  
15 220, or chapter 221.

16 Section 14. Paragraph (c) of subsection (6) of section  
17 215.555, Florida Statutes, is amended to read:

18 215.555 Florida Hurricane Catastrophe Fund.--

19 (6) REVENUE BONDS.--

20 (c) Florida Hurricane Catastrophe Fund Finance  
21 Corporation.--

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

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

31

1           b. The purpose of such bonds is to fund reimbursements  
2 through the Florida Hurricane Catastrophe Fund to pay for the  
3 costs of construction, reconstruction, repair, restoration,  
4 and other costs associated with damage to properties of  
5 policyholders of covered policies due to the occurrence of a  
6 hurricane.

7           c. The efficacy of the financing mechanism will be  
8 enhanced by the corporation's ownership of the assessments, by  
9 the insulation of the assessments from possible bankruptcy  
10 proceedings, and by covenants of the state with the  
11 corporation's bondholders.

12           2.a. There is created a public benefits corporation,  
13 which is an instrumentality of the state, to be known as the  
14 Florida Hurricane Catastrophe Fund Finance Corporation.

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

21           c. The corporation has all of the powers of  
22 corporations under chapter 607 and under chapter 617, subject  
23 only to the provisions of this subsection.

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

27           e. The corporation may invest in any of the  
28 investments authorized under s. 215.47.

29           f. There shall be no liability on the part of, and no  
30 cause of action shall arise against, any board members or  
31

1 employees of the corporation for any actions taken by them in  
2 the performance of their duties under this paragraph.

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

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

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

25           5.a. The property, revenues, and other assets of the  
26 corporation; the transactions and operations of the  
27 corporation and the income from such transactions and  
28 operations; and all bonds issued under this paragraph and  
29 interest on such bonds are exempt from taxation by the state  
30 and any political subdivision, including ~~the intangibles tax~~  
31 ~~under chapter 199~~ and the income tax under chapter 220. This

1 exemption does not apply to any tax imposed by chapter 220 on  
2 interest, income, or profits on debt obligations owned by  
3 corporations other than the Florida Hurricane Catastrophe Fund  
4 Finance Corporation.

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

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

28           Section 15. Section 220.1845, Florida Statutes, is  
29 amended to read:

30           220.1845 Contaminated site rehabilitation tax  
31 credit.--



1           (1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--  
2           (a) A credit in the amount of 35 percent of the costs  
3 of voluntary cleanup activity that is integral to site  
4 rehabilitation at the following sites is allowed against any  
5 tax due for a taxable year under this chapter:  
6           1. A drycleaning-solvent-contaminated site eligible  
7 for state-funded site rehabilitation under s. 376.3078(3);  
8           2. A drycleaning-solvent-contaminated site at which  
9 cleanup is undertaken by the real property owner pursuant to  
10 s. 376.3078(11), if the real property owner is not also, and  
11 has never been, the owner or operator of the drycleaning  
12 facility where the contamination exists; or  
13           3. A brownfield site in a designated brownfield area  
14 under s. 376.80.  
15           (b) A taxpayer, or multiple taxpayers working jointly  
16 to clean up a single site, may not receive more than \$250,000  
17 per year in tax credits for each site voluntarily  
18 rehabilitated. Multiple taxpayers shall receive tax credits in  
19 the same proportion as their contribution to payment of  
20 cleanup costs. Subject to the same conditions and limitations  
21 as provided in this section, a municipality or county which  
22 voluntarily rehabilitates a site may receive not more than  
23 \$250,000 per year in tax credits which it can subsequently  
24 transfer subject to the provisions in paragraph (g) ~~(h)~~.  
25           (c) If the credit granted under this section is not  
26 fully used in any one year because of insufficient tax  
27 liability on the part of the corporation, the unused amount  
28 may be carried forward for a period not to exceed 5 years. The  
29 carryover credit may be used in a subsequent year when the tax  
30 imposed by this chapter for that year exceeds the credit for  
31 which the corporation is eligible in that year under this

1 section after applying the other credits and unused carryovers  
2 in the order provided by s. 220.02(10).

3 (d) A taxpayer that files a consolidated return in  
4 this state as a member of an affiliated group under s.  
5 220.131(1) may be allowed the credit on a consolidated return  
6 basis up to the amount of tax imposed upon and paid by the  
7 taxpayer that incurred the rehabilitation costs.

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

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

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

21 (g)~~(h)~~1. Tax credits that may be available under this  
22 section to an entity eligible under s. 376.30781 may be  
23 transferred after a merger or acquisition to the surviving or  
24 acquiring entity and used in the same manner and with the same  
25 limitations.

26 2. The entity or its surviving or acquiring entity as  
27 described in subparagraph 1., may transfer any unused credit  
28 in whole or in units of no less than 25 percent of the  
29 remaining credit. The entity acquiring such credit may use it  
30 in the same manner and with the same limitation as described  
31 in this section. Such transferred credits may not be

1 transferred again although they may succeed to a surviving or  
2 acquiring entity subject to the same conditions and  
3 limitations as described in this section.

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

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

21           (2) FILING REQUIREMENTS.--Any corporation that wishes  
22 to obtain credit under this section must submit with its  
23 return a tax credit certificate approving partial tax credits  
24 issued by the Department of Environmental Protection under s.  
25 376.30781.

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

28           (a) The Department of Revenue may adopt rules to  
29 prescribe any necessary forms required to claim a tax credit  
30 under this section and to provide the administrative  
31 guidelines and procedures required to administer this section.

1           (b) In addition to its existing audit and  
2 investigation authority relating to ~~chapter 199~~ and this  
3 chapter, the Department of Revenue may perform any additional  
4 financial and technical audits and investigations, including  
5 examining the accounts, books, or records of the tax credit  
6 applicant, which are necessary to verify the site  
7 rehabilitation costs included in a tax credit return and to  
8 ensure compliance with this section. The Department of  
9 Environmental Protection shall provide technical assistance,  
10 when requested by the Department of Revenue, on any technical  
11 audits performed pursuant to this section.

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

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

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

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

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

17           Section 16. Paragraph (b) of subsection (2) of section  
18 288.039, Florida Statutes, is amended to read:

19           288.039 Employing and Training our Youths (ENTRY).--

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

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

25           1. Taxes on sales, use, and other transactions under  
26 chapter 212.

27           2. Corporate income taxes under chapter 220.

28           ~~3. Intangible personal property taxes under chapter~~  
29 ~~199.~~

30           3.4. Emergency excise taxes under chapter 221.

31           4.5. Excise taxes on documents under chapter 201.

1           ~~5.6.~~ Ad valorem taxes paid, as defined in s.  
2 220.03(1).

3           ~~6.7.~~ Insurance premium taxes under s. 624.509.

4           ~~7.8.~~ Occupational license fees under chapter 205.

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

18           Section 17. Paragraph (f) of subsection (2) and  
19 paragraphs (b), (c), and (d) of subsection (3) of section  
20 288.1045, Florida Statutes, are amended to read:

21           288.1045 Qualified defense contractor tax refund  
22 program.--

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

24           (f) After entering into a tax refund agreement  
25 pursuant to subsection (4), a qualified applicant may receive  
26 refunds from the Economic Development Trust Fund for the  
27 following taxes due and paid by the qualified applicant  
28 beginning with the applicant's first taxable year that begins  
29 after entering into the agreement:

30           1. Taxes on sales, use, and other transactions paid  
31 pursuant to chapter 212.

1           2. Corporate income taxes paid pursuant to chapter  
2 220.

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

5           3.4. Emergency excise taxes paid pursuant to chapter  
6 221.

7           ~~4.5.~~ Excise taxes paid on documents pursuant to  
8 chapter 201.

9           ~~5.6.~~ Ad valorem taxes paid, as defined in s.  
10 220.03(1)(a) on June 1, 1996.

11  
12 However, a qualified applicant may not receive a tax refund  
13 pursuant to this section for any amount of credit, refund, or  
14 exemption granted such contractor for any of such taxes. If a  
15 refund for such taxes is provided by the office, which taxes  
16 are subsequently adjusted by the application of any credit,  
17 refund, or exemption granted to the qualified applicant other  
18 than that provided in this section, the qualified applicant  
19 shall reimburse the Economic Development Trust Fund for the  
20 amount of such credit, refund, or exemption. A qualified  
21 applicant must notify and tender payment to the office within  
22 20 days after receiving a credit, refund, or exemption, other  
23 than that provided in this section.

24           (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
25 DETERMINATION.--

26           (b) Applications for certification based on the  
27 consolidation of a Department of Defense contract or a new  
28 Department of Defense contract must be submitted to the office  
29 as prescribed by the office and must include, but are not  
30 limited to, the following information:

31

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



1           ~~c.~~ Intangible personal property taxes paid pursuant to  
2 ~~chapter 199;~~  
3           c.d. Emergency excise taxes paid pursuant to chapter  
4 221;  
5           d.e. Excise taxes paid on documents pursuant to  
6 chapter 201; and  
7           e.f. Ad valorem taxes paid  
8  
9 during the 5 fiscal years immediately preceding the date of  
10 the application, and the projected amounts of such taxes to be  
11 due in the 3 fiscal years immediately following the date of  
12 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 office.

3           (c) Applications for certification based on the  
4 conversion of defense production jobs to nondefense production  
5 jobs must be submitted to the office as prescribed by the  
6 office and must include, but are not limited to, the following  
7 information:

8           1. The applicant's federal employer identification  
9 number, the applicant's Florida sales tax registration number,  
10 and a notarized signature of an officer of the applicant.

11           2. The permanent location of the manufacturing,  
12 assembling, fabricating, research, development, or design  
13 facility in this state at which the project is or is to be  
14 located.

15           3. The Department of Defense contract numbers of the  
16 contract under which the defense production jobs will be  
17 converted to nondefense production jobs.

18           4. The date the contract was executed, and the date  
19 the contract is due to expire or is expected to expire, or was  
20 canceled.

21           5. The commencement date for the nondefense production  
22 operations in this state.

23           6. The number of full-time equivalent jobs in this  
24 state which are or will be dedicated to the nondefense  
25 production project during the year and the average wage of  
26 such jobs.

27           7. The total number of full-time equivalent employees  
28 employed by the applicant in this state.

29           8. The percentage of the applicant's gross receipts  
30 derived from Department of Defense contracts during the 5  
31

1 taxable years immediately preceding the date the application  
2 is submitted.

3       9. The amount of:

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

6       b. Corporate income taxes paid pursuant to chapter  
7 220;

8       ~~c. Intangible personal property taxes paid pursuant to~~  
9 ~~chapter 199;~~

10       c.d. Emergency excise taxes paid pursuant to chapter  
11 221;

12       ~~d.e.~~ Excise taxes paid on documents pursuant to  
13 chapter 201; and

14       e.f. Ad valorem taxes paid  
15

16 during the 5 fiscal years immediately preceding the date of  
17 the application, and the projected amounts of such taxes to be  
18 due in the 3 fiscal years immediately following the date of  
19 the application.

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

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

25       12. A resolution adopted by the county commissioners  
26 of the county in which the project will be located, which  
27 recommends the applicant be approved as a qualified applicant,  
28 and which indicates that the necessary commitments of local  
29 financial support for the applicant exist. Prior to the  
30 adoption of the resolution, the county commission may review  
31 the proposed public or private sources of such support and

1 determine whether the proposed sources of local financial  
2 support can be provided or, for any applicant whose project is  
3 located in a county designated by the Rural Economic  
4 Development Initiative, a resolution adopted by the county  
5 commissioners of such county requesting that the applicant's  
6 project be exempt from the local financial support  
7 requirement.

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

10           (d) Applications for certification based on a contract  
11 for reuse of a defense-related facility must be submitted to  
12 the office as prescribed by the office and must include, but  
13 are not limited to, the following information:

14           1. The applicant's Florida sales tax registration  
15 number and a notarized signature of an officer of the  
16 applicant.

17           2. The permanent location of the manufacturing,  
18 assembling, fabricating, research, development, or design  
19 facility in this state at which the project is or is to be  
20 located.

21           3. The business entity holding a valid Department of  
22 Defense contract or branch of the Armed Forces of the United  
23 States that previously occupied the facility, and the date  
24 such entity last occupied the facility.

25           4. A copy of the contract to reuse the facility, or  
26 such alternative proof as may be prescribed by the office that  
27 the applicant is seeking to contract for the reuse of such  
28 facility.

29           5. The date the contract to reuse the facility was  
30 executed or is expected to be executed, and the date the  
31 contract is due to expire or is expected to expire.

- 1           6. The commencement date for project operations under  
2 the contract in this state.
- 3           7. The number of full-time equivalent jobs in this  
4 state which are or will be dedicated to the project during the  
5 year and the average wage of such jobs.
- 6           8. The total number of full-time equivalent employees  
7 employed by the applicant in this state.
- 8           9. The amount of:
- 9           a. Taxes on sales, use, and other transactions paid  
10 pursuant to chapter 212.
- 11           b. Corporate income taxes paid pursuant to chapter  
12 220.
- 13           ~~c. Intangible personal property taxes paid pursuant to~~  
14 ~~chapter 199.~~
- 15           c.d. Emergency excise taxes paid pursuant to chapter  
16 221.
- 17           ~~d.e.~~ Excise taxes paid on documents pursuant to  
18 chapter 201.
- 19           e.f. Ad valorem taxes paid during the 5 fiscal years  
20 immediately preceding the date of the application, and the  
21 projected amounts of such taxes to be due in the 3 fiscal  
22 years immediately following the date of the application.
- 23           10. The estimated amount of tax refunds to be claimed  
24 in each fiscal year.
- 25           11. A brief statement concerning the applicant's need  
26 for tax refunds, and the proposed uses of such refunds by the  
27 applicant.
- 28           12. A resolution adopted by the county commissioners  
29 of the county in which the project will be located, which  
30 recommends the applicant be approved as a qualified applicant,  
31 and which indicates that the necessary commitments of local

1 financial support for the applicant exist. Prior to the  
2 adoption of the resolution, the county commission may review  
3 the proposed public or private sources of such support and  
4 determine whether the proposed sources of local financial  
5 support can be provided or, for any applicant whose project is  
6 located in a county designated by the Rural Economic  
7 Development Initiative, a resolution adopted by the county  
8 commissioners of such county requesting that the applicant's  
9 project be exempt from the local financial support  
10 requirement.

11           13. Any additional information requested by the  
12 office.

13           Section 18. Paragraph (c) of subsection (3) of section  
14 288.106, Florida Statutes, is amended to read:

15           288.106 Tax refund program for qualified target  
16 industry businesses.--

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

18           (c) After entering into a tax refund agreement under  
19 subsection (5), a qualified target industry business may:

20           1. Receive refunds from the account for the following  
21 taxes due and paid by that business beginning with the first  
22 taxable year of the business which begins after entering into  
23 the agreement:

24           a. Corporate income taxes under chapter 220.

25           b. Insurance premium tax under s. 624.509.

26           2. Receive refunds from the account for the following  
27 taxes due and paid by that business after entering into the  
28 agreement:

29           a. Taxes on sales, use, and other transactions under  
30 chapter 212.

31

1           ~~b. Intangible personal property taxes under chapter~~  
2 ~~199.~~  
3           b.e. Emergency excise taxes under chapter 221.  
4           c.d. Excise taxes on documents under chapter 201.  
5           d.e. Ad valorem taxes paid, as defined in s.  
6 220.03(1).  
7           Section 19. Paragraph (c) of subsection (1) and  
8 paragraph (d) of subsection (2) of section 288.1066, Florida  
9 Statutes, are amended to read:  
10           288.1066 Confidentiality of records.--  
11           (1) The following information when received by the  
12 Department of Commerce; the Office of Tourism, Trade, and  
13 Economic Development; Enterprise Florida, Inc.; or county or  
14 municipal governmental entities and their employees pursuant  
15 to the qualified defense contractor tax refund program as  
16 required by s. 288.1045 is confidential and exempt from the  
17 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
18 Constitution for a period not to exceed the duration of the  
19 tax refund agreement or 10 years, whichever is earlier:  
20           (c) The amount of:  
21           1. Taxes on sales, use, and other transactions paid  
22 pursuant to chapter 212;  
23           2. Corporate income taxes paid pursuant to chapter  
24 220;  
25           ~~3. Intangible personal property taxes paid pursuant to~~  
26 ~~chapter 199;~~  
27           3.4. Emergency excise taxes paid pursuant to chapter  
28 221; and  
29           4.5. Ad valorem taxes paid  
30  
31

1 during the 5 fiscal years immediately preceding the date of  
2 the application, and the projected amounts of such taxes to be  
3 due in the 3 fiscal years immediately following the date of  
4 the application.

5 (2) The following information when received by the  
6 Department of Commerce; the Office of Tourism, Trade, and  
7 Economic Development; Enterprise Florida, Inc.; or county or  
8 municipal governmental entities and their employees pursuant  
9 to the qualified target industry tax refund program as  
10 required by s. 288.106 is confidential and exempt from the  
11 provisions of s. 119.07(1) and s. 24(a), Art. I of the State  
12 Constitution for a period not to exceed the duration of the  
13 tax refund agreement or 10 years, whichever is earlier:

14 (d) The amount of:

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

17 2. Corporate income taxes paid pursuant to chapter  
18 220;

19 ~~3. Intangible personal property taxes paid pursuant to~~  
20 ~~chapter 199;~~

21 3.4. Emergency excise taxes paid pursuant to chapter  
22 221; and

23 4.5. Ad valorem taxes paid  
24

25 during the 5 fiscal years immediately preceding the date of  
26 the application, and the projected amounts of such taxes to be  
27 due in the 3 fiscal years immediately following the date of  
28 the application.

29 Section 20. Paragraph (a) of subsection (2) and  
30 subsections (3) and (12) of section 376.30781, Florida  
31 Statutes, are amended to read:



1           376.30781 Partial tax credits for rehabilitation of  
2 drycleaning-solvent-contaminated sites and brownfield sites in  
3 designated brownfield areas; application process; rulemaking  
4 authority; revocation authority.--

5           (2)(a) A credit in the amount of 35 percent of the  
6 costs of voluntary cleanup activity that is integral to site  
7 rehabilitation at the following sites is allowed pursuant to  
8 s.ss. 199.1055 and 220.1845:

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

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

16           3. A brownfield site in a designated brownfield area  
17 under s. 376.80.

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

22           (12) An owner, operator, or real property owner who  
23 receives state-funded site rehabilitation under s. 376.3078(3)  
24 for rehabilitation of a drycleaning-solvent-contaminated site  
25 is ineligible to receive a tax credit under ~~s. 199.1055~~ or s.  
26 220.1845 for costs incurred by the taxpayer in conjunction  
27 with the rehabilitation of that site during the same time  
28 period that state-administered site rehabilitation was  
29 underway.

30           Section 21. Paragraph (e) of subsection (14) of  
31 section 440.49, Florida Statutes, is amended to read:

1           440.49 Limitation of liability for subsequent injury  
2 through Special Disability Trust Fund.--

3           (14) FLORIDA SPECIAL DISABILITY TRUST FUND FINANCING  
4 CORPORATION.--

5           (e)1. The funds, credit, property, or taxing power of  
6 the state or political subdivisions of the state shall not be  
7 pledged for the payment of such bonds. The bonds of the  
8 corporation are not a debt of the state or of any political  
9 subdivision, and neither the state nor any political  
10 subdivision is liable on such bonds. The corporation does not  
11 have the power to pledge the credit, the revenues, or the  
12 taxing power of the state or of any political subdivision. The  
13 credit, revenues, or taxing power of the state or of any  
14 political subdivision shall not be deemed to be pledged to the  
15 payment of any bonds of the corporation. However, bonds issued  
16 under this subsection are declared to be for an essential  
17 public and governmental purpose.

18           2. The property, revenues, and other assets of the  
19 corporation; the transactions and operations of the  
20 corporation and the income from such transactions and  
21 operations; and all bonds issued under this paragraph and the  
22 interest on such bonds, which is exempt from income taxes of  
23 the United States, are exempt from taxation by the state and  
24 any political subdivision, including, but not limited to, ~~the~~  
25 ~~intangibles tax under chapter 199,~~the income tax under  
26 chapter 220, and the premium tax under the Florida Insurance  
27 Code. This exemption does not apply to any tax imposed by  
28 chapter 220 on interest income or profits on debt obligations  
29 owned by corporations other than the Special Disability Trust  
30 Fund Financing Corporation. The corporation is not subject to  
31

1 the reporting requirements mandated by the Florida Insurance  
2 Code.

3 Section 22. Subsection (13) of section 493.6102,  
4 Florida Statutes, is amended to read:

5 493.6102 Inapplicability of parts I through IV of this  
6 chapter.--This chapter shall not apply to:

7 (13) Any individual employed as a security officer by  
8 a church or ecclesiastical or denominational organization  
9 having an established physical place of worship in this state  
10 at which nonprofit religious services and activities are  
11 regularly conducted or by a church cemetery ~~religious~~  
12 ~~institution as defined in s. 199.183(2)(a)~~ to provide security  
13 on the ~~institution~~ property of the organization or cemetery,  
14 and who does not carry a firearm in the course of her or his  
15 duties.

16 Section 23. Paragraph (a) of subsection (3) of section  
17 516.031, Florida Statutes, is amended to read:

18 516.031 Finance charge; maximum rates.--

19 (3) OTHER CHARGES.--

20 (a) In addition to the interest and insurance charges  
21 herein provided for, no further or other charges or amount  
22 whatsoever for any examination, service, commission, or other  
23 thing or otherwise shall be directly or indirectly charged,  
24 contracted for, or received as a condition to the grant of a  
25 loan, except:

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

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

31

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

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

7           4.5. The documentary excise tax and lawful fees, if  
8 any, actually and necessarily paid out by the licensee to any  
9 public officer for filing, recording, or releasing in any  
10 public office any instrument securing the loan, which fees may  
11 be collected when the loan is made or at any time thereafter;

12           ~~5.6.~~ The premium payable for any insurance in lieu of  
13 perfecting any security interest otherwise required by the  
14 licensee in connection with the loan, if the premium does not  
15 exceed the fees which would otherwise be payable, which  
16 premium may be collected when the loan is made or at any time  
17 thereafter;

18           ~~6.7.~~ Actual and reasonable attorney's fees and court  
19 costs as determined by the court in which suit is filed; or

20           ~~7.8.~~ Actual and commercially reasonable expenses of  
21 repossession, storing, repairing and placing in condition for  
22 sale, and selling of any property pledged as security.

23  
24 Any charges, including interest, in excess of the combined  
25 total of all charges authorized and permitted by this chapter  
26 constitute a violation of chapter 687 governing interest and  
27 usury, and the penalties of that chapter apply. In the event  
28 of a bona fide error, the licensee shall refund or credit the  
29 borrower with the amount of the overcharge immediately but  
30 within 20 days from the discovery of such error.

31

1           Section 24. Paragraph (m) of subsection (4) of section  
2 627.311, Florida Statutes, is amended to read:

3           627.311 Joint underwriters and joint reinsurers.--

4           (4)

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

10          Section 25. Paragraph (j) of subsection (6) of section  
11 627.351, Florida Statutes, is amended to read:

12          627.351 Insurance risk apportionment plans.--

13          (6) RESIDENTIAL PROPERTY AND CASUALTY JOINT  
14 UNDERWRITING ASSOCIATION.--

15          (j) The Residential Property and Casualty Joint  
16 Underwriting Association is not a state agency, board, or  
17 commission. However, ~~for the purposes of s. 199.183(1),~~the  
18 Residential Property and Casualty Joint Underwriting  
19 Association ~~shall be considered a political subdivision of the~~  
20 ~~state and~~ shall be exempt from the corporate income tax.

21          Section 26. Paragraph (b) of subsection (6) of section  
22 650.05, Florida Statutes, is amended to read:

23          650.05 Plans for coverage of employees of political  
24 subdivisions.--

25          (6)

26          (b) The grants-in-aid and other revenue referred to in  
27 paragraph (a) specifically include, but are not limited to,  
28 minimum foundation program grants to public school districts  
29 and community colleges; gasoline, motor fuel, ~~intangible,~~  
30 cigarette, racing, and insurance premium taxes distributed to  
31 political subdivisions; and amounts specifically appropriated

1 as grants-in-aid for mental health, mental retardation, and  
2 mosquito control programs.

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

5 655.071 International banking facilities; definitions;  
6 notice before establishment.--

7 (1) "International banking facility" means a set of  
8 asset and liability accounts segregated on the books and  
9 records of a banking organization, as that term is defined in  
10 s. 199.023, Florida Statutes, 1999, that includes only  
11 international banking facility deposits, borrowings, and  
12 extensions of credit, as those terms shall be defined by the  
13 department pursuant to subsection (2).

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

16 733.604 Inventory.--

17 (2) The personal representative shall serve a copy of  
18 the inventory on ~~the Department of Revenue, as provided in s.~~  
19 ~~199.062(4)~~, the surviving spouse, each heir at law in an  
20 intestate estate, each residuary beneficiary in a testate  
21 estate, and any other interested person who may request it;  
22 and the personal representative shall file proof of such  
23 service. The inventory shall be verified by the personal  
24 representative.

25 Section 29. Paragraph (a) of subsection (1) of section  
26 766.105, Florida Statutes, is amended to read:

27 766.105 Florida Patient's Compensation Fund.--

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

30 (a) The term "fund" means the Florida Patient's  
31 Compensation Fund. The fund is not a state agency, board, or

1 ~~commission. However, for the purposes of s. 199.183(1) only,~~  
2 ~~the fund shall be considered a political subdivision of this~~  
3 ~~state.~~

4 Section 30. Subsection (5) of section 192.032,  
5 subsection (3) of section 192.042, subsection (4) of section  
6 193.114, subsection (9) of section 196.015, paragraph (g) of  
7 subsection (1) of section 607.1622, and subsection (2) of  
8 section 731.111, all Florida Statutes, are hereby repealed.

9 Section 31. This act shall take effect January 1,  
10 2001.

11 \*\*\*\*\*

12 HOUSE SUMMARY

13 Repeals the taxes on intangible personal property.  
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