

By Senator Saunders

25-339-00

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, 288.1045,
14 288.106, 288.1066, 376.30781, 440.49, 493.6102,
15 516.031, 607.1622, 627.311, 627.351, 650.05,
16 655.071, 733.604, 766.105, F.S., to conform to
17 such repeal; repealing s. 192.032(5), F.S.,
18 relating to situs of property for assessment
19 purposes, s. 192.042(3), F.S., relating to the
20 date of assessment, s. 193.114(4), F.S.,
21 relating to preparation of assessment rolls, s.
22 196.015(9), F.S., relating to determination of
23 residency, s. 213.27(2), (7), F.S., relating to
24 contracts 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,
3 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106,
4 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183,
5 199.185, 199.202, 199.212, 199.218, 199.232, 199.262, 199.272,
6 199.282, 199.292, and 199.303, Florida Statutes, is repealed.

7 Section 2. Paragraph (a) of subsection (1) of section
8 72.011, Florida Statutes, is amended to read:

9 72.011 Jurisdiction of circuit courts in specific tax
10 matters; administrative hearings and appeals; time for
11 commencing action; parties; deposits.--

12 (1)(a) A taxpayer may contest the legality of any
13 assessment or denial of refund of tax, fee, surcharge, permit,
14 interest, or penalty provided for under s. 125.0104, s.
15 125.0108, chapter 198, ~~chapter 199~~, chapter 201, chapter 203,
16 chapter 206, chapter 207, chapter 210, chapter 211, chapter
17 212, chapter 213, chapter 220, chapter 221, s. 370.07(3),
18 chapter 376, s. 403.717, s. 403.718, s. 403.7185, s. 403.7195,
19 s. 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,
20 chapter 563, chapter 564, chapter 565, chapter 624, or s.
21 681.117 by filing an action in circuit court; or,
22 alternatively, the taxpayer may file a petition under the
23 applicable provisions of chapter 120. However, once an action
24 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.
25 120.57, or s. 120.80(14)(b), no action relating to the same
26 subject matter may be filed by the taxpayer in circuit court,
27 and judicial review shall be exclusively limited to appellate
28 review pursuant to s. 120.68; and once an action has been
29 initiated in circuit court, no action may be brought under
30 chapter 120.

31

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

3 192.091 Commissions of property appraisers and tax
4 collectors.--

5 (5) Provided, that the provisions of this section
6 shall not apply to commissions on ~~intangible property taxes or~~
7 ~~drainage district or drainage subdistrict taxes.~~7 ~~and~~

8 Section 4. Paragraph (b) of subsection (2) of section
9 196.199, Florida Statutes, is amended to read:

10 196.199 Government property exemption.--

11 (2) Property owned by the following governmental units
12 but used by nongovernmental lessees shall only be exempt from
13 taxation under the following conditions:

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

27 Section 5. Section 196.1993, Florida Statutes, is
28 amended to read:

29 196.1993 Certain agreements with local governments for
30 use of public property; exemption.--Any agreement entered into
31 with a local governmental authority prior to January 1, 1969,

1 for use of public property, under which it was understood and
2 agreed in a written instrument or by special act that no ad
3 valorem real property taxes would be paid by the licensee or
4 lessee, shall be deemed a license or management agreement for
5 the use or management of public property. Such interest shall
6 be deemed not to convey an interest in the property and shall
7 not be subject to ad valorem real property taxation. Nothing
8 in this section shall be deemed to exempt such licensee from
9 the ~~ad valorem intangible tax and the ad valorem personal~~
10 property tax.

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

13 201.23 Foreign notes and other written obligations
14 exempt.--

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

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

28 212.02 Definitions.--The following terms and phrases
29 when used in this chapter have the meanings ascribed to them
30 in this section, except where the context clearly indicates a
31 different meaning:

1 (19) "Tangible personal property" means and includes
2 personal property which may be seen, weighed, measured, or
3 touched or is in any manner perceptible to the senses,
4 including electric power or energy, boats, motor vehicles and
5 mobile homes as defined in s. 320.01(1) and (2), aircraft as
6 defined in s. 330.27, and all other types of vehicles. The
7 term "tangible personal property" does not include stocks,
8 bonds, notes, insurance, or other obligations or securities~~+~~
9 ~~intangibles as defined by the intangible tax law of the state;~~
10 or pari-mutuel tickets sold or issued under the racing laws of
11 the state.

12 Section 8. Subsections (3), (6), and (11) of section
13 213.015, Florida Statutes, are amended to read:

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

29 (3) The right to be represented or advised by counsel
30 or other qualified representatives at any time in
31 administrative interactions with the department, the right to

1 procedural safeguards with respect to recording of interviews
2 during tax determination or collection processes conducted by
3 the department, and the right to have audits, inspections of
4 records, and interviews conducted at a reasonable time and
5 place except in criminal and internal investigations (see ss.
6 198.06, ~~199.218~~, 201.11(1), 203.02, 206.14, 211.125(3),
7 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (13),
8 212.13(5), 213.05, 213.21(1)(a) and (c), and 213.34).

9 (6) The right to be informed of impending collection
10 actions which require sale or seizure of property or freezing
11 of assets, except jeopardy assessments, and the right to at
12 least 30 days' notice in which to pay the liability or seek
13 further review (see ss. 198.20, ~~199.262~~, 201.16, 206.075,
14 206.24, 211.125(5), 212.03(5), 212.0305(3)(k), 212.04(7),
15 212.14(1), 213.73(3), 213.731, and 220.739).

16 (11) The right to procedures for requesting
17 cancellation, release, or modification of liens filed by the
18 department and for requesting that any lien which is filed in
19 error be so noted on the lien cancellation filed by the
20 department, in public notice, and in notice to any credit
21 agency at the taxpayer's request (see ss. 198.22, ~~199.262~~,
22 212.15(4), 213.733, and 220.819).

23 Section 9. Section 213.05, Florida Statutes, is
24 amended to read:

25 213.05 Department of Revenue; control and
26 administration of revenue laws.--The Department of Revenue
27 shall have only those responsibilities for ad valorem taxation
28 specified to the department in chapter 192, taxation, general
29 provisions; chapter 193, assessments; chapter 194,
30 administrative and judicial review of property taxes; chapter
31 195, property assessment administration and finance; chapter

1 196, exemption; chapter 197, tax collections, sales, and
2 liens; ~~chapter 199, intangible personal property taxes~~ and
3 chapter 200, determination of millage. The Department of
4 Revenue shall have the responsibility of regulating,
5 controlling, and administering all revenue laws and performing
6 all duties as provided in s. 125.0104, the Local Option
7 Tourist Development Act; s. 125.0108, tourist impact tax;
8 chapter 198, estate taxes; chapter 201, excise tax on
9 documents; chapter 203, gross receipts taxes; chapter 206,
10 motor and other fuel taxes; chapter 211, tax on production of
11 oil and gas and severance of solid minerals; chapter 212, tax
12 on sales, use, and other transactions; chapter 220, income tax
13 code; chapter 221, emergency excise tax; ss. 336.021 and
14 336.025, taxes on motor fuel and special fuel; s. 370.07(3),
15 Apalachicola Bay oyster surcharge; s. 376.11, pollutant spill
16 prevention and control; s. 403.718, waste tire fees; s.
17 403.7185, lead-acid battery fees; s. 403.7195, waste newsprint
18 disposal fees; s. 538.09, registration of secondhand dealers;
19 s. 538.25, registration of secondary metals recyclers; s.
20 624.4621, group self-insurer's fund premium tax; s. 624.5091,
21 retaliatory tax; s. 624.475, commercial self-insurance fund
22 premium tax; ss. 624.509-624.511, insurance code:
23 administration and general provisions; s. 624.515, State Fire
24 Marshal regulatory assessment; s. 627.357, medical malpractice
25 self-insurance premium tax; s. 629.5011, reciprocal insurers
26 premium tax; and s. 681.117, motor vehicle warranty
27 enforcement.

28 Section 10. Subsections (1) and (4), paragraphs (k)
29 and (p) of subsection (7), and paragraph (a) of subsection
30 (14) of section 213.053, Florida Statutes, are amended to
31 read:

1 213.053 Confidentiality and information sharing.--
2 (1) The provisions of this section apply to s.
3 125.0104, county government; s. 125.0108, tourist impact tax;
4 chapter 175, municipal firefighters' pension trust funds;
5 chapter 185, municipal police officers' retirement trust
6 funds; chapter 198, estate taxes; ~~chapter 199, intangible~~
7 ~~personal property taxes;~~chapter 201, excise tax on documents;
8 chapter 203, gross receipts taxes; chapter 211, tax on
9 severance and production of minerals; chapter 212, tax on
10 sales, use, and other transactions; chapter 220, income tax
11 code; chapter 221, emergency excise tax; s. 252.372, emergency
12 management, preparedness, and assistance surcharge; s.
13 370.07(3), Apalachicola Bay oyster surcharge; chapter 376,
14 pollutant spill prevention and control; s. 403.718, waste tire
15 fees; s. 403.7185, lead-acid battery fees; s. 403.7195, waste
16 newsprint disposal fees; s. 538.09, registration of secondhand
17 dealers; s. 538.25, registration of secondary metals
18 recyclers; ss. 624.501 and 624.509-624.515, insurance code; s.
19 681.117, motor vehicle warranty enforcement; and s. 896.102,
20 reports of financial transactions in trade or business.
21 (4) Nothing contained in this section shall prevent
22 the department from publishing statistics so classified as to
23 prevent the identification of particular accounts, reports,
24 declarations, or returns or prevent the department from
25 disclosing to the Comptroller the names and addresses of those
26 taxpayers who have claimed ~~an exemption pursuant to s.~~
27 ~~199.185(1)(i)~~ or a deduction pursuant to s. 220.63(5).
28 (7) Notwithstanding any other provision of this
29 section, the department may provide:
30 (k) Payment information relative to chapters ~~199~~,201,
31 212, 220, and 221 to the Office of Tourism, Trade, and

1 Economic Development in its administration of the tax refund
2 program for qualified defense contractors authorized by s.
3 288.1045 and the tax refund program for qualified target
4 industry businesses authorized by s. 288.106.

5 (p) Information relative to ss. ~~199.1055~~, 220.1845,
6 and 376.30781 to the Department of Environmental Protection in
7 the conduct of its official business.

8
9 Disclosure of information under this subsection shall be
10 pursuant to a written agreement between the executive director
11 and the agency. Such agencies, governmental or
12 nongovernmental, shall be bound by the same requirements of
13 confidentiality as the Department of Revenue. Breach of
14 confidentiality is a misdemeanor of the first degree,
15 punishable as provided by s. 775.082 or s. 775.083.

16 (14)(a) Notwithstanding any other provision of this
17 section, the department shall, subject to the safeguards
18 specified in paragraph (c), disclose to the Division of
19 Corporations of the Department of State the name, address,
20 federal employer identification number, and duration of tax
21 filings with this state of all corporate or partnership
22 entities which are not on file or have a dissolved status with
23 the Division of Corporations and which have filed tax returns
24 pursuant to ~~either chapter 199 or~~ chapter 220.

25 Section 11. Section 213.054, Florida Statutes, is
26 amended to read:

27 213.054 Persons claiming tax ~~exemptions or~~ deductions;
28 annual report.--The Department of Revenue shall be responsible
29 for monitoring the utilization of tax exemptions and tax
30 deductions authorized pursuant to chapter 81-179, Laws of
31 Florida. On or before September 1 of each year, the

1 department shall report to the Comptroller the names and
2 addresses of all persons who have claimed ~~an exemption~~
3 ~~pursuant to s. 199.185(1)(i) or~~ a deduction pursuant to s.
4 220.63(5).

5 Section 12. Section 213.31, Florida Statutes, is
6 amended to read:

7 213.31 Corporation Tax Administration Trust
8 Fund.--There is hereby created in the State Treasury the
9 Corporation Tax Administration Trust Fund. Moneys in the fund
10 are hereby appropriated to the Department of Revenue for the
11 administration of taxes levied upon corporations, including,
12 but not limited to, those imposed under ~~chapter 199,~~chapter
13 220,or chapter 221.

14 Section 13. Paragraph (c) of subsection (6) of section
15 215.555, Florida Statutes, is amended to read:

16 215.555 Florida Hurricane Catastrophe Fund.--

17 (6) REVENUE BONDS.--

18 (c) Florida Hurricane Catastrophe Fund Finance
19 Corporation.--

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

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

29 b. The purpose of such bonds is to fund reimbursements
30 through the Florida Hurricane Catastrophe Fund to pay for the
31 costs of construction, reconstruction, repair, restoration,

1 and other costs associated with damage to properties of
2 policyholders of covered policies due to the occurrence of a
3 hurricane.

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

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

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

18 c. The corporation has all of the powers of
19 corporations under chapter 607 and under chapter 617, subject
20 only to the provisions of this subsection.

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

24 e. The corporation may invest in any of the
25 investments authorized under s. 215.47.

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

30 3.a. In actions under chapter 75 to validate any bonds
31 issued by the corporation, the notice required by s. 75.06

1 shall be published only in Leon County and in two newspapers
2 of general circulation in the state, and the complaint and
3 order of the court shall be served only on the State Attorney
4 of the Second Judicial Circuit.

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

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

21 5.a. The property, revenues, and other assets of the
22 corporation; the transactions and operations of the
23 corporation and the income from such transactions and
24 operations; and all bonds issued under this paragraph and
25 interest on such bonds are exempt from taxation by the state
26 and any political subdivision, including ~~the intangibles tax~~
27 ~~under chapter 199~~ and the income tax under chapter 220. This
28 exemption does not apply to any tax imposed by chapter 220 on
29 interest, income, or profits on debt obligations owned by
30 corporations other than the Florida Hurricane Catastrophe Fund
31 Finance Corporation.

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

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

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

27 220.1845 Contaminated site rehabilitation tax
28 credit.--

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

30 (a) A credit in the amount of 35 percent of the costs
31 of voluntary cleanup activity that is integral to site

1 rehabilitation at the following sites is allowed against any
2 tax due for a taxable year under this chapter:

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

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

10 3. A brownfield site in a designated brownfield area
11 under s. 376.80.

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

22 (c) If the credit granted under this section is not
23 fully used in any one year because of insufficient tax
24 liability on the part of the corporation, the unused amount
25 may be carried forward for a period not to exceed 5 years. The
26 carryover credit may be used in a subsequent year when the tax
27 imposed by this chapter for that year exceeds the credit for
28 which the corporation is eligible in that year under this
29 section after applying the other credits and unused carryovers
30 in the order provided by s. 220.02(10).

31

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

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

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

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

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

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

1 acquiring entity subject to the same conditions and
2 limitations as described in this section.

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

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

20 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
21 FORFEITURE.--

22 (b) In addition to its existing audit and
23 investigation authority relating to ~~chapter 199~~ and this
24 chapter, the Department of Revenue may perform any additional
25 financial and technical audits and investigations, including
26 examining the accounts, books, or records of the tax credit
27 applicant, which are necessary to verify the site
28 rehabilitation costs included in a tax credit return and to
29 ensure compliance with this section. The Department of
30 Environmental Protection shall provide technical assistance,
31

1 when requested by the Department of Revenue, on any technical
2 audits performed pursuant to this section.

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

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

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

23 3. A notice of deficiency may be issued by the
24 Department of Revenue at any time within 5 years after the
25 date the taxpayer receives notification from the Department of
26 Environmental Protection pursuant to s. 376.30781 that
27 previously approved tax credits have been revoked or modified.
28 If a taxpayer fails to notify the Department of Revenue of any
29 change in its tax credit claimed, a notice of deficiency may
30 be issued at any time. In either case, the amount of any
31 proposed assessment set forth in such notice of deficiency

1 shall be limited to the amount of any deficiency resulting
2 under this section from the recomputation of the taxpayer's
3 tax for the taxable year.

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

8 Section 15. Paragraph (b) of subsection (2) of section
9 288.039, Florida Statutes, is amended to read:

10 288.039 Employing and Training our Youths (ENTRY).--

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

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

16 1. Taxes on sales, use, and other transactions under
17 chapter 212.

18 2. Corporate income taxes under chapter 220.

19 ~~3. Intangible personal property taxes under chapter~~
20 ~~199.~~

21 3.4. Emergency excise taxes under chapter 221.

22 4.5. Excise taxes on documents under chapter 201.

23 5.6. Ad valorem taxes paid, as defined in s.
24 220.03(1).

25 6.7. Insurance premium taxes under s. 624.509.

26 7.8. Occupational license fees under chapter 205.

27
28 However, an eligible business may not receive a refund under
29 this section for any amount of credit, refund, or exemption
30 granted to that business for any of such taxes or fees. If a
31 refund for such taxes or fees is provided by the office, which

1 taxes or fees are subsequently adjusted by the application of
2 any credit, refund, or exemption granted to the eligible
3 business other than as provided in this section, the business
4 shall reimburse the office for the amount of that credit,
5 refund, or exemption. An eligible business shall notify and
6 tender payment to the office within 20 days after receiving
7 any credit, refund, or exemption other than the one provided
8 in this section.

9 Section 16. Paragraph (f) of subsection (2) and
10 paragraph (d) of subsection (3) of section 288.1045, Florida
11 Statutes, are amended to read:

12 288.1045 Qualified defense contractor tax refund
13 program.--

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

15 (f) After entering into a tax refund agreement
16 pursuant to subsection (4), a qualified applicant may receive
17 refunds from the Economic Development Trust Fund for the
18 following taxes due and paid by the qualified applicant
19 beginning with the applicant's first taxable year that begins
20 after entering into the agreement:

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.

29 4.5. Excise taxes paid on documents pursuant to
30 chapter 201.

31

1 ~~5.6.~~ Ad valorem taxes paid, as defined in s.
2 220.03(1)(a) on June 1, 1996.

3
4 However, a qualified applicant may not receive a tax refund
5 pursuant to this section for any amount of credit, refund, or
6 exemption granted such contractor for any of such taxes. If a
7 refund for such taxes is provided by the office, which taxes
8 are subsequently adjusted by the application of any credit,
9 refund, or exemption granted to the qualified applicant other
10 than that provided in this section, the qualified applicant
11 shall reimburse the Economic Development Trust Fund for the
12 amount of such credit, refund, or exemption. A qualified
13 applicant must notify and tender payment to the office within
14 20 days after receiving a credit, refund, or exemption, other
15 than that provided in this section.

16 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
17 DETERMINATION.--

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

22 1. The applicant's Florida sales tax registration
23 number and a notarized signature of an officer of the
24 applicant.

25 2. The permanent location of the manufacturing,
26 assembling, fabricating, research, development, or design
27 facility in this state at which the project is or is to be
28 located.

29 3. The business entity holding a valid Department of
30 Defense contract or branch of the Armed Forces of the United
31

1 States that previously occupied the facility, and the date
2 such entity last occupied the facility.

3 4. A copy of the contract to reuse the facility, or
4 such alternative proof as may be prescribed by the office that
5 the applicant is seeking to contract for the reuse of such
6 facility.

7 5. The date the contract to reuse the facility was
8 executed or is expected to be executed, and the date the
9 contract is due to expire or is expected to expire.

10 6. The commencement date for project operations under
11 the contract in this state.

12 7. The number of full-time equivalent jobs in this
13 state which are or will be dedicated to the project during the
14 year and the average wage of such jobs.

15 8. The total number of full-time equivalent employees
16 employed by the applicant in this state.

17 9. The amount of:

18 a. Taxes on sales, use, and other transactions paid
19 pursuant to chapter 212.

20 b. Corporate income taxes paid pursuant to chapter
21 220.

22 ~~c. Intangible personal property taxes paid pursuant to~~
23 ~~chapter 199.~~

24 c.d. Emergency excise taxes paid pursuant to chapter
25 221.

26 d.e. Excise taxes paid on documents pursuant to
27 chapter 201.

28 e.f. Ad valorem taxes paid during the 5 fiscal years
29 immediately preceding the date of the application, and the
30 projected amounts of such taxes to be due in the 3 fiscal
31 years immediately following the date of the application.

1 10. The estimated amount of tax refunds to be claimed
2 in each fiscal year.

3 11. A brief statement concerning the applicant's need
4 for tax refunds, and the proposed uses of such refunds by the
5 applicant.

6 12. A resolution adopted by the county commissioners
7 of the county in which the project will be located, which
8 recommends the applicant be approved as a qualified applicant,
9 and which indicates that the necessary commitments of local
10 financial support for the applicant exist. Prior to the
11 adoption of the resolution, the county commission may review
12 the proposed public or private sources of such support and
13 determine whether the proposed sources of local financial
14 support can be provided or, for any applicant whose project is
15 located in a county designated by the Rural Economic
16 Development Initiative, a resolution adopted by the county
17 commissioners of such county requesting that the applicant's
18 project be exempt from the local financial support
19 requirement.

20 13. Any additional information requested by the
21 office.

22 Section 17. Paragraph (c) of subsection (3) of section
23 288.106, Florida Statutes, is amended to read:

24 288.106 Tax refund program for qualified target
25 industry businesses.--

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

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

29 1. Receive refunds from the account for the following
30 taxes due and paid by that business beginning with the first
31

1 taxable year of the business which begins after entering into
2 the agreement:

- 3 a. Corporate income taxes under chapter 220.
4 b. Insurance premium tax under s. 624.509.
5 2. Receive refunds from the account for the following
6 taxes due and paid by that business after entering into the
7 agreement:

- 8 a. Taxes on sales, use, and other transactions under
9 chapter 212.
10 ~~b. Intangible personal property taxes under chapter~~
11 ~~199.~~
12 b.e. Emergency excise taxes under chapter 221.
13 c.d. Excise taxes on documents under chapter 201.
14 d.e. Ad valorem taxes paid, as defined in s.
15 220.03(1).

16 Section 18. Paragraph (c) of subsection (1) and
17 paragraph (d) of subsection (2) of section 288.1066, Florida
18 Statutes, are amended to read:

19 288.1066 Confidentiality of records.--

20 (1) The following information when received by the
21 Department of Commerce; the Office of Tourism, Trade, and
22 Economic Development; Enterprise Florida, Inc.; or county or
23 municipal governmental entities and their employees pursuant
24 to the qualified defense contractor tax refund program as
25 required by s. 288.1045 is confidential and exempt from the
26 provisions of s. 119.07(1) and s. 24(a), Art. I of the State
27 Constitution for a period not to exceed the duration of the
28 tax refund agreement or 10 years, whichever is earlier:

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

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

6 Section 19. Subsections (3) and (12) of section
7 376.30781, Florida Statutes, are amended to read:

8 376.30781 Partial tax credits for rehabilitation of
9 drycleaning-solvent-contaminated sites and brownfield sites in
10 designated brownfield areas; application process; rulemaking
11 authority; revocation authority.--

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

16 (12) An owner, operator, or real property owner who
17 receives state-funded site rehabilitation under s. 376.3078(3)
18 for rehabilitation of a drycleaning-solvent-contaminated site
19 is ineligible to receive a tax credit under ~~s. 199.1055~~ or s.
20 220.1845 for costs incurred by the taxpayer in conjunction
21 with the rehabilitation of that site during the same time
22 period that state-administered site rehabilitation was
23 underway.

24 Section 20. Paragraph (e) of subsection (14) of
25 section 440.49, Florida Statutes, is amended to read:

26 440.49 Limitation of liability for subsequent injury
27 through Special Disability Trust Fund.--

28 (14) FLORIDA SPECIAL DISABILITY TRUST FUND FINANCING
29 CORPORATION.--

30 (e)1. The funds, credit, property, or taxing power of
31 the state or political subdivisions of the state shall not be

1 pledged for the payment of such bonds. The bonds of the
2 corporation are not a debt of the state or of any political
3 subdivision, and neither the state nor any political
4 subdivision is liable on such bonds. The corporation does not
5 have the power to pledge the credit, the revenues, or the
6 taxing power of the state or of any political subdivision. The
7 credit, revenues, or taxing power of the state or of any
8 political subdivision shall not be deemed to be pledged to the
9 payment of any bonds of the corporation. However, bonds issued
10 under this subsection are declared to be for an essential
11 public and governmental purpose.

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

27 Section 21. Subsection (13) of section 493.6102,
28 Florida Statutes, is amended to read:

29 493.6102 Inapplicability of parts I through IV of this
30 chapter.--This chapter shall not apply to:

31

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

10 Section 22. Paragraph (a) of subsection (3) of section
11 516.031, Florida Statutes, is amended to read:

12 516.031 Finance charge; maximum rates.--

13 (3) OTHER CHARGES.--

14 (a) In addition to the interest and insurance charges
15 herein provided for, no further or other charges or amount
16 whatsoever for any examination, service, commission, or other
17 thing or otherwise shall be directly or indirectly charged,
18 contracted for, or received as a condition to the grant of a
19 loan, except:

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

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

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

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

31

1 ~~4.5.~~ The documentary excise tax and lawful fees, if
2 any, actually and necessarily paid out by the licensee to any
3 public officer for filing, recording, or releasing in any
4 public office any instrument securing the loan, which fees may
5 be collected when the loan is made or at any time thereafter;

6 ~~5.6.~~ The premium payable for any insurance in lieu of
7 perfecting any security interest otherwise required by the
8 licensee in connection with the loan, if the premium does not
9 exceed the fees which would otherwise be payable, which
10 premium may be collected when the loan is made or at any time
11 thereafter;

12 ~~6.7.~~ Actual and reasonable attorney's fees and court
13 costs as determined by the court in which suit is filed; or

14 ~~7.8.~~ Actual and commercially reasonable expenses of
15 repossession, storing, repairing and placing in condition for
16 sale, and selling of any property pledged as security.

17
18 Any charges, including interest, in excess of the combined
19 total of all charges authorized and permitted by this chapter
20 constitute a violation of chapter 687 governing interest and
21 usury, and the penalties of that chapter apply. In the event
22 of a bona fide error, the licensee shall refund or credit the
23 borrower with the amount of the overcharge immediately but
24 within 20 days from the discovery of such error.

25 Section 23. Subsection (1) of section 607.1622,
26 Florida Statutes, is amended to read:

27 607.1622 Annual report for Department of State.--

28 (1) Each domestic corporation and each foreign
29 corporation authorized to transact business in this state
30 shall deliver to the Department of State for filing a sworn
31

1 annual report on such forms as the Department of State
2 prescribes that sets forth:

3 (a) The name of the corporation and the state or
4 country under the law of which it is incorporated;

5 (b) The date of incorporation or, if a foreign
6 corporation, the date on which it was admitted to do business
7 in this state;

8 (c) The address of its principal office and the
9 mailing address of the corporation;

10 (d) The corporation's federal employer identification
11 number, if any, or, if none, whether one has been applied for;

12 (e) The names and business street addresses of its
13 directors and principal officers;

14 (f) The street address of its registered office and
15 the name of its registered agent at that office in this state;

16 (g) Whether the corporation has liability for
17 intangible taxes under former s. 199.032. The Department of
18 State shall annually prepare a list of those corporations that
19 have indicated no intangible tax liability, and provide such
20 list to the Department of Revenue;

21 (h) Language permitting a voluntary contribution of \$5
22 per taxpayer, which contribution shall be transferred into the
23 Election Campaign Financing Trust Fund. A statement providing
24 an explanation of the purpose of the trust fund shall also be
25 included; and

26 (i) Such additional information as may be necessary or
27 appropriate to enable the Department of State to carry out the
28 provisions of this act.

29 Section 24. Paragraph (m) of subsection (4) of section
30 627.311, Florida Statutes, is amended to read:

31 627.311 Joint underwriters and joint reinsurers.--

1 (4)

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

7 Section 25. Paragraph (j) of subsection (6) of section
8 627.351, Florida Statutes, is amended to read:

9 627.351 Insurance risk apportionment plans.--

10 (6) RESIDENTIAL PROPERTY AND CASUALTY JOINT
11 UNDERWRITING ASSOCIATION.--

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

18 Section 26. Paragraph (b) of subsection (6) of section
19 650.05, Florida Statutes, is amended to read:

20 650.05 Plans for coverage of employees of political
21 subdivisions.--

22 (6)

23 (b) The grants-in-aid and other revenue referred to in
24 paragraph (a) specifically include, but are not limited to,
25 minimum foundation program grants to public school districts
26 and community colleges; gasoline, motor fuel, ~~intangible,~~
27 cigarette, racing, and insurance premium taxes distributed to
28 political subdivisions; and amounts specifically appropriated
29 as grants-in-aid for mental health, mental retardation, and
30 mosquito control programs.

31

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

3 655.071 International banking facilities; definitions;
4 notice before establishment.--

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

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

14 733.604 Inventory.--

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

23 Section 29. Paragraph (a) of subsection (1) of section
24 766.105, Florida Statutes, is amended to read:

25 766.105 Florida Patient's Compensation Fund.--

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

28 (a) The term "fund" means the Florida Patient's
29 Compensation Fund. The fund is not a state agency, board, or
30 commission. ~~However, for the purposes of s. 199.183(1) only,~~
31

