

By Representative Maygarden

1 A bill to be entitled
2 An act relating to intangible personal property
3 taxes; repealing ss. 199.032, 199.033, 199.042,
4 199.052, 199.057, 199.062, 199.103, 199.1055,
5 199.106, 199.175, and 199.185, F.S., which
6 impose an annual tax on intangible personal
7 property and provide for the administration and
8 collection thereof, effective January 1, 2004;
9 amending s. 199.012, F.S.; revising the short
10 title of chapter 199, F.S.; amending s.
11 199.023, F.S.; eliminating definitions;
12 amending ss. 199.133, 199.183, 199.218,
13 199.232, 199.282, and 199.292, F.S., relating
14 to levy of the nonrecurring tax, exemptions,
15 records, departmental powers, penalties, and
16 disposition of tax revenues, to remove
17 references to the annual tax; amending ss.
18 192.091, 196.199, 196.1993, 201.23, 212.02,
19 213.053, 213.054, 213.27, 213.31, 215.555,
20 220.1845, 288.039, 288.1045, 288.106, 288.1066,
21 376.30781, 650.05, and 655.071, F.S., to
22 conform; repealing ss. 192.032(5), 192.042(3),
23 193.114(4), 196.015(9), 607.1622(1)(g), and
24 733.702(5), F.S., relating to assessment of
25 intangible personal property, the intangible
26 personal property tax roll, filing of
27 intangible tax returns as a factor in
28 determining residency, intangible tax liability
29 information in a corporation's annual report,
30 and authority of the Department of Revenue to
31 file a claim against a decedent's estate for

1 intangible taxes due; amending s. 192.0105,
2 F.S.; correcting a reference; providing
3 authority for the assessment and collection of
4 tax imposed under chapter 199, F.S., prior to
5 January 1, 2004; providing for emergency rules;
6 providing effective dates.

7

8 Be It Enacted by the Legislature of the State of Florida:

9

10 Section 1. Section 199.012, Florida Statutes, is
11 amended to read:

12 199.012 Short title.--This chapter shall be known and
13 may be cited as the "Nonrecurring Intangible Personal Property
14 Tax Act."

15 Section 2. Section 199.023, Florida Statutes, is
16 amended to read:

17 199.023 Definitions.--As used in this chapter:

18 (1) "Intangible personal property" means all personal
19 property which is not in itself intrinsically valuable, but
20 which derives its chief value from that which it represents,
21 including, but not limited to, ~~the following:~~

22 ~~(a) All stocks or shares of incorporated or~~
23 ~~unincorporated companies, business trusts, and mutual funds.~~

24 ~~(b) all notes, bonds, and other obligations for the~~
25 ~~payment of money.~~

26 ~~(c) All condominium and cooperative apartment leases~~
27 ~~of recreation facilities, land leases, and leases of other~~
28 ~~commonly used facilities.~~

29 ~~(d) Except for any leasehold or other possessory~~
30 ~~interest described in s. 4(a), Art. VII of the State~~
31 ~~Constitution or s. 196.199(7), all leasehold or other~~

1 ~~possessory interests in real property owned by the United~~
2 ~~States, the state, any political subdivision of the state, any~~
3 ~~municipality of the state, or any agency, authority, and other~~
4 ~~public body corporate of the state, which are undeveloped or~~
5 ~~predominantly used for residential or commercial purposes and~~
6 ~~upon which rental payments are due.~~

7 ~~(2) "Money" includes, without limitation, United~~
8 ~~States legal tender, certificates of deposit, cashier's and~~
9 ~~certified checks, bills of exchange, drafts, the cash~~
10 ~~equivalent of annuities and life insurance policies, and~~
11 ~~similar instruments, which are held by a taxpayer, or~~
12 ~~deposited with or held by a banking organization or any other~~
13 ~~person.~~

14 ~~(2)(3)~~ (2) "Person" means any individual, firm,
15 partnership, joint adventure, syndicate, or other group or
16 combination acting as a unit, association, corporation,
17 estate, trust, business trust, trustee, personal
18 representative, receiver, or other fiduciary and includes the
19 plural as well as the singular.

20 ~~(3)(4)~~ (3) "Taxpayer" means any person liable for taxes
21 imposed under this chapter and the heirs, successors,
22 assignees, and transferees of any such person.

23 ~~(4)(5)~~ (4) "Department" means the Department of Revenue.

24 ~~(5)(6)~~ (5) "In the state" means within the exterior limits
25 of Florida.

26 ~~(7) A resident has a "beneficial interest" in a trust~~
27 ~~if the resident has a vested interest, even if subject to~~
28 ~~divestment, which includes at least a current right to income~~
29 ~~and either a power to revoke the trust or a general power of~~
30 ~~appointment, as defined in 26 U.S.C. s. 2041(b)(1).~~

31

1 ~~(8) "Affiliated group" means one or more chains of~~
2 ~~corporations or limited liability companies connected through~~
3 ~~stock ownership or membership interest in a limited liability~~
4 ~~company with a common parent corporation or limited liability~~
5 ~~company, for which:~~

6 ~~(a) Stock or membership interest in a limited~~
7 ~~liability company possessing at least 80 percent of the voting~~
8 ~~power of all classes of stock or membership interest in a~~
9 ~~limited liability company and at least 80 percent of each~~
10 ~~class of the nonvoting stock or membership interest in a~~
11 ~~limited liability company of each corporation or limited~~
12 ~~liability company, except for the common parent corporation or~~
13 ~~limited liability company, is owned directly by one or more of~~
14 ~~the other corporations or limited liability companies; and~~

15 ~~(b) The common parent corporation or limited liability~~
16 ~~company directly owns stock or membership interest in a~~
17 ~~limited liability company possessing at least 80 percent of~~
18 ~~the voting power of all classes of stock or membership~~
19 ~~interest in a limited liability company and at least 80~~
20 ~~percent of each class of the nonvoting stock or membership~~
21 ~~interest in a limited liability company of at least one of the~~
22 ~~other corporations or limited liability companies.~~

23
24 ~~As used in this subsection, the terms "nonvoting stock" and~~
25 ~~"membership interest in a limited liability company" do not~~
26 ~~include nonvoting stock or membership interest in a limited~~
27 ~~liability company which is limited and preferred as to~~
28 ~~dividends. For purposes of this chapter, a common parent may~~
29 ~~be a corporation or a limited liability company.~~

30 ~~(9) "Banking organization" means:~~
31

- 1 ~~(a) A bank organized and existing under the laws of~~
2 ~~this state;~~
- 3 ~~(b) A national bank organized and existing pursuant to~~
4 ~~the provisions of the National Bank Act, 12 U.S.C. ss. 21 et~~
5 ~~seq., and maintaining its principal office in this state;~~
- 6 ~~(c) An Edge Act corporation organized pursuant to the~~
7 ~~provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C.~~
8 ~~ss. 611 et seq., and maintaining an office in this state;~~
- 9 ~~(d) An international bank agency licensed pursuant to~~
10 ~~the laws of this state;~~
- 11 ~~(e) A federal agency licensed pursuant to ss. 4 and 5~~
12 ~~of the International Banking Act of 1978 to maintain an office~~
13 ~~in this state;~~
- 14 ~~(f) A savings association organized and existing under~~
15 ~~the laws of this state;~~
- 16 ~~(g) A federal association organized and existing~~
17 ~~pursuant to the provisions of the Home Owners' Loan Act of~~
18 ~~1933, 12 U.S.C. ss. 1461 et seq., and maintaining its~~
19 ~~principal office in this state; or~~
- 20 ~~(h) A Florida export finance corporation organized and~~
21 ~~existing pursuant to the provisions of part V of chapter 288.~~
- 22 ~~(10) "International banking facility" means a set of~~
23 ~~asset and liability accounts segregated on the books and~~
24 ~~records of a banking organization that includes only~~
25 ~~international banking facility deposits, borrowings, and~~
26 ~~extensions of credit as those terms are defined pursuant to s.~~
27 ~~655.071(2).~~
- 28 ~~(11) "International banking transaction" means:~~
- 29 ~~(a) The financing of the exportation from, or the~~
30 ~~importation into, the United States or between jurisdictions~~
31 ~~abroad of tangible personal property or services;~~

1 ~~(b) The financing of the production, preparation,~~
2 ~~storage, or transportation of tangible personal property or~~
3 ~~services which are identifiable as being directly and solely~~
4 ~~for export from, or import into, the United States or between~~
5 ~~jurisdictions abroad;~~

6 ~~(c) The financing of contracts, projects, or~~
7 ~~activities to be performed substantially abroad, except those~~
8 ~~transactions secured by a mortgage, deed of trust, or other~~
9 ~~lien upon real property located in the state;~~

10 ~~(d) The receipt of deposits or borrowings or the~~
11 ~~extensions of credit by an international banking facility,~~
12 ~~except the loan or deposit of funds secured by mortgage, deed~~
13 ~~of trust, or other lien upon real property located in the~~
14 ~~state; or~~

15 ~~(e) Entering into foreign exchange trading or hedging~~
16 ~~transactions in connection with the activities described in~~
17 ~~paragraph (d).~~

18 ~~(12) "Abroad" means in one or more foreign nations; in~~
19 ~~the colonies, dependencies, possessions, or territories of a~~
20 ~~foreign nation or of the United States; or in the Commonwealth~~
21 ~~of Puerto Rico.~~

22 ~~(13) "Ministerial function" means an act the~~
23 ~~performance of which does not involve the use of discretion or~~
24 ~~judgment.~~

25 ~~(14) "Processing activity" means an activity~~
26 ~~undertaken to administer or service intangible personal~~
27 ~~property in accordance with such terms, guidelines, criteria,~~
28 ~~or directions as are provided solely by the owner of the~~
29 ~~property. Methods, systems, or techniques chosen by the~~
30 ~~processor to implement such terms, guidelines, criteria, or~~

31

1 ~~directions are not considered the exercise of management or~~
2 ~~control.~~

3 Section 3. Sections 199.032, 199.033, 199.042,
4 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106,
5 199.175, and 199.185, Florida Statutes, are repealed.

6 Section 4. Section 199.133, Florida Statutes, is
7 amended to read:

8 199.133 Levy of nonrecurring tax ~~relationship to~~
9 ~~annual tax.--~~

10 (1) A one-time nonrecurring tax of 2 mills is hereby
11 imposed on each dollar of the just valuation of all notes,
12 bonds, and other obligations for payment of money which are
13 secured by mortgage, deed of trust, or other lien upon real
14 property situated in this state. This tax shall be assessed
15 and collected as provided by this chapter.

16 (2) The nonrecurring tax shall apply to a note, bond,
17 or other obligation for payment of money only to the extent it
18 is secured by mortgage, deed of trust, or other lien upon real
19 property situated in this state. Where a note, bond, or other
20 obligation is secured by personal property or by real property
21 situated outside this state, as well as by mortgage, deed of
22 trust, or other lien upon real property situated in this
23 state, then the nonrecurring tax shall apply to that portion
24 of the note, bond, or other obligation which bears the same
25 ratio to the entire principal balance of the note, bond, or
26 other obligation as the value of the real property situated in
27 this state bears to the value of all of the security; however,
28 if the security is solely made up of personal property and
29 real property situated in this state, the taxpayer may elect
30 to apportion the taxes based upon the value of the collateral,
31 if any, to which the taxpayer by law or contract must look

1 first for collection. In no event shall the portion of the
2 note, bond, or other obligation which is subject to the
3 nonrecurring tax exceed in value the value of the real
4 property situated in this state which is the security. ~~The~~
5 ~~portion of a note, bond, or other obligation which is not~~
6 ~~subject to the nonrecurring tax shall be subject to the annual~~
7 ~~tax unless otherwise exempt.~~

8 Section 5. Section 199.183, Florida Statutes, is
9 amended to read:

10 199.183 Taxpayers exempt from ~~annual and~~ nonrecurring
11 tax taxes.--

12 (1) Intangible personal property owned by this state
13 or any of its political subdivisions or municipalities shall
14 be exempt from taxation under this chapter. This exemption
15 does not apply to+

16 ~~(a) Any leasehold or other interest that is described~~
17 ~~in s. 199.023(1)(d).~~

18 ~~(b)~~ property related to the provision of two-way
19 telecommunications services to the public for hire by the use
20 of a telecommunications facility, as defined in s. 364.02(13),
21 and for which a certificate is required under chapter 364,
22 when such service is provided by any county, municipality, or
23 other political subdivision of the state. Any immunity of any
24 political subdivision of the state or other entity of local
25 government from taxation of the property used to provide
26 telecommunication services that is taxed as a result of this
27 subsection ~~paragraph~~ is hereby waived. However, intangible
28 personal property related to the provision of such
29 telecommunications services provided by the operator of a
30 public-use airport, as defined in s. 332.004, for the
31 operator's provision of telecommunications services for the

1 airport or its tenants, concessionaires, or licensees, and
2 intangible personal property related to the provision of such
3 telecommunications services provided by a public hospital, are
4 exempt from taxation under this chapter.

5 (2) Intangible personal property owned by nonprofit
6 religious, nonprofit educational, or nonprofit charitable
7 institutions shall be exempt from taxation under this chapter.
8 This exemption shall be strictly defined, limited, and applied
9 in each category as follows:

10 (a) "Religious institutions" means churches and
11 ecclesiastical or denominational organizations having
12 established physical places for worship in this state at which
13 nonprofit religious services and activities are regularly
14 conducted, as well as church cemeteries.

15 (b) "Educational institutions" means only:

16 1. Public or nonprofit private schools, colleges, or
17 universities conducting regular classes and courses of study
18 required for accreditation by, or membership in, the Southern
19 Association of Colleges and Schools, Department of Education,
20 or the Florida Council of Independent Schools; or

21 2. Nonprofit libraries, art galleries, and museums
22 open to the public.

23 (c) "Charitable institutions" means only:

24 1. Nonprofit corporations operating physical
25 facilities in this state at which are provided charitable
26 services, a reasonable percentage of which shall be without
27 cost to those unable to pay; or

28 2. Those institutions qualified as charitable under s.
29 501(c)(3) of the United States Internal Revenue Code of 1954.

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31

1 Intangible personal property shall not be deemed to be owned
2 by such exempt institutions if it is held in a trust of any
3 kind under which the institution has no present interest in
4 the trust principal except the right to compel the performance
5 of the trust agreement.

6 ~~(3) Every national bank having its principal place of~~
7 ~~business in another state, but operating a credit card credit~~
8 ~~application processing, customer service, or collection~~
9 ~~operation in this state, that is not considered a bank under~~
10 ~~the provisions of 12 U.S.C. s. 1841(c)(2)(F), is exempt from~~
11 ~~paying the tax imposed by this chapter on credit card~~
12 ~~receivables owed to the bank by credit card holders domiciled~~
13 ~~outside this state.~~

14 ~~(4) Intangible personal property that is owned,~~
15 ~~managed, or controlled by a trustee of a trust is exempt from~~
16 ~~annual tax under this chapter. This exemption does not exempt~~
17 ~~from annual tax a resident of this state who has a taxable~~
18 ~~beneficial interest, as defined in s. 199.023, in a trust.~~

19 Section 6. Effective January 1, 2007, section 199.218,
20 Florida Statutes, is amended to read:

21 199.218 Books and records.--

22 ~~(1)~~ Each taxpayer shall retain all books and other
23 records necessary to identify the taxpayer's intangible
24 personal property subject to tax under this chapter and to
25 determine any tax due under this chapter, as well as all books
26 and other records otherwise required by rule of the department
27 with respect to any such tax, until the department's power to
28 make an assessment with respect to such tax has terminated
29 under s. 95.091(3).

30 ~~(2) Each corporation and broker subject to the~~
31 ~~provisions of s. 199.062 shall preserve all books and other~~

1 ~~records relating to the information reported under s. 199.062~~
2 ~~or otherwise required by rule of the department for a period~~
3 ~~of 3 years from the due date of the report.~~

4 Section 7. Effective January 1, 2007, section 199.232,
5 Florida Statutes, is amended to read:

6 199.232 Powers of department.--

7 (1)(a) The department may audit the books and records
8 of any person to determine whether the ~~an annual tax or a~~
9 nonrecurring tax has been properly paid.

10 (b) An audit is commenced by service in person or by
11 certified mail of a written notice to the taxpayer of intent
12 to audit.

13 (2) The department may inspect all records of the
14 taxpayer which may be relevant to the audit, and the
15 department may compel the testimony of the taxpayer under oath
16 or affirmation. The department may also issue subpoenas to
17 compel the testimony of third parties under oath or
18 affirmation and the production of records and other evidence
19 held by third parties, including corporations ~~and brokers~~. Any
20 duly authorized representative of the department may
21 administer an oath or affirmation. If the taxpayer fails to
22 give testimony or to produce any requested records, or if a
23 third party fails to comply with a subpoena, any circuit court
24 having jurisdiction over the taxpayer or third party may, upon
25 application of the department, issue such orders as are
26 necessary to secure compliance.

27 (3) With or without an audit, the department may
28 assess any tax deficiency resulting from nonpayment or
29 underpayment of the tax, as well as any applicable interest
30 and penalties. The department shall assess on the basis of the
31 best information available to it, including estimates based on

1 the best information available to it if the taxpayer fails to
2 permit inspection of the taxpayer's records, ~~fails to file an~~
3 ~~annual return, files a grossly incorrect return, or files a~~
4 ~~false and fraudulent return.~~

5 (4) Following an assessment, the department shall
6 collect the assessed amount from the taxpayer. The assessment
7 is considered prima facie correct, and the taxpayer has the
8 burden of showing any error in the assessment.

9 (5) The department shall credit or refund any
10 overpayment of tax that is revealed on an audit or for which a
11 claim for refund is filed. A claim for refund may be filed
12 within the period specified in s. 215.26(2). It must be filed
13 by the taxpayer, or the taxpayer's heirs, personal
14 representatives, successors, or assigns, and must include the
15 information required by the department.

16 ~~(6) In its discretion, the department may, for~~
17 ~~reasonable cause, grant extensions of time not to exceed 3~~
18 ~~months for paying any tax due, or for filing any return or~~
19 ~~report required, under this chapter.~~

20 (6)(7)(a) If it appears, ~~upon examination of an~~
21 ~~intangible tax return made under this chapter or upon proof~~
22 submitted to the department by the taxpayer, that an amount of
23 intangible personal property tax has been paid in excess of
24 the amount due, the department shall refund the amount of the
25 overpayment to the taxpayer by a warrant of the Comptroller,
26 drawn upon the Treasurer. The department shall refund the
27 overpayment without regard to whether the taxpayer has filed a
28 written claim for a refund; however, the department may
29 request that the taxpayer file a statement affirming that the
30 taxpayer made the overpayment.

31

1 (b) Notwithstanding paragraph (a), a refund of the
2 intangible personal property tax may not be made nor is a
3 taxpayer entitled to bring an action for a refund of the
4 intangible personal property tax after the period specified in
5 s. 215.26(2) has elapsed.

6 (c) If a refund issued by the department under this
7 section is found to exceed the amount of refund legally due to
8 the taxpayer, the provisions of s. 199.282 concerning
9 penalties and interest do not apply if the taxpayer reimburses
10 the department for any overpayment within 60 days after the
11 taxpayer is notified that the overpayment was made.

12 Section 8. Effective January 1, 2007, section 199.282,
13 Florida Statutes, is amended to read:

14 199.282 Penalties for violation of this chapter.--

15 (1) Any person willfully violating or failing to
16 comply with any of the provisions of this chapter shall be
17 guilty of a felony of the third degree, punishable as provided
18 in s. 775.082, s. 775.083, or s. 775.084.

19 (2) If any ~~annual or~~ nonrecurring tax is not paid by
20 the statutory due date, ~~then despite any extension granted~~
21 ~~under s. 199.232(6)~~, interest shall run on the unpaid balance
22 from such due date until paid at the rate of 12 percent per
23 year.

24 (3)(a) If any ~~annual or~~ nonrecurring tax is not paid
25 by the due date, a delinquency penalty shall be charged. The
26 delinquency penalty shall be 10 percent of the delinquent tax
27 for each calendar month or portion thereof from the due date
28 until paid, up to a limit of 50 percent of the total tax not
29 timely paid.

30 ~~(b) If any annual tax return required by this chapter~~
31 ~~is not filed by the due date, a penalty of 10 percent of the~~

1 ~~tax due with the return shall be charged for each calendar~~
2 ~~month or portion thereof during which the return remains~~
3 ~~unfiled, up to a limit of 50 percent of the total tax due.~~

4
5 ~~For any penalty assessed under this subsection, the combined~~
6 ~~total for all penalties assessed under paragraphs (a) and (b)~~
7 ~~shall not exceed 10 percent per calendar month, up to a limit~~
8 ~~of 50 percent of the total tax due.~~

9 ~~(4) If an annual tax return is filed and property is~~
10 ~~either omitted from it or undervalued, then a specific penalty~~
11 ~~shall be charged. The specific penalty shall be 10 percent of~~
12 ~~the tax attributable to each omitted item or to each~~
13 ~~undervaluation. No delinquency or late filing penalty shall be~~
14 ~~charged with respect to any undervaluation.~~

15 ~~(4)(5)~~ No mortgage, deed of trust, or other lien upon
16 real property situated in this state shall be enforceable in
17 any Florida court, nor shall any written evidence of such
18 mortgage, deed of trust, or other lien be recorded in any
19 public record of the state, until the nonrecurring tax imposed
20 by this chapter, including any taxes due on future advances,
21 has been paid and the clerk of circuit court collecting the
22 tax has noted its payment on the instrument or given other
23 receipt for it. However, failure to pay the correct amount of
24 tax or failure of the clerk to note payment of the tax on the
25 instrument shall not affect the constructive notice given by
26 recording of the instrument.

27 ~~(6) Late reporting penalties shall be imposed as~~
28 ~~follows:~~

29 ~~(a) A penalty of \$100 upon any corporation which does~~
30 ~~not timely file a written notice required under s.~~
31 ~~199.057(2)(c) or s. 199.062(2).~~

1 ~~(b) An initial penalty of \$10 per customer position~~
2 ~~statement, plus an additional penalty of the greater of 1~~
3 ~~percent of the initial penalty or \$50 for each month or~~
4 ~~portion of a month, from the date due until filing is made,~~
5 ~~upon any security dealer or investment adviser who does not~~
6 ~~timely file or fails to file the statements required by s.~~
7 ~~199.062(3). The submission of a position statement that does~~
8 ~~not comply with the department's specifications and~~
9 ~~instructions or the submission of an inaccurate position~~
10 ~~statement is not a timely filing. The department shall notify~~
11 ~~any security dealer or investment adviser who fails to timely~~
12 ~~file the required statements. The minimum penalty imposed~~
13 ~~upon a security dealer or investment adviser under this~~
14 ~~paragraph is \$100.~~

15 (5)(7) Interest and penalties attributable to any tax
16 shall be deemed assessed when the tax is assessed. Interest
17 and penalties shall be assessed and collected by the
18 department as provided in this chapter. The department may
19 settle or compromise tax, interest, or penalties under the
20 provisions of s. 213.21.

21 (6)(8) Any person who fails or refuses to pay the tax
22 imposed by this chapter file an annual return, or who fails or
23 refuses to make records available for inspection, when
24 requested to do so by the department is guilty of a
25 misdemeanor of the first degree, punishable as provided in s.
26 775.082 or s. 775.083.

27 (7)(9) Any officer or director of a corporation who
28 has administrative control over the ~~filing of a return or~~
29 payment of any tax due under this chapter and who willfully
30 directs any employee of the corporation to fail to ~~file the~~
31 ~~return or~~ pay the tax due or to evade, defeat, or improperly

1 account for the tax due, in addition to any other penalties
2 provided by law, shall be liable for a penalty equal to the
3 amount of tax not paid as required by this chapter. The
4 filing of a protest based upon doubt as to liability for the
5 tax shall not be deemed an attempt to evade or defeat the tax
6 under this subsection. The penalty imposed hereunder shall be
7 abated to the extent the tax is paid and may be compromised by
8 the executive director of the department as provided in s.
9 213.21. An assessment of penalty made pursuant to this
10 section shall be deemed prima facie correct in any judicial or
11 quasi-judicial proceeding brought to collect this penalty.

12 Section 9. Section 199.292, Florida Statutes, is
13 amended to read:

14 199.292 Disposition of nonrecurring tax intangible
15 ~~personal property taxes.~~--The nonrecurring All intangible
16 personal property tax ~~taxes~~ collected pursuant to this chapter
17 shall be placed in a special fund designated as the
18 "Intangible Tax Trust Fund." The fund shall be disbursed as
19 follows:

20 ~~(1) Revenues derived from the annual tax on a~~
21 ~~leasehold described in s. 199.023(1)(d) shall be returned to~~
22 ~~the local school board for the county in which the property~~
23 ~~subject to the leasehold is situated.~~

24 (1)(2) There is hereby appropriated annually out of
25 the fund the amount necessary for the effective and efficient
26 administration and enforcement by the department of the
27 provisions of chapters 192, 193, 194, 195, 196, 197, and 198
28 and this chapter.

29 (2)(3) Of the remaining tax intangible personal
30 ~~property taxes~~ collected, the balance shall be transferred to
31 the General Revenue Fund of the state.

1 Section 10. 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. † and

8 Section 11. 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, 2001, subject to the provisions of
18 subsection (7). ~~Such leasehold or other interest shall be~~
19 ~~taxed only as intangible personal property pursuant to chapter~~
20 ~~199 if rental payments are due in consideration of such~~
21 ~~leasehold or other interest.~~ If no rental payments are due
22 pursuant to the agreement creating such leasehold or other
23 interest, the leasehold or other interest shall be taxed as
24 real property. Nothing in this paragraph shall be deemed to
25 exempt personal property, buildings, or other real property
26 improvements owned by the lessee from ad valorem taxation.

27 Section 12. 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 13. 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)(a) The excise taxes imposed by this chapter shall
16 not 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)~~, in the conduct of an international
22 banking transaction, ~~as defined in s. 199.023(11)~~. Nothing in
23 this subsection shall be construed to change the application
24 of paragraph (2)(a).

25 (b) As used in this subsection:

26 1. "Banking organization" means:

27 a. A bank organized and existing under the laws of
28 this state;

29 b. A national bank organized and existing pursuant to
30 the provisions of the National Bank Act, 12 U.S.C. ss. 21 et
31 seq., and maintaining its principal office in this state;

1 c. An Edge Act corporation organized pursuant to the
2 provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C.
3 ss. 611 et seq., and maintaining an office in this state;

4 d. An international bank agency licensed pursuant to
5 the laws of this state;

6 e. A federal agency licensed pursuant to ss. 4 and 5
7 of the International Banking Act of 1978 to maintain an office
8 in this state;

9 f. A savings association organized and existing under
10 the laws of this state;

11 g. A federal association organized and existing
12 pursuant to the provisions of the Home Owners' Loan Act of
13 1933, 12 U.S.C. ss. 1461 et seq., and maintaining its
14 principal office in this state; or

15 h. A Florida export finance corporation organized and
16 existing pursuant to the provisions of part V of chapter 288.

17 2. "International banking facility" means a set of
18 asset and liability accounts segregated on the books and
19 records of a banking organization that includes only
20 international banking facility deposits, borrowings, and
21 extensions of credit as those terms are defined pursuant to s.
22 655.071(2).

23 3. "International banking transaction" means:

24 a. The financing of the exportation from, or the
25 importation into, the United States or between jurisdictions
26 abroad of tangible personal property or services;

27 b. The financing of the production, preparation,
28 storage, or transportation of tangible personal property or
29 services which are identifiable as being directly and solely
30 for export from, or import into, the United States or between
31 jurisdictions abroad;

1 c. The financing of contracts, projects, or activities
2 to be performed substantially abroad, except those
3 transactions secured by a mortgage, deed of trust, or other
4 lien upon real property located in the state;

5 d. The receipt of deposits or borrowings or the
6 extensions of credit by an international banking facility,
7 except the loan or deposit of funds secured by mortgage, deed
8 of trust, or other lien upon real property located in the
9 state; or

10 e. Entering into foreign exchange trading or hedging
11 transactions in connection with the activities described in
12 sub-subparagraph d.

13 Section 14. Subsection (19) of section 212.02, Florida
14 Statutes, is amended to read:

15 212.02 Definitions.--The following terms and phrases
16 when used in this chapter have the meanings ascribed to them
17 in this section, except where the context clearly indicates a
18 different meaning:

19 (19) "Tangible personal property" means and includes
20 personal property which may be seen, weighed, measured, or
21 touched or is in any manner perceptible to the senses,
22 including electric power or energy, boats, motor vehicles and
23 mobile homes as defined in s. 320.01(1) and (2), aircraft as
24 defined in s. 330.27, and all other types of vehicles. The
25 term "tangible personal property" does not include stocks,
26 bonds, notes, insurance, or other obligations or securities;
27 intangibles as defined by chapter 199, Florida Statutes, 2001
28 ~~the intangible tax law of the state;~~ or pari-mutuel tickets
29 sold or issued under the racing laws of the state.

30
31

1 Section 15. Subsection (4), paragraphs (k) and (p) of
2 subsection (7), and paragraph (a) of subsection (14) of
3 section 213.053, Florida Statutes, are amended to read:

4 213.053 Confidentiality and information sharing.--

5 (4) Nothing contained in this section shall prevent
6 the department from publishing statistics so classified as to
7 prevent the identification of particular accounts, reports,
8 declarations, or returns or prevent the department from
9 disclosing to the Comptroller the names and addresses of those
10 taxpayers who have claimed ~~an exemption pursuant to s.~~
11 ~~199.185(1)(i)~~ or a deduction pursuant to s. 220.63(5).

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

14 (k) Payment information relative to chapters ~~199~~, 201,
15 212, 220, and 221 to the Office of Tourism, Trade, and
16 Economic Development in its administration of the tax refund
17 program for qualified defense contractors authorized by s.
18 288.1045 and the tax refund program for qualified target
19 industry businesses authorized by s. 288.106.

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

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

31

1 (14)(a) Notwithstanding any other provision of this
2 section, the department shall, subject to the safeguards
3 specified in paragraph (c), disclose to the Division of
4 Corporations of the Department of State the name, address,
5 federal employer identification number, and duration of tax
6 filings with this state of all corporate or partnership
7 entities which are not on file or have a dissolved status with
8 the Division of Corporations and which have filed tax returns
9 pursuant to ~~either chapter 199 or~~ chapter 220.

10 Section 16. Section 213.054, Florida Statutes, is
11 amended to read:

12 213.054 Persons claiming tax ~~exemptions or~~ deductions;
13 annual report.--The Department of Revenue shall be responsible
14 for monitoring the utilization of ~~tax exemptions and~~ tax
15 deductions authorized pursuant to chapter 81-179, Laws of
16 Florida. On or before September 1 of each year, the
17 department shall report to the Comptroller the names and
18 addresses of all persons who have claimed ~~an exemption~~
19 ~~pursuant to s. 199.185(1)(i) or~~ a deduction pursuant to s.
20 220.63(5).

21 Section 17. Effective January 1, 2007, section 213.27,
22 Florida Statutes, is amended to read:

23 213.27 Contracts with debt collection agencies and
24 certain vendors.--

25 (1) The Department of Revenue may, for the purpose of
26 collecting any delinquent taxes due from a taxpayer, including
27 taxes for which a bill or notice has been generated, contract
28 with any debt collection agency or attorney doing business
29 within or without this state for the collection of such
30 delinquent taxes including penalties and interest thereon. The
31 department may also share confidential information pursuant to

1 the contract necessary for the collection of delinquent taxes
2 and taxes for which a billing or notice has been generated.
3 Contracts will be made pursuant to chapter 287. The taxpayer
4 must be notified by mail by the department, its employees, or
5 its authorized representative 30 days prior to commencing any
6 litigation to recover any delinquent taxes. The taxpayer must
7 be notified by mail by the department 30 days prior to the
8 department assigning the collection of any taxes to the debt
9 collection agency.

10 ~~(2) The department may enter into contracts with any~~
11 ~~individual or business for the purpose of identifying~~
12 ~~intangible personal property tax liability. Contracts may~~
13 ~~provide for the identification of assets subject to the tax on~~
14 ~~intangible personal property, the determination of value of~~
15 ~~such property, the requirement for filing a tax return and the~~
16 ~~collection of taxes due, including applicable penalties and~~
17 ~~interest thereon. The department may share confidential~~
18 ~~information pursuant to the contract necessary for the~~
19 ~~identification of taxable intangible personal property.~~
20 ~~Contracts shall be made pursuant to chapter 287. The taxpayer~~
21 ~~must be notified by mail by the department 30 days prior to~~
22 ~~the department assigning identification of intangible personal~~
23 ~~property to an individual or business.~~

24 (2)~~(3)~~ Any contract may provide, in the discretion of
25 the executive director of the Department of Revenue, the
26 manner in which the compensation for such services will be
27 paid. Under standards established by the department, such
28 compensation shall be added to the amount of the tax and
29 collected as a part thereof by the agency or deducted from the
30 amount of tax, penalty, and interest actually collected.

31

1 (3)~~(4)~~ All funds collected under the terms of the
2 contract, less the fees provided in the contract, shall be
3 remitted to the department within 30 days from the date of
4 collection from a taxpayer. Forms to be used for such purpose
5 shall be prescribed by the department.

6 (4)~~(5)~~ The department shall require a bond from the
7 debt collection agency ~~or the individual or business~~
8 ~~contracted with under subsection (2)~~not in excess of \$100,000
9 guaranteeing compliance with the terms of the contract.
10 However, a bond of \$10,000 is required from a debt collection
11 agency if the agency does not actually collect and remit
12 delinquent funds to the department.

13 (5)~~(6)~~ The department may, for the purpose of
14 ascertaining the amount of or collecting any taxes due from a
15 person doing mail order business in this state, contract with
16 any auditing agency doing business within or without this
17 state for the purpose of conducting an audit of such mail
18 order business; however, such audit agency may not conduct an
19 audit on behalf of the department of any person domiciled in
20 this state, person registered for sales and use tax purposes
21 in this state, or corporation filing a Florida corporate tax
22 return, if any such person or corporation objects to such
23 audit in writing to the department and the auditing agency.
24 The department shall notify the taxpayer by mail at least 30
25 days before the department assigns the collection of such
26 taxes.

27 (6)~~(7)~~ Confidential information shared by the
28 department with debt collection or auditing agencies ~~or~~
29 ~~individuals or businesses with which the department has~~
30 ~~contracted under subsection (2)~~is exempt from the provisions
31 of s. 119.07(1), and debt collection or auditing agencies ~~and~~

1 ~~individuals or businesses with which the department has~~
2 ~~contracted under subsection (2)~~ shall be bound by the same
3 requirements of confidentiality as the Department of Revenue.
4 Breach of confidentiality is a misdemeanor of the first
5 degree, punishable as provided by ss. 775.082 and 775.083.

6 (7)~~(8)~~(a) The executive director of the department may
7 enter into contracts with private vendors to develop and
8 implement systems to enhance tax collections where
9 compensation to the vendors is funded through increased tax
10 collections. The amount of compensation paid to a vendor
11 shall be based on a percentage of increased tax collections
12 attributable to the system after all administrative and
13 judicial appeals are exhausted, and the total amount of
14 compensation paid to a vendor shall not exceed the maximum
15 amount stated in the contract.

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

21 (c) Disclosure of information under this subsection
22 shall be pursuant to a written agreement between the executive
23 director and the private vendors. The vendors shall be bound
24 by the same requirements of confidentiality as the department.
25 Breach of confidentiality is a misdemeanor of the first
26 degree, punishable as provided in s. 775.082 or s. 775.083.

27 Section 18. Section 213.31, Florida Statutes, is
28 amended to read:

29 213.31 Corporation Tax Administration Trust
30 Fund.--There is hereby created in the State Treasury the
31 Corporation Tax Administration Trust Fund. Moneys in the fund

1 are hereby appropriated to the Department of Revenue for the
2 administration of taxes levied upon corporations, including,
3 but not limited to, those imposed under ~~chapter 199~~, chapter
4 220, or chapter 221.

5 Section 19. Paragraph (c) of subsection (6) of section
6 215.555, Florida Statutes, is amended to read:

7 215.555 Florida Hurricane Catastrophe Fund.--

8 (6) REVENUE BONDS.--

9 (c) Florida Hurricane Catastrophe Fund Finance
10 Corporation.--

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

13 a. The public benefits corporation created under this
14 paragraph will provide a mechanism necessary for the
15 cost-effective and efficient issuance of bonds. This mechanism
16 will eliminate unnecessary costs in the bond issuance process,
17 thereby increasing the amounts available to pay reimbursement
18 for losses to property sustained as a result of hurricane
19 damage.

20 b. The purpose of such bonds is to fund reimbursements
21 through the Florida Hurricane Catastrophe Fund to pay for the
22 costs of construction, reconstruction, repair, restoration,
23 and other costs associated with damage to properties of
24 policyholders of covered policies due to the occurrence of a
25 hurricane.

26 c. The efficacy of the financing mechanism will be
27 enhanced by the corporation's ownership of the assessments, by
28 the insulation of the assessments from possible bankruptcy
29 proceedings, and by covenants of the state with the
30 corporation's bondholders.

31

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

4 b. The corporation shall operate under a five-member
5 board of directors consisting of the Governor or a designee,
6 the Comptroller or a designee, the Treasurer or a designee,
7 the director of the Division of Bond Finance of the State
8 Board of Administration, and the chief operating officer of
9 the Florida Hurricane Catastrophe Fund.

10 c. The corporation has all of the powers of
11 corporations under chapter 607 and under chapter 617, subject
12 only to the provisions of this subsection.

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

16 e. The corporation may invest in any of the
17 investments authorized under s. 215.47.

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

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

28 b. The state hereby covenants with holders of bonds of
29 the corporation that the state will not repeal or abrogate the
30 power of the board to direct the Department of Insurance to
31 levy the assessments and to collect the proceeds of the

1 revenues pledged to the payment of such bonds as long as any
2 such bonds remain outstanding unless adequate provision has
3 been made for the payment of such bonds pursuant to the
4 documents authorizing the issuance of such bonds.

5 4. The bonds of the corporation are not a debt of the
6 state or of any political subdivision, and neither the state
7 nor any political subdivision is liable on such bonds. The
8 corporation does not have the power to pledge the credit, the
9 revenues, or the taxing power of the state or of any political
10 subdivision. The credit, revenues, or taxing power of the
11 state or of any political subdivision shall not be deemed to
12 be pledged to the payment of any bonds of the corporation.

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

24 b. All bonds of the corporation shall be and
25 constitute legal investments without limitation for all public
26 bodies of this state; for all banks, trust companies, savings
27 banks, savings associations, savings and loan associations,
28 and investment companies; for all administrators, executors,
29 trustees, and other fiduciaries; for all insurance companies
30 and associations and other persons carrying on an insurance
31 business; and for all other persons who are now or may

1 hereafter be authorized to invest in bonds or other
2 obligations of the state and shall be and constitute eligible
3 securities to be deposited as collateral for the security of
4 any state, county, municipal, or other public funds. This
5 sub-subparagraph shall be considered as additional and
6 supplemental authority and shall not be limited without
7 specific reference to this sub-subparagraph.

8 6. The corporation and its corporate existence shall
9 continue until terminated by law; however, no such law shall
10 take effect as long as the corporation has bonds outstanding
11 unless adequate provision has been made for the payment of
12 such bonds pursuant to the documents authorizing the issuance
13 of such bonds. Upon termination of the existence of the
14 corporation, all of its rights and properties in excess of its
15 obligations shall pass to and be vested in the state.

16 Section 20. Section 220.1845, Florida Statutes, is
17 amended to read:

18 220.1845 Contaminated site rehabilitation tax
19 credit.--

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

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

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

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

1 3. A brownfield site in a designated brownfield area
2 under s. 376.80.

3 (b) A taxpayer, or multiple taxpayers working jointly
4 to clean up a single site, may not receive more than \$250,000
5 per year in tax credits for each site voluntarily
6 rehabilitated. Multiple taxpayers shall receive tax credits in
7 the same proportion as their contribution to payment of
8 cleanup costs. Subject to the same conditions and limitations
9 as provided in this section, a municipality or county which
10 voluntarily rehabilitates a site may receive not more than
11 \$250,000 per year in tax credits which it can subsequently
12 transfer subject to the provisions in paragraph(g)~~(h)~~.

13 (c) If the credit granted under this section is not
14 fully used in any one year because of insufficient tax
15 liability on the part of the corporation, the unused amount
16 may be carried forward for a period not to exceed 5 years. The
17 carryover credit may be used in a subsequent year when the tax
18 imposed by this chapter for that year exceeds the credit for
19 which the corporation is eligible in that year under this
20 section after applying the other credits and unused carryovers
21 in the order provided by s. 220.02(8).

22 (d) A taxpayer that files a consolidated return in
23 this state as a member of an affiliated group under s.
24 220.131(1) may be allowed the credit on a consolidated return
25 basis up to the amount of tax imposed upon and paid by the
26 taxpayer that incurred the rehabilitation costs.

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

30 (e)(f) A taxpayer that receives state-funded site
31 rehabilitation under s. 376.3078(3) for rehabilitation of a

1 drycleaning-solvent-contaminated site is ineligible to receive
2 credit under this section for costs incurred by the taxpayer
3 in conjunction with the rehabilitation of that site during the
4 same time period that state-administered site rehabilitation
5 was underway.

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

9 (g)~~(h)~~1. Tax credits that may be available under this
10 section to an entity eligible under s. 376.30781 may be
11 transferred after a merger or acquisition to the surviving or
12 acquiring entity and used in the same manner and with the same
13 limitations.

14 2. The entity or its surviving or acquiring entity as
15 described in subparagraph 1., may transfer any unused credit
16 in whole or in units of no less than 25 percent of the
17 remaining credit. The entity acquiring such credit may use it
18 in the same manner and with the same limitation as described
19 in this section. Such transferred credits may not be
20 transferred again although they may succeed to a surviving or
21 acquiring entity subject to the same conditions and
22 limitations as described in this section.

23 3. In the event the credit provided for under this
24 section is reduced either as a result of a determination by
25 the Department of Environmental Protection or an examination
26 or audit by the Department of Revenue, such tax deficiency
27 shall be recovered from the first entity, or the surviving or
28 acquiring entity, to have claimed such credit up to the amount
29 of credit taken. Any subsequent deficiencies shall be
30 assessed against any entity acquiring and claiming such
31

1 credit, or in the case of multiple succeeding entities in the
2 order of credit succession.

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

10 (2) FILING REQUIREMENTS.--Any corporation that wishes
11 to obtain credit under this section must submit with its
12 return a tax credit certificate approving partial tax credits
13 issued by the Department of Environmental Protection under s.
14 376.30781.

15 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
16 FORFEITURE.--

17 (a) The Department of Revenue may adopt rules to
18 prescribe any necessary forms required to claim a tax credit
19 under this section and to provide the administrative
20 guidelines and procedures required to administer this section.

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

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

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

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

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

1 under this section from the recomputation of the taxpayer's
2 tax for the taxable year.

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

7 Section 21. Paragraph (b) of subsection (2) of section
8 288.039, Florida Statutes, is amended to read:

9 288.039 Employing and Training our Youths (ENTRY).--

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

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

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

17 2. Corporate income taxes under chapter 220.

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

20 3.4. Emergency excise taxes under chapter 221.

21 4.5. Excise taxes on documents under chapter 201.

22 5.6. Ad valorem taxes paid, as defined in s.

23 220.03(1).

24 6.7. Insurance premium taxes under s. 624.509.

25 7.8. Occupational license fees under chapter 205.

26

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

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

8 Section 22. Paragraph (f) of subsection (2) and
9 paragraphs (b), (c), and (d) of subsection (3) of section
10 288.1045, Florida Statutes, are amended to read:

11 288.1045 Qualified defense contractor tax refund
12 program.--

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

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

20 1. Taxes on sales, use, and other transactions paid
21 pursuant to chapter 212.

22 2. Corporate income taxes paid pursuant to chapter
23 220.

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

26 3.4. Emergency excise taxes paid pursuant to chapter
27 221.

28 4.5. Excise taxes paid on documents pursuant to
29 chapter 201.

30 5.6. Ad valorem taxes paid, as defined in s.
31 220.03(1)(a) on June 1, 1996.

1
2 However, a qualified applicant may not receive a tax refund
3 pursuant to this section for any amount of credit, refund, or
4 exemption granted such contractor for any of such taxes. If a
5 refund for such taxes is provided by the office, which taxes
6 are subsequently adjusted by the application of any credit,
7 refund, or exemption granted to the qualified applicant other
8 than that provided in this section, the qualified applicant
9 shall reimburse the Economic Development Trust Fund for the
10 amount of such credit, refund, or exemption. A qualified
11 applicant must notify and tender payment to the office within
12 20 days after receiving a credit, refund, or exemption, other
13 than that provided in this section.

14 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
15 DETERMINATION.--

16 (b) Applications for certification based on the
17 consolidation of a Department of Defense contract or a new
18 Department of Defense contract must be submitted to the office
19 as prescribed by the office and must include, but are not
20 limited to, the following information:

21 1. The applicant's federal employer identification
22 number, the applicant's Florida sales tax registration number,
23 and a notarized signature of an officer of the applicant.

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

28 3. The Department of Defense contract numbers of the
29 contract to be consolidated, the new Department of Defense
30 contract number, or the "RFP" number of a proposed Department
31 of Defense contract.

- 1 4. The date the contract was executed or is expected
2 to be executed, and the date the contract is due to expire or
3 is expected to expire.
- 4 5. The commencement date for project operations under
5 the contract in this state.
- 6 6. The number of full-time equivalent jobs in this
7 state which are or will be dedicated to the project during the
8 year and the average wage of such jobs.
- 9 7. The total number of full-time equivalent employees
10 employed by the applicant in this state.
- 11 8. The percentage of the applicant's gross receipts
12 derived from Department of Defense contracts during the 5
13 taxable years immediately preceding the date the application
14 is submitted.
- 15 9. The amount of:
- 16 a. Taxes on sales, use, and other transactions paid
17 pursuant to chapter 212;
- 18 b. Corporate income taxes paid pursuant to chapter
19 220;
- 20 ~~c. Intangible personal property taxes paid pursuant to~~
21 ~~chapter 199;~~
- 22 c.d. Emergency excise taxes paid pursuant to chapter
23 221;
- 24 d.e. Excise taxes paid on documents pursuant to
25 chapter 201; and
- 26 e.f. Ad valorem taxes paid
27
- 28 during the 5 fiscal years immediately preceding the date of
29 the application, and the projected amounts of such taxes to be
30 due in the 3 fiscal years immediately following the date of
31 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 (c) Applications for certification based on the
23 conversion of defense production jobs to nondefense production
24 jobs must be submitted to the office as prescribed by the
25 office and must include, but are not limited to, the following
26 information:

27 1. The applicant's federal employer identification
28 number, the applicant's Florida sales tax registration number,
29 and a notarized signature of an officer of the applicant.

30 2. The permanent location of the manufacturing,
31 assembling, fabricating, research, development, or design

1 facility in this state at which the project is or is to be
2 located.

3 3. The Department of Defense contract numbers of the
4 contract under which the defense production jobs will be
5 converted to nondefense production jobs.

6 4. The date the contract was executed, and the date
7 the contract is due to expire or is expected to expire, or was
8 canceled.

9 5. The commencement date for the nondefense production
10 operations in this state.

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

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

17 8. The percentage of the applicant's gross receipts
18 derived from Department of Defense contracts during the 5
19 taxable years immediately preceding the date the application
20 is submitted.

21 9. The amount of:

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

24 b. Corporate income taxes paid pursuant to chapter
25 220;

26 ~~c. Intangible personal property taxes paid pursuant to~~
27 ~~chapter 199;~~

28 c.d. Emergency excise taxes paid pursuant to chapter
29 221;

30 d.e. Excise taxes paid on documents pursuant to
31 chapter 201; and

1 ~~e.f.~~ Ad valorem taxes paid
2
3 during the 5 fiscal years immediately preceding the date of
4 the application, and the projected amounts of such taxes to be
5 due in the 3 fiscal years immediately following the date of
6 the application.

7 10. The estimated amount of tax refunds to be claimed
8 in each fiscal year.

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

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

26 13. Any additional information requested by the
27 office.

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

- 1 1. The applicant's Florida sales tax registration
2 number and a notarized signature of an officer of the
3 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 business entity holding a valid Department of
9 Defense contract or branch of the Armed Forces of the United
10 States that previously occupied the facility, and the date
11 such entity last occupied the facility.
- 12 4. A copy of the contract to reuse the facility, or
13 such alternative proof as may be prescribed by the office that
14 the applicant is seeking to contract for the reuse of such
15 facility.
- 16 5. The date the contract to reuse the facility was
17 executed or is expected to be executed, and the date the
18 contract is due to expire or is expected to expire.
- 19 6. The commencement date for project operations under
20 the contract in this state.
- 21 7. The number of full-time equivalent jobs in this
22 state which are or will be dedicated to the project during the
23 year and the average wage of such jobs.
- 24 8. The total number of full-time equivalent employees
25 employed by the applicant in this state.
- 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.

7 e.f. Ad valorem taxes paid during the 5 fiscal years
8 immediately preceding the date of the application, and the
9 projected amounts of such taxes to be due in the 3 fiscal
10 years immediately following the date of the application.

11 10. The estimated amount of tax refunds to be claimed
12 in each fiscal year.

13 11. A brief statement concerning the applicant's need
14 for tax refunds, and the proposed uses of such refunds by the
15 applicant.

16 12. A resolution adopted by the county commissioners
17 of the county in which the project will be located, which
18 recommends the applicant be approved as a qualified applicant,
19 and which indicates that the necessary commitments of local
20 financial support for the applicant exist. Prior to the
21 adoption of the resolution, the county commission may review
22 the proposed public or private sources of such support and
23 determine whether the proposed sources of local financial
24 support can be provided or, for any applicant whose project is
25 located in a county designated by the Rural Economic
26 Development Initiative, a resolution adopted by the county
27 commissioners of such county requesting that the applicant's
28 project be exempt from the local financial support
29 requirement.

30 13. Any additional information requested by the
31 office.

1 Section 23. Paragraph (c) of subsection (2) of section
2 288.106, Florida Statutes, is amended to read:

3 288.106 Tax refund program for qualified target
4 industry businesses.--

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

6 (c) After entering into a tax refund agreement under
7 subsection (4), a qualified target industry business may:

8 1. Receive refunds from the account for the following
9 taxes due and paid by that business beginning with the first
10 taxable year of the business which begins after entering into
11 the agreement:

12 a. Corporate income taxes under chapter 220.

13 b. Insurance premium tax under s. 624.509.

14 2. Receive refunds from the account for the following
15 taxes due and paid by that business after entering into the
16 agreement:

17 a. Taxes on sales, use, and other transactions under
18 chapter 212.

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

21 b.c. Emergency excise taxes under chapter 221.

22 c.d. Excise taxes on documents under chapter 201.

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

25 Section 24. Paragraph (c) of subsection (1) and
26 paragraph (d) of subsection (2) of section 288.1066, Florida
27 Statutes, are amended to read:

28 288.1066 Confidentiality of records.--

29 (1) The following information when received by the
30 Office of Tourism, Trade, and Economic Development; Enterprise
31 Florida, Inc.; or county or municipal governmental entities

1 and their employees pursuant to the qualified defense
2 contractor tax refund program as required by s. 288.1045 is
3 confidential and exempt from the provisions of s. 119.07(1)
4 and s. 24(a), Art. I of the State Constitution for a period
5 not to exceed the duration of the tax refund agreement or 10
6 years, whichever is earlier:

7 (c) The amount of:

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

10 2. Corporate income taxes paid pursuant to chapter
11 220;

12 ~~3. Intangible personal property taxes paid pursuant to~~
13 ~~chapter 199;~~

14 3.4. Emergency excise taxes paid pursuant to chapter
15 221; and

16 4.5. Ad valorem taxes paid
17

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

22 (2) The following information when received by the
23 Office of Tourism, Trade, and Economic Development; Enterprise
24 Florida, Inc.; or county or municipal governmental entities
25 and their employees pursuant to the qualified target industry
26 tax refund program as required by s. 288.106 is confidential
27 and exempt from the provisions of s. 119.07(1) and s. 24(a),
28 Art. I of the State Constitution for a period not to exceed
29 the duration of the tax refund agreement or 10 years,
30 whichever is earlier:

31 (d) The amount of:

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

3 2. Corporate income taxes paid pursuant to chapter
4 220;

5 ~~3. Intangible personal property taxes paid pursuant to~~
6 ~~chapter 199;~~

7 3.4. Emergency excise taxes paid pursuant to chapter
8 221; and

9 4.5. Ad valorem taxes paid

10

11 during the 5 fiscal years immediately preceding the date of
12 the application, and the projected amounts of such taxes to be
13 due in the 3 fiscal years immediately following the date of
14 the application.

15 Section 25. Paragraph (a) of subsection (2) and
16 subsections (3) and (12) of section 376.30781, Florida
17 Statutes, are amended to read:

18 376.30781 Partial tax credits for rehabilitation of
19 drycleaning-solvent-contaminated sites and brownfield sites in
20 designated brownfield areas; application process; rulemaking
21 authority; revocation authority.--

22 (2)(a) A credit in the amount of 35 percent of the
23 costs of voluntary cleanup activity that is integral to site
24 rehabilitation at the following sites is allowed pursuant to
25 ~~s. ss. 199.1055 and 220.1845:~~

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

28 2. A drycleaning-solvent-contaminated site at which
29 cleanup is undertaken by the real property owner pursuant to
30 s. 376.3078(11), if the real property owner is not also, and
31

1 has never been, the owner or operator of the drycleaning
2 facility where the contamination exists; or

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

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

9 (12) An owner, operator, or real property owner who
10 receives state-funded site rehabilitation under s. 376.3078(3)
11 for rehabilitation of a drycleaning-solvent-contaminated site
12 is ineligible to receive a tax credit under ~~s. 199.1055~~ or s.
13 220.1845 for costs incurred by the taxpayer in conjunction
14 with the rehabilitation of that site during the same time
15 period that state-administered site rehabilitation was
16 underway.

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

19 650.05 Plans for coverage of employees of political
20 subdivisions.--

21 (6)

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

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

1 655.071 International banking facilities; definitions;
2 notice before establishment.--

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

9 (b) As used in this subsection, "banking organization"
10 means:

11 1. A bank organized and existing under the laws of
12 this state;

13 2. A national bank organized and existing pursuant to
14 the provisions of the National Bank Act, 12 U.S.C. ss. 21 et
15 seq., and maintaining its principal office in this state;

16 3. An Edge Act corporation organized pursuant to the
17 provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C.
18 ss. 611 et seq., and maintaining an office in this state;

19 4. An international bank agency licensed pursuant to
20 the laws of this state;

21 5. A federal agency licensed pursuant to ss. 4 and 5
22 of the International Banking Act of 1978 to maintain an office
23 in this state;

24 6. A savings association organized and existing under
25 the laws of this state;

26 7. A federal association organized and existing
27 pursuant to the provisions of the Home Owners' Loan Act of
28 1933, 12 U.S.C. ss. 1461 et seq., and maintaining its
29 principal office in this state; or

30 8. A Florida export finance corporation organized and
31 existing pursuant to the provisions of part V of chapter 288.

1 Section 28. Subsection (5) of section 192.032,
2 subsection (3) of section 192.042, subsection (4) of section
3 193.114, subsection (9) of section 196.015, paragraph (g) of
4 subsection (1) of section 607.1622, and subsection (5) of
5 section 733.702, Florida Statutes, are repealed.

6 Section 29. Paragraph (a) of subsection (4) of section
7 192.0105, Florida Statutes, is amended to read:

8 192.0105 Taxpayer rights.--There is created a Florida
9 Taxpayer's Bill of Rights for property taxes and assessments
10 to guarantee that the rights, privacy, and property of the
11 taxpayers of this state are adequately safeguarded and
12 protected during tax levy, assessment, collection, and
13 enforcement processes administered under the revenue laws of
14 this state. The Taxpayer's Bill of Rights compiles, in one
15 document, brief but comprehensive statements that summarize
16 the rights and obligations of the property appraisers, tax
17 collectors, clerks of the court, local governing boards, the
18 Department of Revenue, and taxpayers. The rights afforded
19 taxpayers to assure that their privacy and property are
20 safeguarded and protected during tax levy, assessment, and
21 collection are available only insofar as they are implemented
22 in other parts of the Florida Statutes or rules of the
23 Department of Revenue. The rights so guaranteed to state
24 taxpayers in the Florida Statutes and the departmental rules
25 include:

26 (4) THE RIGHT TO CONFIDENTIALITY.--

27 (a) The right to have information kept confidential,
28 including federal tax information, ad valorem tax returns,
29 social security numbers, all financial records produced by the
30 taxpayer, Form DR-219 returns for documentary stamp tax
31 information, and sworn statements of gross income, copies of

1 federal income tax returns for the prior year, wage and
2 earnings statements (W-2 forms), and other documents (see ss.
3 192.105, 193.074, 193.114~~(5)~~~~(6)~~, 195.027(3) and (6), and
4 196.101(4)(c)).

5 Section 30. All annual intangible personal property
6 tax imposed under the provisions of chapter 199, Florida
7 Statutes, for the calendar year 2003 and prior years shall
8 remain in full force and effect during the period specified by
9 s. 95.091, Florida Statutes, for the year in which the tax was
10 due. The Department of Revenue shall continue to assess and
11 collect all taxes due to the state under those provisions for
12 all periods available for assessment as provided for the year
13 in which the tax was due by s. 95.091, Florida Statutes.

14 Section 31. (1) The executive director of the
15 Department of Revenue is authorized, and all conditions are
16 deemed met, to adopt emergency rules under ss. 120.536(1) and
17 120.54, Florida Statutes, to implement this act.

18 Notwithstanding any other provision of law, such emergency
19 rules shall remain effective for 6 months after the date of
20 adoption and may be renewed during the pendency of procedures
21 to adopt rules addressing the subject of the emergency rules.

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

24 Section 32. Except as otherwise provided herein, this
25 act shall take effect January 1, 2004, and shall apply to tax
26 years beginning on and after that date.

27
28 *****

29 HOUSE SUMMARY

30 Repeals the annual intangible personal property tax,
31 effective January 1, 2004.