

By Senator Cowin

20-335-03

1 A bill to be entitled
 2 An act relating to intangible personal property
 3 taxes; repealing chapter 199, F.S., which
 4 provides for taxes on intangible personal
 5 property; amending ss. 72.011, 192.091,
 6 196.199, 196.1993, 201.23, 212.02, 213.015,
 7 213.05, 213.053, 213.054, 213.27, 213.31,
 8 215.555, 220.1845, 288.039, 288.1045, 288.106,
 9 288.1067, 376.30781, 493.6102, 516.031,
 10 627.311, 627.351, 650.05, 655.071, 766.105,
 11 F.S., to conform to such repeal; repealing ss.
 12 192.032(5), 192.042(3), 193.114(4), 196.015(9),
 13 607.1622(1)(g), F.S., relating to assessment of
 14 intangible personal property, the intangible
 15 personal property tax roll, filing of
 16 intangible tax returns as a factor in
 17 determining residency, and intangible tax
 18 liability information in a corporation's annual
 19 report; amending s. 192.0105, F.S.; correcting
 20 a cross-reference; providing an effective date.

21
 22 Be It Enacted by the Legislature of the State of Florida:

23
 24 Section 1. Chapter 199, Florida Statutes, consisting
 25 of sections 199.012, 199.023, 199.032, 199.033, 199.042,
 26 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106,
 27 199.133, 199.135, 199.143, 199.145, 199.155, 199.175, 199.183,
 28 199.185, 199.1851, 199.202, 199.212, 199.218, 199.232,
 29 199.262, 199.272, 199.282, 199.292, and 199.303, Florida
 30 Statutes, is repealed.

31

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

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

6 (1)(a) A taxpayer may contest the legality of any
7 assessment or denial of refund of tax, fee, surcharge, permit,
8 interest, or penalty provided for under s. 125.0104, s.
9 125.0108, chapter 198, ~~chapter 199~~, chapter 201, chapter 202,
10 chapter 203, chapter 206, chapter 207, chapter 210, chapter
11 211, chapter 212, chapter 213, chapter 220, chapter 221, s.
12 370.07(3), chapter 376, s. 403.717, s. 403.718, s. 403.7185,
13 s. 538.09, s. 538.25, chapter 550, chapter 561, chapter 562,
14 chapter 563, chapter 564, chapter 565, chapter 624, or s.
15 681.117 by filing an action in circuit court; or,
16 alternatively, the taxpayer may file a petition under the
17 applicable provisions of chapter 120. However, once an action
18 has been initiated under s. 120.56, s. 120.565, s. 120.569, s.
19 120.57, or s. 120.80(14)(b), no action relating to the same
20 subject matter may be filed by the taxpayer in circuit court,
21 and judicial review shall be exclusively limited to appellate
22 review pursuant to s. 120.68; and once an action has been
23 initiated in circuit court, no action may be brought under
24 chapter 120.

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

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

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

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

3 196.199 Government property exemption.--

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

7 (b) Except as provided in paragraph (c), the exemption
8 provided by this subsection shall not apply to those portions
9 of a leasehold or other interest defined by s. 199.023(1)(d),
10 Florida Statutes, 2002, subject to the provisions of
11 subsection (7). ~~Such leasehold or other interest shall be~~
12 ~~taxed only as intangible personal property pursuant to chapter~~
13 ~~199 if rental payments are due in consideration of such~~
14 ~~leasehold or other interest.~~ If no rental payments are due
15 pursuant to the agreement creating such leasehold or other
16 interest, the leasehold or other interest shall be taxed as
17 real property. Nothing in this paragraph shall be deemed to
18 exempt personal property, buildings, or other real property
19 improvements owned by the lessee from ad valorem taxation.

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

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

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

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

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

8 (4) The excise taxes imposed by this chapter shall not
9 apply to the documents, notes, evidences of indebtedness,
10 financing statements, drafts, bills of exchange, or other
11 taxable items dealt with, made, issued, drawn upon, accepted,
12 delivered, shipped, received, signed, executed, assigned,
13 transferred, or sold by or to a banking organization, as
14 defined in s. 199.023(9), Florida Statutes, 2002, in the
15 conduct of an international banking transaction, as defined in
16 s. 199.023(11), Florida Statutes, 2002. Nothing in this
17 subsection shall be construed to change the application of
18 paragraph (2)(a).

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

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

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

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

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

7 213.015 Taxpayer rights.--There is created a Florida
8 Taxpayer's Bill of Rights to guarantee that the rights,
9 privacy, and property of Florida taxpayers are adequately
10 safeguarded and protected during tax assessment, collection,
11 and enforcement processes administered under the revenue laws
12 of this state. The Taxpayer's Bill of Rights compiles, in one
13 document, brief but comprehensive statements which explain, in
14 simple, nontechnical terms, the rights and obligations of the
15 Department of Revenue and taxpayers. Section 192.0105 provides
16 additional rights afforded to payors of property taxes and
17 assessments. The rights afforded taxpayers to ensure that
18 their privacy and property are safeguarded and protected
19 during tax assessment and collection are available only
20 insofar as they are implemented in other parts of the Florida
21 Statutes or rules of the Department of Revenue. The rights so
22 guaranteed Florida taxpayers in the Florida Statutes and the
23 departmental rules are:

24 (3) The right to be represented or advised by counsel
25 or other qualified representatives at any time in
26 administrative interactions with the department, the right to
27 procedural safeguards with respect to recording of interviews
28 during tax determination or collection processes conducted by
29 the department, the right to be treated in a professional
30 manner by department personnel, and the right to have audits,
31 inspections of records, and interviews conducted at a

1 reasonable time and place except in criminal and internal
2 investigations (see ss. 198.06, ~~199.218~~, 201.11(1), 203.02,
3 206.14, 211.125(3), 211.33(3), 212.0305(3), 212.12(5)(a),
4 (6)(a), and (13), 212.13(5), 213.05, 213.21(1)(a) and (c), and
5 213.34).

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

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

20 Section 9. Section 213.05, Florida Statutes, is
21 amended to read:

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

1 Revenue shall have the responsibility of regulating,
2 controlling, and administering all revenue laws and performing
3 all duties as provided in s. 125.0104, the Local Option
4 Tourist Development Act; s. 125.0108, tourist impact tax;
5 chapter 198, estate taxes; chapter 201, excise tax on
6 documents; chapter 202, communications services tax; chapter
7 203, gross receipts taxes; chapter 206, motor and other fuel
8 taxes; chapter 211, tax on production of oil and gas and
9 severance of solid minerals; chapter 212, tax on sales, use,
10 and other transactions; chapter 220, income tax code; chapter
11 221, emergency excise tax; ss. 336.021 and 336.025, taxes on
12 motor fuel and special fuel; s. 370.07(3), Apalachicola Bay
13 oyster surcharge; s. 376.11, pollutant spill prevention and
14 control; s. 403.718, waste tire fees; s. 403.7185, lead-acid
15 battery fees; s. 538.09, registration of secondhand dealers;
16 s. 538.25, registration of secondary metals recyclers; s.
17 624.4621, group self-insurer's fund premium tax; s. 624.5091,
18 retaliatory tax; s. 624.475, commercial self-insurance fund
19 premium tax; ss. 624.509-624.511, insurance code:
20 administration and general provisions; s. 624.515, State Fire
21 Marshal regulatory assessment; s. 627.357, medical malpractice
22 self-insurance premium tax; s. 629.5011, reciprocal insurers
23 premium tax; and s. 681.117, motor vehicle warranty
24 enforcement.

25 Section 10. Paragraph (a) of subsection (1),
26 subsection (4), paragraphs (k) and (p) of subsection (7), and
27 paragraph (a) of subsection (14) of section 213.053, Florida
28 Statutes, are amended to read:

29 213.053 Confidentiality and information sharing.--

30 (1)(a) The provisions of this section apply to s.
31 125.0104, county government; s. 125.0108, tourist impact tax;

1 chapter 175, municipal firefighters' pension trust funds;
2 chapter 185, municipal police officers' retirement trust
3 funds; chapter 198, estate taxes; ~~chapter 199, intangible~~
4 ~~personal property taxes;~~ chapter 201, excise tax on documents;
5 chapter 203, gross receipts taxes; chapter 211, tax on
6 severance and production of minerals; chapter 212, tax on
7 sales, use, and other transactions; chapter 220, income tax
8 code; chapter 221, emergency excise tax; s. 252.372, emergency
9 management, preparedness, and assistance surcharge; s.
10 370.07(3), Apalachicola Bay oyster surcharge; chapter 376,
11 pollutant spill prevention and control; s. 403.718, waste tire
12 fees; s. 403.7185, lead-acid battery fees; s. 538.09,
13 registration of secondhand dealers; s. 538.25, registration of
14 secondary metals recyclers; ss. 624.501 and 624.509-624.515,
15 insurance code; s. 681.117, motor vehicle warranty
16 enforcement; and s. 896.102, reports of financial transactions
17 in trade or business.

18 (4) Nothing contained in this section shall prevent
19 the department from publishing statistics so classified as to
20 prevent the identification of particular accounts, reports,
21 declarations, or returns or prevent the department from
22 disclosing to the Comptroller the names and addresses of those
23 taxpayers who have claimed ~~an exemption pursuant to s.~~
24 ~~199.185(1)(i) or~~ a deduction pursuant to s. 220.63(5).

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

27 (k)1. Payment information relative to chapters ~~199,~~
28 201, 212, 220, 221, and 624 to the Office of Tourism, Trade,
29 and Economic Development, or its employees or agents that are
30 identified in writing by the office to the department, in the
31 administration of the tax refund program for qualified defense

1 contractors authorized by s. 288.1045 and the tax refund
2 program for qualified target industry businesses authorized by
3 s. 288.106.

4 2. Information relative to tax credits taken by a
5 business under s. 220.191 and exemptions or tax refunds
6 received by a business under s. 212.08(5)(j) to the Office of
7 Tourism, Trade, and Economic Development, or its employees or
8 agents that are identified in writing by the office to the
9 department, in the administration and evaluation of the
10 capital investment tax credit program authorized in s. 220.191
11 and the semiconductor, defense, and space tax exemption
12 program authorized in s. 212.08(5)(j).

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

16
17 Disclosure of information under this subsection shall be
18 pursuant to a written agreement between the executive director
19 and the agency. Such agencies, governmental or
20 nongovernmental, shall be bound by the same requirements of
21 confidentiality as the Department of Revenue. Breach of
22 confidentiality is a misdemeanor of the first degree,
23 punishable as provided by s. 775.082 or s. 775.083.

24 (14)(a) Notwithstanding any other provision of this
25 section, the department shall, subject to the safeguards
26 specified in paragraph (c), disclose to the Division of
27 Corporations of the Department of State the name, address,
28 federal employer identification number, and duration of tax
29 filings with this state of all corporate or partnership
30 entities which are not on file or have a dissolved status with
31

1 the Division of Corporations and which have filed tax returns
2 pursuant to ~~either chapter 199 or~~ chapter 220.

3 Section 11. Section 213.054, Florida Statutes, is
4 amended to read:

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

14 Section 12. Section 213.27, Florida Statutes, is
15 amended to read:

16 213.27 Contracts with debt collection agencies and
17 certain vendors.--

18 (1) The Department of Revenue may, for the purpose of
19 collecting any delinquent taxes due from a taxpayer, including
20 taxes for which a bill or notice has been generated, contract
21 with any debt collection agency or attorney doing business
22 within or without this state for the collection of such
23 delinquent taxes including penalties and interest thereon. The
24 department may also share confidential information pursuant to
25 the contract necessary for the collection of delinquent taxes
26 and taxes for which a billing or notice has been generated.
27 Contracts will be made pursuant to chapter 287. The taxpayer
28 must be notified by mail by the department, its employees, or
29 its authorized representative 30 days prior to commencing any
30 litigation to recover any delinquent taxes. The taxpayer must
31 be notified by mail by the department 30 days prior to the

1 department assigning the collection of any taxes to the debt
2 collection agency.

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

17 (2)~~(3)~~ Any contract may provide, in the discretion of
18 the executive director of the Department of Revenue, the
19 manner in which the compensation for such services will be
20 paid. Under standards established by the department, such
21 compensation shall be added to the amount of the tax and
22 collected as a part thereof by the agency or deducted from the
23 amount of tax, penalty, and interest actually collected.

24 (3)~~(4)~~ All funds collected under the terms of the
25 contract, less the fees provided in the contract, shall be
26 remitted to the department within 30 days from the date of
27 collection from a taxpayer. Forms to be used for such purpose
28 shall be prescribed by the department.

29 (4)~~(5)~~ The department shall require a bond from the
30 debt collection agency ~~or the individual or business~~
31 ~~contracted with under subsection (2) not in excess of \$100,000~~

1 | guaranteeing compliance with the terms of the contract.
2 | However, a bond of \$10,000 is required from a debt collection
3 | agency if the agency does not actually collect and remit
4 | delinquent funds to the department.

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

19 | (6)~~(7)~~ Confidential information shared by the
20 | department with debt collection or auditing agencies ~~or~~
21 | ~~individuals or businesses with which the department has~~
22 | ~~contracted under subsection (2)~~ is exempt from the provisions
23 | of s. 119.07(1), and debt collection or auditing agencies ~~and~~
24 | ~~individuals or businesses with which the department has~~
25 | ~~contracted under subsection (2)~~ shall be bound by the same
26 | requirements of confidentiality as the Department of Revenue.
27 | Breach of confidentiality is a misdemeanor of the first
28 | degree, punishable as provided by ss. 775.082 and 775.083.

29 | (7)~~(8)~~(a) The executive director of the department may
30 | enter into contracts with private vendors to develop and
31 | implement systems to enhance tax collections where

1 compensation to the vendors is funded through increased tax
2 collections. The amount of compensation paid to a vendor
3 shall be based on a percentage of increased tax collections
4 attributable to the system after all administrative and
5 judicial appeals are exhausted, and the total amount of
6 compensation paid to a vendor shall not exceed the maximum
7 amount stated in the contract.

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

13 (c) Disclosure of information under this subsection
14 shall be pursuant to a written agreement between the executive
15 director and the private vendors. The vendors shall be bound
16 by the same requirements of confidentiality as the department.
17 Breach of confidentiality is a misdemeanor of the first
18 degree, punishable as provided in s. 775.082 or s. 775.083.

19 Section 13. Section 213.31, Florida Statutes, is
20 amended to read:

21 213.31 Corporation Tax Administration Trust
22 Fund.--There is hereby created in the State Treasury the
23 Corporation Tax Administration Trust Fund. Moneys in the fund
24 are hereby appropriated to the Department of Revenue for the
25 administration of taxes levied upon corporations, including,
26 but not limited to, those imposed under ~~chapter 199~~, chapter
27 220, or chapter 221.

28 Section 14. Paragraph (c) of subsection (6) of section
29 215.555, Florida Statutes, is amended to read:

30 215.555 Florida Hurricane Catastrophe Fund.--

31 (6) REVENUE BONDS.--

1 (c) Florida Hurricane Catastrophe Fund Finance
2 Corporation.--

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

5 a. The public benefits corporation created under this
6 paragraph will provide a mechanism necessary for the
7 cost-effective and efficient issuance of bonds. This mechanism
8 will eliminate unnecessary costs in the bond issuance process,
9 thereby increasing the amounts available to pay reimbursement
10 for losses to property sustained as a result of hurricane
11 damage.

12 b. The purpose of such bonds is to fund reimbursements
13 through the Florida Hurricane Catastrophe Fund to pay for the
14 costs of construction, reconstruction, repair, restoration,
15 and other costs associated with damage to properties of
16 policyholders of covered policies due to the occurrence of a
17 hurricane.

18 c. The efficacy of the financing mechanism will be
19 enhanced by the corporation's ownership of the assessments, by
20 the insulation of the assessments from possible bankruptcy
21 proceedings, and by covenants of the state with the
22 corporation's bondholders.

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

26 b. The corporation shall operate under a five-member
27 board of directors consisting of the Governor or a designee,
28 the Comptroller or a designee, the Treasurer or a designee,
29 the director of the Division of Bond Finance of the State
30 Board of Administration, and the chief operating officer of
31 the Florida Hurricane Catastrophe Fund.

1 c. The corporation has all of the powers of
2 corporations under chapter 607 and under chapter 617, subject
3 only to the provisions of this subsection.

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

7 e. The corporation may invest in any of the
8 investments authorized under s. 215.47.

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

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

19 b. The state hereby covenants with holders of bonds of
20 the corporation that the state will not repeal or abrogate the
21 power of the board to direct the Department of Insurance to
22 levy the assessments and to collect the proceeds of the
23 revenues pledged to the payment of such bonds as long as any
24 such bonds remain outstanding unless adequate provision has
25 been made for the payment of such bonds pursuant to the
26 documents authorizing the issuance of such bonds.

27 4. The bonds of the corporation are not a debt of the
28 state or of any political subdivision, and neither the state
29 nor any political subdivision is liable on such bonds. The
30 corporation does not have the power to pledge the credit, the
31 revenues, or the taxing power of the state or of any political

1 subdivision. The credit, revenues, or taxing power of the
2 state or of any political subdivision shall not be deemed to
3 be pledged to the payment of any bonds of the corporation.

4 5.a. The property, revenues, and other assets of the
5 corporation; the transactions and operations of the
6 corporation and the income from such transactions and
7 operations; and all bonds issued under this paragraph and
8 interest on such bonds are exempt from taxation by the state
9 and any political subdivision, including ~~the intangibles tax~~
10 ~~under chapter 199~~ and the income tax under chapter 220. This
11 exemption does not apply to any tax imposed by chapter 220 on
12 interest, income, or profits on debt obligations owned by
13 corporations other than the Florida Hurricane Catastrophe Fund
14 Finance Corporation.

15 b. All bonds of the corporation shall be and
16 constitute legal investments without limitation for all public
17 bodies of this state; for all banks, trust companies, savings
18 banks, savings associations, savings and loan associations,
19 and investment companies; for all administrators, executors,
20 trustees, and other fiduciaries; for all insurance companies
21 and associations and other persons carrying on an insurance
22 business; and for all other persons who are now or may
23 hereafter be authorized to invest in bonds or other
24 obligations of the state and shall be and constitute eligible
25 securities to be deposited as collateral for the security of
26 any state, county, municipal, or other public funds. This
27 sub-subparagraph shall be considered as additional and
28 supplemental authority and shall not be limited without
29 specific reference to this sub-subparagraph.

30 6. The corporation and its corporate existence shall
31 continue until terminated by law; however, no such law shall

1 take effect as long as the corporation has bonds outstanding
2 unless adequate provision has been made for the payment of
3 such bonds pursuant to the documents authorizing the issuance
4 of such bonds. Upon termination of the existence of the
5 corporation, all of its rights and properties in excess of its
6 obligations shall pass to and be vested in the state.

7 Section 15. Section 220.1845, Florida Statutes, is
8 amended to read:

9 220.1845 Contaminated site rehabilitation tax
10 credit.--

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

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

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

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

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

25 (b) A taxpayer, or multiple taxpayers working jointly
26 to clean up a single site, may not receive more than \$250,000
27 per year in tax credits for each site voluntarily
28 rehabilitated. Multiple taxpayers shall receive tax credits in
29 the same proportion as their contribution to payment of
30 cleanup costs. Subject to the same conditions and limitations
31 as provided in this section, a municipality or county which

1 voluntarily rehabilitates a site may receive not more than
2 \$250,000 per year in tax credits which it can subsequently
3 transfer subject to the provisions in paragraph (g)~~(h)~~.

4 (c) If the credit granted under this section is not
5 fully used in any one year because of insufficient tax
6 liability on the part of the corporation, the unused amount
7 may be carried forward for a period not to exceed 5 years. The
8 carryover credit may be used in a subsequent year when the tax
9 imposed by this chapter for that year exceeds the credit for
10 which the corporation is eligible in that year under this
11 section after applying the other credits and unused carryovers
12 in the order provided by s. 220.02(8).

13 (d) A taxpayer that files a consolidated return in
14 this state as a member of an affiliated group under s.
15 220.131(1) may be allowed the credit on a consolidated return
16 basis up to the amount of tax imposed upon and paid by the
17 taxpayer that incurred the rehabilitation costs.

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

21 (e)~~(f)~~ A taxpayer that receives state-funded site
22 rehabilitation under s. 376.3078(3) for rehabilitation of a
23 drycleaning-solvent-contaminated site is ineligible to receive
24 credit under this section for costs incurred by the taxpayer
25 in conjunction with the rehabilitation of that site during the
26 same time period that state-administered site rehabilitation
27 was underway.

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

31

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

6 2. The entity or its surviving or acquiring entity as
7 described in subparagraph 1., may transfer any unused credit
8 in whole or in units of no less than 25 percent of the
9 remaining credit. The entity acquiring such credit may use it
10 in the same manner and with the same limitation as described
11 in this section. Such transferred credits may not be
12 transferred again although they may succeed to a surviving or
13 acquiring entity subject to the same conditions and
14 limitations as described in this section.

15 3. In the event the credit provided for under this
16 section is reduced either as a result of a determination by
17 the Department of Environmental Protection or an examination
18 or audit by the Department of Revenue, such tax deficiency
19 shall be recovered from the first entity, or the surviving or
20 acquiring entity, to have claimed such credit up to the amount
21 of credit taken. Any subsequent deficiencies shall be
22 assessed against any entity acquiring and claiming such
23 credit, or in the case of multiple succeeding entities in the
24 order of credit succession.

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

1 (2) FILING REQUIREMENTS.--Any corporation that wishes
2 to obtain credit under this section must submit with its
3 return a tax credit certificate approving partial tax credits
4 issued by the Department of Environmental Protection under s.
5 376.30781.

6 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
7 FORFEITURE.--

8 (a) The Department of Revenue may adopt rules to
9 prescribe any necessary forms required to claim a tax credit
10 under this section and to provide the administrative
11 guidelines and procedures required to administer this section.

12 (b) In addition to its existing audit and
13 investigation authority relating to ~~chapter 199~~ and this
14 chapter, the Department of Revenue may perform any additional
15 financial and technical audits and investigations, including
16 examining the accounts, books, or records of the tax credit
17 applicant, which are necessary to verify the site
18 rehabilitation costs included in a tax credit return and to
19 ensure compliance with this section. The Department of
20 Environmental Protection shall provide technical assistance,
21 when requested by the Department of Revenue, on any technical
22 audits performed pursuant to this section.

23 (c) It is grounds for forfeiture of previously claimed
24 and received tax credits if the Department of Revenue
25 determines, as a result of either an audit or information
26 received from the Department of Environmental Protection, that
27 a taxpayer received tax credits pursuant to this section to
28 which the taxpayer was not entitled. In the case of fraud, the
29 taxpayer shall be prohibited from claiming any future tax
30 credits under this section ~~or s. 199.1055~~.

31

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

4 2. The taxpayer shall file with the Department of
5 Revenue an amended tax return or such other report as the
6 Department of Revenue prescribes by rule and shall pay any
7 required tax within 60 days after the taxpayer receives
8 notification from the Department of Environmental Protection
9 pursuant to s. 376.30781 that previously approved tax credits
10 have been revoked or modified, if uncontested, or within 60
11 days after a final order is issued following proceedings
12 involving a contested revocation or modification order.

13 3. A notice of deficiency may be issued by the
14 Department of Revenue at any time within 5 years after the
15 date the taxpayer receives notification from the Department of
16 Environmental Protection pursuant to s. 376.30781 that
17 previously approved tax credits have been revoked or modified.
18 If a taxpayer fails to notify the Department of Revenue of any
19 change in its tax credit claimed, a notice of deficiency may
20 be issued at any time. In either case, the amount of any
21 proposed assessment set forth in such notice of deficiency
22 shall be limited to the amount of any deficiency resulting
23 under this section from the recomputation of the taxpayer's
24 tax for the taxable year.

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

29 Section 16. Paragraph (b) of subsection (2) of section
30 288.039, Florida Statutes, is amended to read:

31 288.039 Employing and Training our Youths (ENTRY).--

- 1 (2) TAX REFUND; ELIGIBLE AMOUNTS.--
- 2 (b) After entering into an employment/tax refund
- 3 agreement under subsection (3), an eligible business may
- 4 receive refunds for the following taxes or fees due and paid
- 5 by that business:
- 6 1. Taxes on sales, use, and other transactions under
- 7 chapter 212.
- 8 2. Corporate income taxes under chapter 220.
- 9 ~~3. Intangible personal property taxes under chapter~~
- 10 ~~199.~~
- 11 3.4. Emergency excise taxes under chapter 221.
- 12 4.5. Excise taxes on documents under chapter 201.
- 13 5.6. Ad valorem taxes paid, as defined in s.
- 14 220.03(1).
- 15 6.7. Insurance premium taxes under s. 624.509.
- 16 7.8. Occupational license fees under chapter 205.

17

18 However, an eligible business may not receive a refund under

19 this section for any amount of credit, refund, or exemption

20 granted to that business for any of such taxes or fees. If a

21 refund for such taxes or fees is provided by the office, which

22 taxes or fees are subsequently adjusted by the application of

23 any credit, refund, or exemption granted to the eligible

24 business other than as provided in this section, the business

25 shall reimburse the office for the amount of that credit,

26 refund, or exemption. An eligible business shall notify and

27 tender payment to the office within 20 days after receiving

28 any credit, refund, or exemption other than the one provided

29 in this section.

30

31

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

4 288.1045 Qualified defense contractor tax refund
5 program.--

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

7 (f) After entering into a tax refund agreement
8 pursuant to subsection (4), a qualified applicant may receive
9 refunds from the Economic Development Trust Fund for the
10 following taxes due and paid by the qualified applicant
11 beginning with the applicant's first taxable year that begins
12 after entering into the agreement:

13 1. Taxes on sales, use, and other transactions paid
14 pursuant to chapter 212.

15 2. Corporate income taxes paid pursuant to chapter
16 220.

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

19 3.4. Emergency excise taxes paid pursuant to chapter
20 221.

21 4.5. Excise taxes paid on documents pursuant to
22 chapter 201.

23 5.6. Ad valorem taxes paid, as defined in s.
24 220.03(1)(a) on June 1, 1996.

25
26 However, a qualified applicant may not receive a tax refund
27 pursuant to this section for any amount of credit, refund, or
28 exemption granted such contractor for any of such taxes. If a
29 refund for such taxes is provided by the office, which taxes
30 are subsequently adjusted by the application of any credit,
31 refund, or exemption granted to the qualified applicant other

1 than that provided in this section, the qualified applicant
2 shall reimburse the Economic Development Trust Fund for the
3 amount of such credit, refund, or exemption. A qualified
4 applicant must notify and tender payment to the office within
5 20 days after receiving a credit, refund, or exemption, other
6 than that provided in this section.

7 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
8 DETERMINATION.--

9 (b) Applications for certification based on the
10 consolidation of a Department of Defense contract or a new
11 Department of Defense contract must be submitted to the office
12 as prescribed by the office and must include, but are not
13 limited to, the following information:

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

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

21 3. The Department of Defense contract numbers of the
22 contract to be consolidated, the new Department of Defense
23 contract number, or the "RFP" number of a proposed Department
24 of Defense contract.

25 4. The date the contract was executed or is expected
26 to be executed, and the date the contract is due to expire or
27 is expected to expire.

28 5. The commencement date for project operations under
29 the contract in this state.

30
31

1 6. The number of net new full-time equivalent Florida
2 jobs included in the project as of December 31 of each year
3 and the average wage of such jobs.

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

6 8. The percentage of the applicant's gross receipts
7 derived from Department of Defense contracts during the 5
8 taxable years immediately preceding the date the application
9 is submitted.

10 9. The amount of:

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

13 b. Corporate income taxes paid pursuant to chapter
14 220;

15 ~~c. Intangible personal property taxes paid pursuant to~~
16 ~~chapter 199;~~

17 c.d. Emergency excise taxes paid pursuant to chapter
18 221;

19 d.e. Excise taxes paid on documents pursuant to
20 chapter 201; and

21 e.f. Ad valorem taxes paid

22

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

27 10. The estimated amount of tax refunds to be claimed
28 for each fiscal year.

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

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

15 13. Any additional information requested by the
16 office.

17 (c) Applications for certification based on the
18 conversion of defense production jobs to nondefense production
19 jobs must be submitted to the office as prescribed by the
20 office and must include, but are not limited to, the following
21 information:

22 1. The applicant's federal employer identification
23 number, the applicant's Florida sales tax registration number,
24 and a notarized signature of an officer of the 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 Department of Defense contract numbers of the
30 contract under which the defense production jobs will be
31 converted to nondefense production jobs.

1 4. The date the contract was executed, and the date
2 the contract is due to expire or is expected to expire, or was
3 canceled.

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

6 6. The number of net new full-time equivalent Florida
7 jobs included in the nondefense production project as of
8 December 31 of each 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 for 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 (d) Applications for certification based on a contract
23 for reuse of a defense-related facility must be submitted to
24 the office as prescribed by the office and must include, but
25 are not limited to, the following information:

26 1. The applicant's Florida sales tax registration
27 number and a notarized signature of an officer of the
28 applicant.

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

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

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

7 4. A copy of the contract to reuse the facility, or
8 such alternative proof as may be prescribed by the office that
9 the applicant is seeking to contract for the reuse of such
10 facility.

11 5. The date the contract to reuse the facility was
12 executed or is expected to be executed, and the date the
13 contract is due to expire or is expected to expire.

14 6. The commencement date for project operations under
15 the contract in this state.

16 7. The number of net new full-time equivalent Florida
17 jobs included in the project as of December 31 of each year
18 and the average wage of such jobs.

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

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.

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

5 10. The estimated amount of tax refunds to be claimed
6 for each fiscal year.

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

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

24 13. Any additional information requested by the
25 office.

26 Section 18. Paragraph (c) of subsection (2) of section
27 288.106, Florida Statutes, is amended to read:

28 288.106 Tax refund program for qualified target
29 industry businesses.--

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

31

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

3 1. Receive refunds from the account for the following
4 taxes due and paid by that business beginning with the first
5 taxable year of the business which begins after entering into
6 the agreement:

7 a. Corporate income taxes under chapter 220.

8 b. Insurance premium tax under s. 624.509.

9 2. Receive refunds from the account for the following
10 taxes due and paid by that business after entering into the
11 agreement:

12 a. Taxes on sales, use, and other transactions under
13 chapter 212.

14 ~~b. Intangible personal property taxes under chapter~~
15 ~~199.~~

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

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

18 d.e. Ad valorem taxes paid, as defined in s.
19 220.03(1).

20 Section 19. Paragraph (g) of subsection (1) of section
21 288.1067, Florida Statutes, is amended to read:

22 288.1067 Confidentiality of records.--

23 (1) The following information held by the Office of
24 Tourism, Trade, and Economic Development, Enterprise Florida,
25 Inc., or county or municipal governmental entities, and their
26 employees or agents, pursuant to the incentive programs for
27 qualified businesses as provided in s. 220.191, s. 288.1045,
28 s. 288.106, s. 288.108, or s. 288.1088 is confidential and
29 exempt from the provisions of s. 119.07(1) and s. 24(a), Art.
30 I of the State Constitution, for a period not to exceed the
31

1 duration of the relevant tax refund, tax credit, or incentive
2 agreement:

3 (g) The amount of:

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

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

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

10 3.4. Emergency excise taxes paid pursuant to chapter
11 221;

12 4.5. Insurance premium taxes paid pursuant to chapter
13 624;

14 5.6. Excise taxes paid on documents pursuant to
15 chapter 201; or

16 6.7. Ad valorem taxes paid, as defined in s.
17 220.03(1),

18

19 which the qualified business reports on its application for
20 certification or reports during the term of the tax refund
21 agreement, and for which the qualified business claims a tax
22 refund under s. 288.1045 or s. 288.106, and any such
23 information held as evidence of the achievement or
24 nonachievement of performance items contained in the tax
25 refund agreement.

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

29 376.30781 Partial tax credits for rehabilitation of
30 drycleaning-solvent-contaminated sites and brownfield sites in
31

1 designated brownfield areas; application process; rulemaking
2 authority; revocation authority.--

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

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

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

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

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

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

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

30 493.6102 Inapplicability of this chapter.--This
31 chapter shall not apply to:

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, delinquency, and
15 insurance charges herein provided for, no further or other
16 charges or amount whatsoever for any examination, service,
17 commission, or other thing or otherwise shall be directly or
18 indirectly charged, contracted for, or received as a condition
19 to the grant of a 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;

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; or

17 ~~8.9.~~ A delinquency charge not to exceed \$10 for each
18 payment in default for a period of not less than 10 days, if
19 the charge is agreed upon, in writing, between the parties
20 before imposing the charge.

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

29 Section 23. 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 24. 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) CITIZENS PROPERTY INSURANCE CORPORATION.--

11 (j) ~~For the purposes of s. 199.183(1),~~The corporation
12 is ~~shall be considered a political subdivision of the state~~
13 ~~and shall be~~ exempt from the corporate income tax. The
14 premiums, assessments, investment income, and other revenue of
15 the corporation are funds received for providing property
16 insurance coverage as required by this subsection, paying
17 claims for Florida citizens insured by the corporation,
18 securing and repaying debt obligations issued by the
19 corporation, and conducting all other activities of the
20 corporation, and shall not be considered taxes, fees,
21 licenses, or charges for services imposed by the Legislature
22 on individuals, businesses, or agencies outside state
23 government. Bonds and other debt obligations issued by or on
24 behalf of the corporation are not to be considered "state
25 bonds" within the meaning of s. 215.58(10). The corporation is
26 not subject to the procurement provisions of chapter 287, and
27 policies and decisions of the corporation relating to
28 incurring debt, levying of assessments and the sale, issuance,
29 continuation, terms and claims under corporation policies, and
30 all services relating thereto, are not subject to the
31 provisions of chapter 120. The corporation is not required to

1 obtain or to hold a certificate of authority issued by the
2 department, nor is it required to participate as a member
3 insurer of the Florida Insurance Guaranty Association.
4 However, the corporation is required to pay, in the same
5 manner as an authorized insurer, assessments pledged by the
6 Florida Insurance Guaranty Association to secure bonds issued
7 or other indebtedness incurred to pay covered claims arising
8 from insurer insolvencies caused by, or proximately related
9 to, hurricane losses. It is the intent of the Legislature that
10 the tax exemptions provided in this paragraph will augment the
11 financial resources of the corporation to better enable the
12 corporation to fulfill its public purposes. Any bonds issued
13 by the corporation, their transfer, and the income therefrom,
14 including any profit made on the sale thereof, shall at all
15 times be free from taxation of every kind by the state and any
16 political subdivision or local unit or other instrumentality
17 thereof; however, this exemption does not apply to any tax
18 imposed by chapter 200 on interest, income, or profits on debt
19 obligations owned by corporations other than the corporation.

20 Section 25. Paragraph (b) of subsection (6) of section
21 650.05, Florida Statutes, is amended to read:

22 650.05 Plans for coverage of employees of political
23 subdivisions.--

24 (6)

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

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

3 Section 26. Subsection (1) of section 655.071, Florida
4 Statutes, is amended to read:

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

7 (1) "International banking facility" means a set of
8 asset and liability accounts segregated on the books and
9 records of a banking organization, as that term is defined in
10 s. 199.023, Florida Statutes, 2002, that includes only
11 international banking facility deposits, borrowings, and
12 extensions of credit, as those terms shall be defined by the
13 department pursuant to subsection (2).

14 Section 27. Paragraph (a) of subsection (1) of section
15 766.105, Florida Statutes, is amended to read:

16 766.105 Florida Patient's Compensation Fund.--

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

19 (a) The term "fund" means the Florida Patient's
20 Compensation Fund. The fund is not a state agency, board, or
21 commission. ~~However, for the purposes of s. 199.183(1) only,~~
22 ~~the fund shall be considered a political subdivision of this~~
23 ~~state.~~

24 Section 28. Subsection (5) of section 192.032,
25 subsection (3) of section 192.042, subsection (4) of section
26 193.114, subsection (9) of section 196.015, and paragraph (g)
27 of subsection (1) of section 607.1622, Florida Statutes, are
28 repealed.

29 Section 29. Paragraph (a) of subsection (4) of section
30 192.0105, Florida Statutes, is amended to read:

31

1 192.0105 Taxpayer rights.--There is created a Florida
2 Taxpayer's Bill of Rights for property taxes and assessments
3 to guarantee that the rights, privacy, and property of the
4 taxpayers of this state are adequately safeguarded and
5 protected during tax levy, assessment, collection, and
6 enforcement processes administered under the revenue laws of
7 this state. The Taxpayer's Bill of Rights compiles, in one
8 document, brief but comprehensive statements that summarize
9 the rights and obligations of the property appraisers, tax
10 collectors, clerks of the court, local governing boards, the
11 Department of Revenue, and taxpayers. Additional rights
12 afforded to payors of taxes and assessments imposed under the
13 revenue laws of this state are provided in s. 213.015. The
14 rights afforded taxpayers to assure that their privacy and
15 property are safeguarded and protected during tax levy,
16 assessment, and collection are available only insofar as they
17 are implemented in other parts of the Florida Statutes or
18 rules of the Department of Revenue. The rights so guaranteed
19 to state taxpayers in the Florida Statutes and the
20 departmental rules include:

21 (4) THE RIGHT TO CONFIDENTIALITY.--

22 (a) The right to have information kept confidential,
23 including federal tax information, ad valorem tax returns,
24 social security numbers, all financial records produced by the
25 taxpayer, Form DR-219 returns for documentary stamp tax
26 information, and sworn statements of gross income, copies of
27 federal income tax returns for the prior year, wage and
28 earnings statements (W-2 forms), and other documents (see ss.
29 192.105, 193.074, 193.114~~(5)~~(6), 195.027(3) and (6), and
30 196.101(4)(c)).

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1 Section 30. This act shall take effect January 1,
2 2004.

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5 SENATE SUMMARY

6 Repeals the taxes on intangible personal property.

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