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A bill to be entitled

An act relating to the annual intangible personal property tax; amending s. 199.032, F.S.; decreasing the annual intangible personal property tax over a 2-year period; repealing ss. 199.012, 199.023, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106, 199.175, and 199.185, F.S., relating to the annual intangible personal property tax; amending s. 199.303, F.S.; providing additional legislative intent; amending ss. 192.032, 192.042, 192.091, 193.114, 196.015, 196.199, 196.1993, 199.183, 201.23, 212.02, 213.053, 213.054, 213.27, 213.31, 215.555, 220.1845, 288.039, 288.1045, 288.106, 376.30781, 493.6102, 516.031, 627.311, 627.351, 650.05, 655.071, 733.702, and 766.105, F.S., to conform; authorizing the Department of Revenue to adopt certain emergency rules for a certain time; providing effective dates.

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

Section 1. Effective January 1, 2005, section 199.032, Florida Statutes, is amended to read:

199.032 Levy of annual tax.--Beginning January 1, 2005, an annual tax of 0.66 ± mill is imposed on each dollar of the just valuation of all intangible personal property that has a taxable situs in this state, except for notes and other obligations for the payment of money, other than bonds, which are secured by mortgage, deed of trust, or other lien upon real property situated in the state. Beginning January 1, 2006, the annual tax

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30 imposed by this section shall be 0.33 mill. This tax shall be
 31 assessed and collected as provided in this chapter.

32 Section 2. Sections 199.012, 199.023, 199.032, 199.033,
 33 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106,
 34 199.175, and 199.185, Florida Statutes, are repealed.

35 Section 3. Subsection (3) is added to section 199.303,
 36 Florida Statutes, to read:

37 199.303 Declaration of legislative intent.--

38 (3) It is hereby declared to be the specific legislative
 39 intent that all annual intangible personal property taxes
 40 imposed as provided by law, for calendar years 2006 and prior,
 41 shall remain in full force and effect during the period
 42 specified by s. 95.091, for the year in which the tax was due.

43 It is further the legislative intent that the department
 44 continue to assess and collect all taxes due to the state under
 45 such provisions for all periods available for assessment, as
 46 provided for the year in which tax was due by s. 95.091.

47 Section 4. Subsections (5), (6), and (7) of section
 48 192.032, Florida Statutes, are amended to read:

49 192.032 Situs of property for assessment purposes.--All
 50 property shall be assessed according to its situs as follows:

51 ~~(5) Intangible personal property, according to the rules~~
 52 ~~laid down in chapter 199.~~

53 (5)(6)(a) Notwithstanding the provisions of subsection
 54 (2), personal property used as a marine cargo container in the
 55 conduct of foreign or interstate commerce shall not be deemed to
 56 have acquired a taxable situs within a county when the property
 57 is temporarily halted or stored within the state for a period
 58 not exceeding 180 days.

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59 (b) "Marine cargo container" means a nondisposable
 60 receptacle which is of a permanent character, strong enough to
 61 be suitable for repeated use; which is specifically designed to
 62 facilitate the carriage of goods by one or more modes of
 63 transport, one of which shall be by ocean vessel, without
 64 intermediate reloading; and which is fitted with devices
 65 permitting its ready handling, particularly in the transfer from
 66 one transport mode to another. The term "marine cargo container"
 67 includes a container when carried on a chassis but does not
 68 include a vehicle or packaging.

69 (6)~~(7)~~ Notwithstanding any other provision of this
 70 section, tangible personal property used in traveling shows such
 71 as carnivals, ice shows, or circuses shall be deemed to be
 72 physically present or habitually located or typically present
 73 only to the extent the value of such property is multiplied by a
 74 fraction, the numerator of which is the number of days such
 75 property is present in Florida during the taxable year and the
 76 denominator of which is the number of days in the taxable year.
 77 However, railroad property of such traveling shows shall be
 78 taxable under s. 193.085(4)(b) and not under this section.

79 Section 5. Subsection (3) of section 192.042, Florida
 80 Statutes, is amended to read:

81 192.042 Date of assessment.--All property shall be
 82 assessed according to its just value as follows:

83 ~~(3) Intangible personal property, according to the rules~~
 84 ~~laid down in chapter 199.~~

85 Section 6. Subsection (5) of section 192.091, Florida
 86 Statutes, is amended to read:

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87 192.091 Commissions of property appraisers and tax
 88 collectors.--

89 (5) Provided, that the provisions of this section shall
 90 not apply to commissions on ~~intangible property taxes or~~
 91 drainage district or drainage subdistrict taxes; and

92 Section 7. Subsections (4), (5), and (6) of section
 93 193.114, Florida Statutes, are amended to read:

94 193.114 Preparation of assessment rolls.--

95 ~~(4) The department shall promulgate regulations and forms~~
 96 ~~for the preparation of the intangible personal property roll to~~
 97 ~~comply with chapter 199.~~

98 (4)~~(5)~~ For every change made to the assessed or taxable
 99 value of a parcel on an assessment roll subsequent to the
 100 mailing of the notice provided for in s. 200.069, the property
 101 appraiser shall document the reason for such change in the
 102 public records of the office of the property appraiser in a
 103 manner acceptable to the executive director or the executive
 104 director's designee. For every change that decreases the
 105 assessed or taxable value of a parcel on an assessment roll
 106 between the time of complete submission of the tax roll pursuant
 107 to s. 193.1142(3) and mailing of the notice provided for in s.
 108 200.069, the property appraiser shall document the reason for
 109 such change in the public records of the office of the property
 110 appraiser in a manner acceptable to the executive director or
 111 the executive director's designee. Changes made by the value
 112 adjustment board are not subject to the requirements of this
 113 subsection.

114 (5)~~(6)~~ For proprietary purposes, including the furnishing
 115 or sale of copies of the tax roll under s. 119.07(1), the

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116 property appraiser is the custodian of the tax roll and the
 117 copies of it which are maintained by any state agency. The
 118 department or any state or local agency may use copies of the
 119 tax roll received by it for official purposes and shall permit
 120 inspection and examination thereof under s. 119.07(1), but is
 121 not required to furnish copies of the records. A social security
 122 number submitted under s. 196.011(1) is confidential and exempt
 123 from s. 24(a), Art. I of the State Constitution and the
 124 provisions of s. 119.07(1). A copy of documents containing the
 125 numbers furnished or sold by the property appraiser, except a
 126 copy furnished to the department, or a copy of documents
 127 containing social security numbers provided by the department or
 128 any state or local agency for inspection or examination by the
 129 public, must exclude those social security numbers.

130 Section 8. Subsection (9) of section 196.015, Florida
 131 Statutes, is amended to read:

132 196.015 Permanent residency; factual determination by
 133 property appraiser.--Intention to establish a permanent
 134 residence in this state is a factual determination to be made,
 135 in the first instance, by the property appraiser. Although any
 136 one factor is not conclusive of the establishment or
 137 nonestablishment of permanent residence, the following are
 138 relevant factors that may be considered by the property
 139 appraiser in making his or her determination as to the intent of
 140 a person claiming a homestead exemption to establish a permanent
 141 residence in this state:

142 ~~(9) The previous filing of Florida intangible tax returns~~
 143 ~~by the applicant.~~

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144 Section 9. Paragraph (b) of subsection (2) of section
 145 196.199, Florida Statutes, is amended to read:

146 196.199 Government property exemption.--

147 (2) Property owned by the following governmental units but
 148 used by nongovernmental lessees shall only be exempt from
 149 taxation under the following conditions:

150 (b) Except as provided in paragraph (c), the exemption
 151 provided by this subsection shall not apply to those portions of
 152 a leasehold or other possessory interest in real property,
 153 except for any leasehold or other possessory interest described
 154 in s. 4(a), Art. VII of the State Constitution or subsection
 155 (7), owned by the United States, the state, any political
 156 subdivision of the state, any municipality of the state, or any
 157 agency, authority, and other public body corporate of the state,
 158 which are undeveloped or predominantly used for residential or
 159 commercial purposes and upon which rental payments are due
 160 ~~defined by s. 199.023(1)(d),~~ subject to the provisions of
 161 subsection (7). ~~Such leasehold or other interest shall be taxed~~
 162 ~~only as intangible personal property pursuant to chapter 199 if~~
 163 ~~rental payments are due in consideration of such leasehold or~~
 164 ~~other interest.~~ If no rental payments are due pursuant to the
 165 agreement creating such leasehold or other interest, the
 166 leasehold or other interest shall be taxed as real property.
 167 Nothing in this paragraph shall be deemed to exempt personal
 168 property, buildings, or other real property improvements owned
 169 by the lessee from ad valorem taxation.

170 Section 10. Section 196.1993, Florida Statutes, is amended
 171 to read:

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172 196.1993 Certain agreements with local governments for use
 173 of public property; exemption.--Any agreement entered into with
 174 a local governmental authority prior to January 1, 1969, for use
 175 of public property, under which it was understood and agreed in
 176 a written instrument or by special act that no ad valorem real
 177 property taxes would be paid by the licensee or lessee, shall be
 178 deemed a license or management agreement for the use or
 179 management of public property. Such interest shall be deemed not
 180 to convey an interest in the property and shall not be subject
 181 to ad valorem real property taxation. Nothing in this section
 182 shall be deemed to exempt such licensee from the ~~ad valorem~~
 183 ~~intangible tax and the~~ ad valorem personal property tax.

184 Section 11. Subsection (4) of section 199.183, Florida
 185 Statutes, is amended to read:

186 199.183 Taxpayers exempt from annual and nonrecurring
 187 taxes.--

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

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

195 201.23 Foreign notes and other written obligations
 196 exempt.--

197 (4)(a) The excise taxes imposed by this chapter shall not
 198 apply to the documents, notes, evidences of indebtedness,
 199 financing statements, drafts, bills of exchange, or other
 200 taxable items dealt with, made, issued, drawn upon, accepted,

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201 delivered, shipped, received, signed, executed, assigned,
 202 transferred, or sold by or to a banking organization, ~~as defined~~
 203 ~~in s. 199.023(9)~~, in the conduct of an international banking
 204 transaction, ~~as defined in s. 199.023(11)~~. Nothing in this
 205 paragraph subsection shall be construed to change the
 206 application of paragraph (2)(a).

207 (b) For purposes of this subsection:

208 1. "Banking organization" means:

209 a. A bank organized and existing under the laws of this
 210 state;

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

214 c. An Edge Act corporation organized pursuant to the
 215 provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss.
 216 611 et seq., and maintaining an office in this state;

217 d. An international bank agency licensed pursuant to the
 218 laws of this state;

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

222 f. A savings association organized and existing under the
 223 laws of this state;

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

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

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- 230 2. "International banking transaction" means:
 231 a. The financing of the exportation from, or the
 232 importation into, the United States or between jurisdictions
 233 abroad of tangible personal property or services;
 234 b. The financing of the production, preparation, storage,
 235 or transportation of tangible personal property or services
 236 which are identifiable as being directly and solely for export
 237 from, or import into, the United States or between jurisdictions
 238 abroad;
 239 c. The financing of contracts, projects, or activities to
 240 be performed substantially abroad, except those transactions
 241 secured by a mortgage, deed of trust, or other lien upon real
 242 property located in the state;
 243 d. The receipt of deposits or borrowings or the extensions
 244 of credit by an international banking facility, except the loan
 245 or deposit of funds secured by mortgage, deed of trust, or other
 246 lien upon real property located in the state; or
 247 e. Entering into foreign exchange trading or hedging
 248 transactions in connection with the activities described in sub-
 249 subparagraph d.

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

252 212.02 Definitions.--The following terms and phrases when
 253 used in this chapter have the meanings ascribed to them in this
 254 section, except where the context clearly indicates a different
 255 meaning:

256 (19) "Tangible personal property" means and includes
 257 personal property which may be seen, weighed, measured, or
 258 touched or is in any manner perceptible to the senses, including

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259 electric power or energy, boats, motor vehicles and mobile homes
 260 as defined in s. 320.01(1) and (2), aircraft as defined in s.
 261 330.27, and all other types of vehicles. The term "tangible
 262 personal property" does not include stocks, bonds, notes,
 263 insurance, or other obligations or securities; ~~intangibles as~~
 264 ~~defined by the intangible tax law of the state;~~ or pari-mutuel
 265 tickets sold or issued under the racing laws of the state.

266 Section 14. Subsection (4), paragraphs (k) and (p) of
 267 subsection (7), and paragraph (a) of subsection (14) of section
 268 213.053, Florida Statutes, are amended to read:

269 213.053 Confidentiality and information sharing.--

270 (4) Nothing contained in this section shall prevent the
 271 department from publishing statistics so classified as to
 272 prevent the identification of particular accounts, reports,
 273 declarations, or returns or prevent the department from
 274 disclosing to the Chief Financial Officer the names and
 275 addresses of those taxpayers who have claimed ~~an exemption~~
 276 ~~pursuant to s. 199.185(1)(i) or~~ a deduction pursuant to s.
 277 220.63(5).

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

280 (k)1. Payment information relative to chapters ~~199~~, 201,
 281 212, 220, 221, and 624 to the Office of Tourism, Trade, and
 282 Economic Development, or its employees or agents that are
 283 identified in writing by the office to the department, in the
 284 administration of the tax refund program for qualified defense
 285 contractors authorized by s. 288.1045 and the tax refund program
 286 for qualified target industry businesses authorized by s.
 287 288.106.

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288 2. Information relative to tax credits taken by a business
 289 under s. 220.191 and exemptions or tax refunds received by a
 290 business under s. 212.08(5)(j) to the Office of Tourism, Trade,
 291 and Economic Development, or its employees or agents that are
 292 identified in writing by the office to the department, in the
 293 administration and evaluation of the capital investment tax
 294 credit program authorized in s. 220.191 and the semiconductor,
 295 defense, and space tax exemption program authorized in s.
 296 212.08(5)(j).

297 (p) Information relative to ss. ~~199.1055~~, 220.1845, and
 298 376.30781 to the Department of Environmental Protection in the
 299 conduct of its official business.

300
 301 Disclosure of information under this subsection shall be
 302 pursuant to a written agreement between the executive director
 303 and the agency. Such agencies, governmental or nongovernmental,
 304 shall be bound by the same requirements of confidentiality as
 305 the Department of Revenue. Breach of confidentiality is a
 306 misdemeanor of the first degree, punishable as provided by s.
 307 775.082 or s. 775.083.

308 (14)(a) Notwithstanding any other provision of this
 309 section, the department shall, subject to the safeguards
 310 specified in paragraph (c), disclose to the Division of
 311 Corporations of the Department of State the name, address,
 312 federal employer identification number, and duration of tax
 313 filings with this state of all corporate or partnership entities
 314 which are not on file or have a dissolved status with the
 315 Division of Corporations and which have filed tax returns
 316 pursuant to ~~either chapter 199 or~~ chapter 220.

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317 Section 15. Section 213.054, Florida Statutes, is amended
 318 to read:

319 213.054 Persons claiming tax exemptions or deductions;
 320 annual report.--The Department of Revenue shall be responsible
 321 for monitoring the utilization of ~~tax exemptions and tax~~
 322 deductions authorized pursuant to chapter 81-179, Laws of
 323 Florida. On or before September 1 of each year, the department
 324 shall report to the Chief Financial Officer the names and
 325 addresses of all persons who have claimed ~~an exemption pursuant~~
 326 ~~to s. 199.185(1)(i) or~~ a deduction pursuant to s. 220.63(5).

327 Section 16. Section 213.27, Florida Statutes, is amended
 328 to read:

329 213.27 Contracts with debt collection agencies and certain
 330 vendors.--

331 (1) The Department of Revenue may, for the purpose of
 332 collecting any delinquent taxes due from a taxpayer, including
 333 taxes for which a bill or notice has been generated, contract
 334 with any debt collection agency or attorney doing business
 335 within or without this state for the collection of such
 336 delinquent taxes including penalties and interest thereon. The
 337 department may also share confidential information pursuant to
 338 the contract necessary for the collection of delinquent taxes
 339 and taxes for which a billing or notice has been generated.
 340 Contracts will be made pursuant to chapter 287. The taxpayer
 341 must be notified by mail by the department, its employees, or
 342 its authorized representative 30 days prior to commencing any
 343 litigation to recover any delinquent taxes. The taxpayer must be
 344 notified by mail by the department 30 days prior to the

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345 department assigning the collection of any taxes to the debt
 346 collection agency.

347 ~~(2) The department may enter into contracts with any~~
 348 ~~individual or business for the purpose of identifying intangible~~
 349 ~~personal property tax liability. Contracts may provide for the~~
 350 ~~identification of assets subject to the tax on intangible~~
 351 ~~personal property, the determination of value of such property,~~
 352 ~~the requirement for filing a tax return and the collection of~~
 353 ~~taxes due, including applicable penalties and interest thereon.~~
 354 ~~The department may share confidential information pursuant to~~
 355 ~~the contract necessary for the identification of taxable~~
 356 ~~intangible personal property. Contracts shall be made pursuant~~
 357 ~~to chapter 287. The taxpayer must be notified by mail by the~~
 358 ~~department 30 days prior to the department assigning~~
 359 ~~identification of intangible personal property to an individual~~
 360 ~~or business.~~

361 (2)~~(3)~~ Any contract may provide, in the discretion of the
 362 executive director of the Department of Revenue, the manner in
 363 which the compensation for such services will be paid. Under
 364 standards established by the department, such compensation shall
 365 be added to the amount of the tax and collected as a part
 366 thereof by the agency or deducted from the amount of tax,
 367 penalty, and interest actually collected.

368 (3)~~(4)~~ All funds collected under the terms of the
 369 contract, less the fees provided in the contract, shall be
 370 remitted to the department within 30 days from the date of
 371 collection from a taxpayer. Forms to be used for such purpose
 372 shall be prescribed by the department.

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373 (4)~~(5)~~ The department shall require a bond from the debt
 374 collection agency ~~or the individual or business contracted with~~
 375 ~~under subsection (2)~~ not in excess of \$100,000 guaranteeing
 376 compliance with the terms of the contract. However, a bond of
 377 \$10,000 is required from a debt collection agency if the agency
 378 does not actually collect and remit delinquent funds to the
 379 department.

380 (5)~~(6)~~ The department may, for the purpose of ascertaining
 381 the amount of or collecting any taxes due from a person doing
 382 mail order business in this state, contract with any auditing
 383 agency doing business within or without this state for the
 384 purpose of conducting an audit of such mail order business;
 385 however, such audit agency may not conduct an audit on behalf of
 386 the department of any person domiciled in this state, person
 387 registered for sales and use tax purposes in this state, or
 388 corporation filing a Florida corporate tax return, if any such
 389 person or corporation objects to such audit in writing to the
 390 department and the auditing agency. The department shall notify
 391 the taxpayer by mail at least 30 days before the department
 392 assigns the collection of such taxes.

393 (6)~~(7)~~ Confidential information shared by the department
 394 with debt collection or auditing agencies ~~or individuals or~~
 395 ~~businesses with which the department has contracted under~~
 396 ~~subsection (2)~~ is exempt from the provisions of s. 119.07(1),
 397 and debt collection or auditing agencies ~~and individuals or~~
 398 ~~businesses with which the department has contracted under~~
 399 ~~subsection (2)~~ shall be bound by the same requirements of
 400 confidentiality as the Department of Revenue. Breach of

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401 confidentiality is a misdemeanor of the first degree, punishable
 402 as provided by ss. 775.082 and 775.083.

403 (7)~~(8)~~(a) The executive director of the department may
 404 enter into contracts with private vendors to develop and
 405 implement systems to enhance tax collections where compensation
 406 to the vendors is funded through increased tax collections. The
 407 amount of compensation paid to a vendor shall be based on a
 408 percentage of increased tax collections attributable to the
 409 system after all administrative and judicial appeals are
 410 exhausted, and the total amount of compensation paid to a vendor
 411 shall not exceed the maximum amount stated in the contract.

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

417 (c) Disclosure of information under this subsection shall
 418 be pursuant to a written agreement between the executive
 419 director and the private vendors. The vendors shall be bound by
 420 the same requirements of confidentiality as the department.
 421 Breach of confidentiality is a misdemeanor of the first degree,
 422 punishable as provided in s. 775.082 or s. 775.083.

423 Section 17. Section 213.31, Florida Statutes, is amended
 424 to read:

425 213.31 Corporation Tax Administration Trust Fund.--There
 426 is hereby created in the State Treasury the Corporation Tax
 427 Administration Trust Fund. Moneys in the fund are hereby
 428 appropriated to the Department of Revenue for the administration
 429 of taxes levied upon corporations, including, but not limited

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430 to, those imposed under ~~chapter 199~~, chapter 220, or chapter
431 221.

432 Section 18. Paragraph (c) of subsection (6) of section
433 215.555, Florida Statutes, is amended to read:

434 215.555 Florida Hurricane Catastrophe Fund.--

435 (6) REVENUE BONDS.--

436 (c) *Florida Hurricane Catastrophe Fund Finance*
437 *Corporation*.--

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

440 a. The public benefits corporation created under this
441 paragraph will provide a mechanism necessary for the cost-
442 effective and efficient issuance of bonds. This mechanism will
443 eliminate unnecessary costs in the bond issuance process,
444 thereby increasing the amounts available to pay reimbursement
445 for losses to property sustained as a result of hurricane
446 damage.

447 b. The purpose of such bonds is to fund reimbursements
448 through the Florida Hurricane Catastrophe Fund to pay for the
449 costs of construction, reconstruction, repair, restoration, and
450 other costs associated with damage to properties of
451 policyholders of covered policies due to the occurrence of a
452 hurricane.

453 c. The efficacy of the financing mechanism will be
454 enhanced by the corporation's ownership of the assessments, by
455 the insulation of the assessments from possible bankruptcy
456 proceedings, and by covenants of the state with the
457 corporation's bondholders.

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

461 b. The corporation shall operate under a five-member board
 462 of directors consisting of the Governor or a designee, the Chief
 463 Financial Officer or a designee, the Attorney General or a
 464 designee, the director of the Division of Bond Finance of the
 465 State Board of Administration, and the senior employee of the
 466 State Board of Administration responsible for operations of the
 467 Florida Hurricane Catastrophe Fund.

468 c. The corporation has all of the powers of corporations
 469 under chapter 607 and under chapter 617, subject only to the
 470 provisions of this subsection.

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

474 e. The corporation may invest in any of the investments
 475 authorized under s. 215.47.

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

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

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486 b. The state hereby covenants with holders of bonds of the
 487 corporation that the state will not repeal or abrogate the power
 488 of the board to direct the Office of Insurance Regulation to
 489 levy the assessments and to collect the proceeds of the revenues
 490 pledged to the payment of such bonds as long as any such bonds
 491 remain outstanding unless adequate provision has been made for
 492 the payment of such bonds pursuant to the documents authorizing
 493 the issuance of such bonds.

494 4. The bonds of the corporation are not a debt of the
 495 state or of any political subdivision, and neither the state nor
 496 any political subdivision is liable on such bonds. The
 497 corporation does not have the power to pledge the credit, the
 498 revenues, or the taxing power of the state or of any political
 499 subdivision. The credit, revenues, or taxing power of the state
 500 or of any political subdivision shall not be deemed to be
 501 pledged to the payment of any bonds of the corporation.

502 5.a. The property, revenues, and other assets of the
 503 corporation; the transactions and operations of the corporation
 504 and the income from such transactions and operations; and all
 505 bonds issued under this paragraph and interest on such bonds are
 506 exempt from taxation by the state and any political subdivision,
 507 including ~~the intangibles tax under chapter 199 and~~ the income
 508 tax under chapter 220. This exemption does not apply to any tax
 509 imposed by chapter 220 on interest, income, or profits on debt
 510 obligations owned by corporations other than the Florida
 511 Hurricane Catastrophe Fund Finance Corporation.

512 b. All bonds of the corporation shall be and constitute
 513 legal investments without limitation for all public bodies of
 514 this state; for all banks, trust companies, savings banks,

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515 savings associations, savings and loan associations, and
 516 investment companies; for all administrators, executors,
 517 trustees, and other fiduciaries; for all insurance companies and
 518 associations and other persons carrying on an insurance
 519 business; and for all other persons who are now or may hereafter
 520 be authorized to invest in bonds or other obligations of the
 521 state and shall be and constitute eligible securities to be
 522 deposited as collateral for the security of any state, county,
 523 municipal, or other public funds. This sub-subparagraph shall be
 524 considered as additional and supplemental authority and shall
 525 not be limited without specific reference to this sub-
 526 subparagraph.

527 6. The corporation and its corporate existence shall
 528 continue until terminated by law; however, no such law shall
 529 take effect as long as the corporation has bonds outstanding
 530 unless adequate provision has been made for the payment of such
 531 bonds pursuant to the documents authorizing the issuance of such
 532 bonds. Upon termination of the existence of the corporation, all
 533 of its rights and properties in excess of its obligations shall
 534 pass to and be vested in the state.

535 Section 19. Section 220.1845, Florida Statutes, is amended
 536 to read:

537 220.1845 Contaminated site rehabilitation tax credit.--

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

539 (a) A credit in the amount of 35 percent of the costs of
 540 voluntary cleanup activity that is integral to site
 541 rehabilitation at the following sites is available against any
 542 tax due for a taxable year under this chapter:

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

545 2. A drycleaning-solvent-contaminated site at which
546 cleanup is undertaken by the real property owner pursuant to s.
547 376.3078(11), if the real property owner is not also, and has
548 never been, the owner or operator of the drycleaning facility
549 where the contamination exists; or

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

552 (b) A tax credit applicant, or multiple tax credit
553 applicants working jointly to clean up a single site, may not be
554 granted more than \$250,000 per year in tax credits for each site
555 voluntarily rehabilitated. Multiple tax credit applicants shall
556 be granted tax credits in the same proportion as their
557 contribution to payment of cleanup costs. Subject to the same
558 conditions and limitations as provided in this section, a
559 municipality, county, or other tax credit applicant which
560 voluntarily rehabilitates a site may receive not more than
561 \$250,000 per year in tax credits which it can subsequently
562 transfer subject to the provisions in paragraph (g)~~(h)~~.

563 (c) If the credit granted under this section is not fully
564 used in any one year because of insufficient tax liability on
565 the part of the corporation, the unused amount may be carried
566 forward for a period not to exceed 5 years. The carryover credit
567 may be used in a subsequent year when the tax imposed by this
568 chapter for that year exceeds the credit for which the
569 corporation is eligible in that year under this section after
570 applying the other credits and unused carryovers in the order
571 provided by s. 220.02(8). Five years after the date a credit is

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572 granted under this section, such credit expires and may not be
 573 used. However, if during the 5-year period the credit is
 574 transferred, in whole or in part, pursuant to paragraph (g)~~(h)~~,
 575 each transferee has 5 years after the date of transfer to use
 576 its credit.

577 (d) A taxpayer that files a consolidated return in this
 578 state as a member of an affiliated group under s. 220.131(1) may
 579 be allowed the credit on a consolidated return basis up to the
 580 amount of tax imposed upon the consolidated group.

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

584 (e)~~(f)~~ A tax credit applicant that receives state-funded
 585 site rehabilitation under s. 376.3078(3) for rehabilitation of a
 586 drycleaning-solvent-contaminated site is ineligible to receive
 587 credit under this section for costs incurred by the tax credit
 588 applicant in conjunction with the rehabilitation of that site
 589 during the same time period that state-administered site
 590 rehabilitation was underway.

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

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

599 2. The entity or its surviving or acquiring entity as
 600 described in subparagraph 1., may transfer any unused credit in

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601 whole or in units of no less than 25 percent of the remaining
 602 credit. The entity acquiring such credit may use it in the same
 603 manner and with the same limitation as described in this
 604 section. Such transferred credits may not be transferred again
 605 although they may succeed to a surviving or acquiring entity
 606 subject to the same conditions and limitations as described in
 607 this section.

608 3. In the event the credit provided for under this section
 609 is reduced either as a result of a determination by the
 610 Department of Environmental Protection or an examination or
 611 audit by the Department of Revenue, such tax deficiency shall be
 612 recovered from the first entity, or the surviving or acquiring
 613 entity, to have claimed such credit up to the amount of credit
 614 taken. Any subsequent deficiencies shall be assessed against any
 615 entity acquiring and claiming such credit, or in the case of
 616 multiple succeeding entities in the order of credit succession.

617 (h)~~(i)~~ In order to encourage completion of site
 618 rehabilitation at contaminated sites being voluntarily cleaned
 619 up and eligible for a tax credit under this section, the tax
 620 credit applicant may claim an additional 10 percent of the total
 621 cleanup costs, not to exceed \$50,000, in the final year of
 622 cleanup as evidenced by the Department of Environmental
 623 Protection issuing a "No Further Action" order for that site.

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

628 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
 629 FORFEITURE.--

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630 (a) The Department of Revenue may adopt rules to prescribe
 631 any necessary forms required to claim a tax credit under this
 632 section and to provide the administrative guidelines and
 633 procedures required to administer this section.

634 (b) In addition to its existing audit and investigation
 635 authority relating to ~~chapter 199~~ and this chapter, the
 636 Department of Revenue may perform any additional financial and
 637 technical audits and investigations, including examining the
 638 accounts, books, or records of the tax credit applicant, which
 639 are necessary to verify the site rehabilitation costs included
 640 in a tax credit return and to ensure compliance with this
 641 section. The Department of Environmental Protection shall
 642 provide technical assistance, when requested by the Department
 643 of Revenue, on any technical audits performed pursuant to this
 644 section.

645 (c) It is grounds for forfeiture of previously claimed and
 646 received tax credits if the Department of Revenue determines, as
 647 a result of either an audit or information received from the
 648 Department of Environmental Protection, that a taxpayer received
 649 tax credits pursuant to this section to which the taxpayer was
 650 not entitled. In the case of fraud, the taxpayer shall be
 651 prohibited from claiming any future tax credits under this
 652 section ~~or s. 199.1055~~.

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

656 2. The taxpayer shall file with the Department of Revenue
 657 an amended tax return or such other report as the Department of
 658 Revenue prescribes by rule and shall pay any required tax within

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659 60 days after the taxpayer receives notification from the
 660 Department of Environmental Protection pursuant to s. 376.30781
 661 that previously approved tax credits have been revoked or
 662 modified, if uncontested, or within 60 days after a final order
 663 is issued following proceedings involving a contested revocation
 664 or modification order.

665 3. A notice of deficiency may be issued by the Department
 666 of Revenue at any time within 5 years after the date the
 667 taxpayer receives notification from the Department of
 668 Environmental Protection pursuant to s. 376.30781 that
 669 previously approved tax credits have been revoked or modified.
 670 If a taxpayer fails to notify the Department of Revenue of any
 671 change in its tax credit claimed, a notice of deficiency may be
 672 issued at any time. In either case, the amount of any proposed
 673 assessment set forth in such notice of deficiency shall be
 674 limited to the amount of any deficiency resulting under this
 675 section from the recomputation of the taxpayer's tax for the
 676 taxable year.

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

681 Section 20. Paragraph (b) of subsection (2) of section
 682 288.039, Florida Statutes, is amended to read:

683 288.039 Employing and Training our Youths (ENTRY).--

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

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

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- 688 1. Taxes on sales, use, and other transactions under
- 689 chapter 212.
- 690 2. Corporate income taxes under chapter 220.
- 691 ~~3. Intangible personal property taxes under chapter 199.~~
- 692 3.4. Emergency excise taxes under chapter 221.
- 693 4.5. Excise taxes on documents under chapter 201.
- 694 5.6. Ad valorem taxes paid, as defined in s. 220.03(1).
- 695 6.7. Insurance premium taxes under s. 624.509.
- 696 7.8. Occupational license fees under chapter 205.

697

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

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

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

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

702 taxes or fees are subsequently adjusted by the application of

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

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

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

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

707 tender payment to the office within 20 days after receiving any

708 credit, refund, or exemption other than the one provided in this

709 section.

710 Section 21. Paragraph (f) of subsection (2) and paragraphs

711 (b), (c), and (d) of subsection (3) of section 288.1045, Florida

712 Statutes, are amended to read:

713 288.1045 Qualified defense contractor tax refund

714 program.--

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

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716 (f) After entering into a tax refund agreement pursuant to
 717 subsection (4), a qualified applicant may receive refunds from
 718 the Economic Development Trust Fund for the following taxes due
 719 and paid by the qualified applicant beginning with the
 720 applicant's first taxable year that begins after entering into
 721 the agreement:

- 722 1. Taxes on sales, use, and other transactions paid
- 723 pursuant to chapter 212.
- 724 2. Corporate income taxes paid pursuant to chapter 220.
- 725 ~~3. Intangible personal property taxes paid pursuant to~~
- 726 ~~chapter 199.~~
- 727 3.4. Emergency excise taxes paid pursuant to chapter 221.
- 728 ~~4.5.~~ Excise taxes paid on documents pursuant to chapter
- 729 201.
- 730 ~~5.6.~~ Ad valorem taxes paid, as defined in s. 220.03(1)(a)
- 731 on June 1, 1996.

732

733 However, a qualified applicant may not receive a tax refund
 734 pursuant to this section for any amount of credit, refund, or
 735 exemption granted such contractor for any of such taxes. If a
 736 refund for such taxes is provided by the office, which taxes are
 737 subsequently adjusted by the application of any credit, refund,
 738 or exemption granted to the qualified applicant other than that
 739 provided in this section, the qualified applicant shall
 740 reimburse the Economic Development Trust Fund for the amount of
 741 such credit, refund, or exemption. A qualified applicant must
 742 notify and tender payment to the office within 20 days after
 743 receiving a credit, refund, or exemption, other than that
 744 provided in this section.

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745 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
746 DETERMINATION.--

747 (b) Applications for certification based on the
748 consolidation of a Department of Defense contract or a new
749 Department of Defense contract must be submitted to the office
750 as prescribed by the office and must include, but are not
751 limited to, the following information:

752 1. The applicant's federal employer identification number,
753 the applicant's Florida sales tax registration number, and a
754 notarized signature of an officer of the applicant.

755 2. The permanent location of the manufacturing,
756 assembling, fabricating, research, development, or design
757 facility in this state at which the project is or is to be
758 located.

759 3. The Department of Defense contract numbers of the
760 contract to be consolidated, the new Department of Defense
761 contract number, or the "RFP" number of a proposed Department of
762 Defense contract.

763 4. The date the contract was executed or is expected to be
764 executed, and the date the contract is due to expire or is
765 expected to expire.

766 5. The commencement date for project operations under the
767 contract in this state.

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

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

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773 8. The percentage of the applicant's gross receipts
 774 derived from Department of Defense contracts during the 5
 775 taxable years immediately preceding the date the application is
 776 submitted.

777 9. The amount of:

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

780 b. Corporate income taxes paid pursuant to chapter 220;

781 ~~e. Intangible personal property taxes paid pursuant to~~
 782 ~~chapter 199;~~

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

784 d.e. Excise taxes paid on documents pursuant to chapter
 785 201; and

786 e.f. Ad valorem taxes paid

787
 788 during the 5 fiscal years immediately preceding the date of the
 789 application, and the projected amounts of such taxes to be due
 790 in the 3 fiscal years immediately following the date of the
 791 application.

792 10. The estimated amount of tax refunds to be claimed for
 793 each fiscal year.

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

797 12. A resolution adopted by the county commissioners of
 798 the county in which the project will be located, which
 799 recommends the applicant be approved as a qualified applicant,
 800 and which indicates that the necessary commitments of local
 801 financial support for the applicant exist. Prior to the adoption

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802 of the resolution, the county commission may review the proposed
803 public or private sources of such support and determine whether
804 the proposed sources of local financial support can be provided
805 or, for any applicant whose project is located in a county
806 designated by the Rural Economic Development Initiative, a
807 resolution adopted by the county commissioners of such county
808 requesting that the applicant's project be exempt from the local
809 financial support requirement.

810 13. Any additional information requested by the office.

811 (c) Applications for certification based on the conversion
812 of defense production jobs to nondefense production jobs must be
813 submitted to the office as prescribed by the office and must
814 include, but are not limited to, the following information:

815 1. The applicant's federal employer identification number,
816 the applicant's Florida sales tax registration number, and a
817 notarized signature of an officer of the applicant.

818 2. The permanent location of the manufacturing,
819 assembling, fabricating, research, development, or design
820 facility in this state at which the project is or is to be
821 located.

822 3. The Department of Defense contract numbers of the
823 contract under which the defense production jobs will be
824 converted to nondefense production jobs.

825 4. The date the contract was executed, and the date the
826 contract is due to expire or is expected to expire, or was
827 canceled.

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

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830 6. The number of net new full-time equivalent Florida jobs
 831 included in the nondefense production project as of December 31
 832 of each year and the average wage of such jobs.

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

835 8. The percentage of the applicant's gross receipts
 836 derived from Department of Defense contracts during the 5
 837 taxable years immediately preceding the date the application is
 838 submitted.

839 9. The amount of:

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

842 b. Corporate income taxes paid pursuant to chapter 220;

843 ~~c. Intangible personal property taxes paid pursuant to~~
 844 ~~chapter 199;~~

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

846 d.e. Excise taxes paid on documents pursuant to chapter
 847 201; and

848 e.f. Ad valorem taxes paid

849
 850 during the 5 fiscal years immediately preceding the date of the
 851 application, and the projected amounts of such taxes to be due
 852 in the 3 fiscal years immediately following the date of the
 853 application.

854 10. The estimated amount of tax refunds to be claimed for
 855 each fiscal year.

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

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859 12. A resolution adopted by the county commissioners of
 860 the county in which the project will be located, which
 861 recommends the applicant be approved as a qualified applicant,
 862 and which indicates that the necessary commitments of local
 863 financial support for the applicant exist. Prior to the adoption
 864 of the resolution, the county commission may review the proposed
 865 public or private sources of such support and determine whether
 866 the proposed sources of local financial support can be provided
 867 or, for any applicant whose project is located in a county
 868 designated by the Rural Economic Development Initiative, a
 869 resolution adopted by the county commissioners of such county
 870 requesting that the applicant's project be exempt from the local
 871 financial support requirement.

872 13. Any additional information requested by the office.

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

877 1. The applicant's Florida sales tax registration number
 878 and a notarized signature of an officer of the applicant.

879 2. The permanent location of the manufacturing,
 880 assembling, fabricating, research, development, or design
 881 facility in this state at which the project is or is to be
 882 located.

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

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

890 5. The date the contract to reuse the facility was
 891 executed or is expected to be executed, and the date the
 892 contract is due to expire or is expected to expire.

893 6. The commencement date for project operations under the
 894 contract in this state.

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

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

900 9. The amount of:

901 a. Taxes on sales, use, and other transactions paid
 902 pursuant to chapter 212.

903 b. Corporate income taxes paid pursuant to chapter 220.

904 ~~e. Intangible personal property taxes paid pursuant to
 905 chapter 199.~~

906 c.d. Emergency excise taxes paid pursuant to chapter 221.

907 d.e. Excise taxes paid on documents pursuant to chapter
 908 201.

909 e.f. Ad valorem taxes paid during the 5 fiscal years
 910 immediately preceding the date of the application, and the
 911 projected amounts of such taxes to be due in the 3 fiscal years
 912 immediately following the date of the application.

913 10. The estimated amount of tax refunds to be claimed for
 914 each fiscal year.

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

918 12. A resolution adopted by the county commissioners of
 919 the county in which the project will be located, which
 920 recommends the applicant be approved as a qualified applicant,
 921 and which indicates that the necessary commitments of local
 922 financial support for the applicant exist. Prior to the adoption
 923 of the resolution, the county commission may review the proposed
 924 public or private sources of such support and determine whether
 925 the proposed sources of local financial support can be provided
 926 or, for any applicant whose project is located in a county
 927 designated by the Rural Economic Development Initiative, a
 928 resolution adopted by the county commissioners of such county
 929 requesting that the applicant's project be exempt from the local
 930 financial support requirement.

931 13. Any additional information requested by the office.

932 Section 22. Paragraph (c) of subsection (2) of section
 933 288.106, Florida Statutes, is amended to read:

934 288.106 Tax refund program for qualified target industry
 935 businesses.--

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

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

939 1. Receive refunds from the account for the following
 940 taxes due and paid by that business beginning with the first
 941 taxable year of the business which begins after entering into
 942 the agreement:

943 a. Corporate income taxes under chapter 220.

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944 b. Insurance premium tax under s. 624.509.

945 2. Receive refunds from the account for the following

946 taxes due and paid by that business after entering into the

947 agreement:

948 a. Taxes on sales, use, and other transactions under

949 chapter 212.

950 ~~b. Intangible personal property taxes under chapter 199.~~

951 b.e. Emergency excise taxes under chapter 221.

952 ~~c.d.~~ Excise taxes on documents under chapter 201.

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

954 Section 23. Paragraph (a) of subsection (2), subsection

955 (3), and subsection (12) of section 376.30781, Florida Statutes,

956 are amended to read:

957 376.30781 Partial tax credits for rehabilitation of

958 drycleaning-solvent-contaminated sites and brownfield sites in

959 designated brownfield areas; application process; rulemaking

960 authority; revocation authority.--

961 (2)(a) A credit in the amount of 35 percent of the costs

962 of voluntary cleanup activity that is integral to site

963 rehabilitation at the following sites is allowed pursuant to s.

964 ~~ss. 199.1055 and 220.1845~~:

965 1. A drycleaning-solvent-contaminated site eligible for

966 state-funded site rehabilitation under s. 376.3078(3);

967 2. A drycleaning-solvent-contaminated site at which

968 cleanup is undertaken by the real property owner pursuant to s.

969 376.3078(11), if the real property owner is not also, and has

970 never been, the owner or operator of the drycleaning facility

971 where the contamination exists; or

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

974 (3) The Department of Environmental Protection shall be
 975 responsible for allocating the tax credits provided for in s.
 976 ~~ss. 199.1055 and~~ 220.1845, not to exceed a total of \$2 million
 977 in tax credits annually.

978 (12) A tax credit applicant who receives state-funded site
 979 rehabilitation under s. 376.3078(3) for rehabilitation of a
 980 drycleaning-solvent-contaminated site is ineligible to receive a
 981 tax credit under ~~s. 199.1055 or~~ s. 220.1845 for costs incurred
 982 by the tax credit applicant in conjunction with the
 983 rehabilitation of that site during the same time period that
 984 state-administered site rehabilitation was underway.

985 Section 24. Subsection (13) of section 493.6102, Florida
 986 Statutes, is amended to read:

987 493.6102 Inapplicability of this chapter.--This chapter
 988 shall not apply to:

989 (13) Any individual employed as a security officer by a
 990 church or ecclesiastical or denominational organization having
 991 an established physical place of worship in this state at which
 992 nonprofit religious services and activities are regularly
 993 conducted or by a church cemetery ~~religious institution as~~
 994 defined in s. 199.183(2)(a) to provide security on the
 995 ~~institution~~ property of the organization or cemetery, and who
 996 does not carry a firearm in the course of her or his duties.

997 Section 25. Paragraph (a) of subsection (3) of section
 998 516.031, Florida Statutes, is amended to read:

999 516.031 Finance charge; maximum rates.--

1000 (3) OTHER CHARGES.--

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1001 (a) In addition to the interest, delinquency, and
 1002 insurance charges herein provided for, no further or other
 1003 charges or amount whatsoever for any examination, service,
 1004 commission, or other thing or otherwise shall be directly or
 1005 indirectly charged, contracted for, or received as a condition
 1006 to the grant of a loan, except:

1007 1. An amount not to exceed \$10 to reimburse a portion of
 1008 the costs for investigating the character and credit of the
 1009 person applying for the loan;

1010 2. An annual fee of \$25 on the anniversary date of each
 1011 line-of-credit account;

1012 3. Charges paid for brokerage fee on a loan or line of
 1013 credit of more than \$10,000, title insurance, and the appraisal
 1014 of real property offered as security when paid to a third party
 1015 and supported by an actual expenditure;

1016 ~~4. Intangible personal property tax on the loan note or~~
 1017 ~~obligation when secured by a lien on real property;~~

1018 4.5. The documentary excise tax and lawful fees, if any,
 1019 actually and necessarily paid out by the licensee to any public
 1020 officer for filing, recording, or releasing in any public office
 1021 any instrument securing the loan, which fees may be collected
 1022 when the loan is made or at any time thereafter;

1023 5.6. The premium payable for any insurance in lieu of
 1024 perfecting any security interest otherwise required by the
 1025 licensee in connection with the loan, if the premium does not
 1026 exceed the fees which would otherwise be payable, which premium
 1027 may be collected when the loan is made or at any time
 1028 thereafter;

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1029 6.7. Actual and reasonable attorney's fees and court costs
 1030 as determined by the court in which suit is filed;

1031 7.8. Actual and commercially reasonable expenses of
 1032 repossession, storing, repairing and placing in condition for
 1033 sale, and selling of any property pledged as security; or

1034 8.9. A delinquency charge not to exceed \$10 for each
 1035 payment in default for a period of not less than 10 days, if the
 1036 charge is agreed upon, in writing, between the parties before
 1037 imposing the charge.

1038
 1039 Any charges, including interest, in excess of the combined total
 1040 of all charges authorized and permitted by this chapter
 1041 constitute a violation of chapter 687 governing interest and
 1042 usury, and the penalties of that chapter apply. In the event of
 1043 a bona fide error, the licensee shall refund or credit the
 1044 borrower with the amount of the overcharge immediately but
 1045 within 20 days from the discovery of such error.

1046 Section 26. Paragraph (m) of subsection (5) of section
 1047 627.311, Florida Statutes, is amended to read:

1048 627.311 Joint underwriters and joint reinsurers; public
 1049 records and public meetings exemptions.--

1050 (5)

1051 (m) Each joint underwriting plan or association created
 1052 under this section is not a state agency, board, or commission.
 1053 However, ~~for the purposes of s. 199.183(1) only,~~ the joint
 1054 underwriting plan ~~is a political subdivision of the state and is~~
 1055 exempt from the corporate income tax.

1056 Section 27. Paragraph (j) of subsection (6) of section
 1057 627.351, Florida Statutes, is amended to read:

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1058 627.351 Insurance risk apportionment plans.--
 1059 (6) CITIZENS PROPERTY INSURANCE CORPORATION.--
 1060 (j) ~~For the purposes of s. 199.183(1),~~ The corporation
 1061 shall be considered a political subdivision of the state and
 1062 shall be exempt from the corporate income tax. The premiums,
 1063 assessments, investment income, and other revenue of the
 1064 corporation are funds received for providing property insurance
 1065 coverage as required by this subsection, paying claims for
 1066 Florida citizens insured by the corporation, securing and
 1067 repaying debt obligations issued by the corporation, and
 1068 conducting all other activities of the corporation, and shall
 1069 not be considered taxes, fees, licenses, or charges for services
 1070 imposed by the Legislature on individuals, businesses, or
 1071 agencies outside state government. Bonds and other debt
 1072 obligations issued by or on behalf of the corporation are not to
 1073 be considered "state bonds" within the meaning of s. 215.58(8).
 1074 The corporation is not subject to the procurement provisions of
 1075 chapter 287, and policies and decisions of the corporation
 1076 relating to incurring debt, levying of assessments and the sale,
 1077 issuance, continuation, terms and claims under corporation
 1078 policies, and all services relating thereto, are not subject to
 1079 the provisions of chapter 120. The corporation is not required
 1080 to obtain or to hold a certificate of authority issued by the
 1081 office, nor is it required to participate as a member insurer of
 1082 the Florida Insurance Guaranty Association. However, the
 1083 corporation is required to pay, in the same manner as an
 1084 authorized insurer, assessments pledged by the Florida Insurance
 1085 Guaranty Association to secure bonds issued or other
 1086 indebtedness incurred to pay covered claims arising from insurer

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1087 insolvencies caused by, or proximately related to, hurricane
 1088 losses. It is the intent of the Legislature that the tax
 1089 exemptions provided in this paragraph will augment the financial
 1090 resources of the corporation to better enable the corporation to
 1091 fulfill its public purposes. Any bonds issued by the
 1092 corporation, their transfer, and the income therefrom, including
 1093 any profit made on the sale thereof, shall at all times be free
 1094 from taxation of every kind by the state and any political
 1095 subdivision or local unit or other instrumentality thereof;
 1096 however, this exemption does not apply to any tax imposed by
 1097 chapter 220 on interest, income, or profits on debt obligations
 1098 owned by corporations other than the corporation.

1099 Section 28. Paragraph (b) of subsection (6) of section
 1100 650.05, Florida Statutes, is amended to read:

1101 650.05 Plans for coverage of employees of political
 1102 subdivisions.--

1103 (6)

1104 (b) The grants-in-aid and other revenue referred to in
 1105 paragraph (a) specifically include, but are not limited to,
 1106 minimum foundation program grants to public school districts and
 1107 community colleges; gasoline, motor fuel, ~~intangible~~, cigarette,
 1108 racing, and insurance premium taxes distributed to political
 1109 subdivisions; and amounts specifically appropriated as grants-
 1110 in-aid for mental health, mental retardation, and mosquito
 1111 control programs.

1112 Section 29. Subsection (1) of section 655.071, Florida
 1113 Statutes, is amended to read:

1114 655.071 International banking facilities; definitions;
 1115 notice before establishment.--

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1116 (1) "International banking facility" means a set of asset
 1117 and liability accounts segregated on the books and records of a
 1118 banking organization, as that term is defined in s. 201.23
 1119 ~~199.023~~, that includes only international banking facility
 1120 deposits, borrowings, and extensions of credit, as those terms
 1121 shall be defined by the commission pursuant to subsection (2).

1122 Section 30. Subsections (5) and (6) of section 733.702,
 1123 Florida Statutes, are amended to read:

1124 733.702 Limitations on presentation of claims.--

1125 ~~(5) The Department of Revenue may file a claim against the~~
 1126 ~~estate of a decedent for taxes due under chapter 199 after the~~
 1127 ~~expiration of the time for filing claims provided in subsection~~
 1128 ~~(1), if the department files its claim within 30 days after the~~
 1129 ~~service of the inventory. Upon filing of the estate tax return~~
 1130 ~~with the department as provided in s. 198.13, or to the extent~~
 1131 ~~the inventory or estate tax return is amended or supplemented,~~
 1132 ~~the department has the right to file a claim or to amend its~~
 1133 ~~previously filed claim within 30 days after service of the~~
 1134 ~~estate tax return, or an amended or supplemented inventory or~~
 1135 ~~filing of an amended or supplemental estate tax return, as to~~
 1136 ~~the additional information disclosed.~~

1137 ~~(5)(6)~~ Nothing in this section shall extend the
 1138 limitations period set forth in s. 733.710.

1139 Section 31. Paragraph (a) of subsection (1) of section
 1140 766.105, Florida Statutes, is amended to read:

1141 766.105 Florida Patient's Compensation Fund.--

1142 (1) DEFINITIONS.--The following definitions apply in the
 1143 interpretation and enforcement of this section:

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1144 (a) The term "fund" means the Florida Patient's
 1145 Compensation Fund. The fund is not a state agency, board, or
 1146 commission. ~~However, for the purposes of s. 199.183(1) only, the~~
 1147 ~~fund shall be considered a political subdivision of this state.~~

1148 Section 32. Effective upon this act becoming a law, the
 1149 executive director of the Department of Revenue is authorized,
 1150 and all conditions are deemed met, to adopt emergency rules
 1151 under ss. 120.536(1) and 120.54, Florida Statutes, to implement
 1152 chapter 199, Florida Statutes. Notwithstanding any other
 1153 provision of law, such emergency rules shall remain effective
 1154 for 6 months after the date of adoption and may be renewed
 1155 during the pendency of procedures to adopt rules addressing the
 1156 subject of the emergency rules.

1157 Section 33. Except as otherwise provided herein, this act
 1158 shall take effect January 1, 2007.