



1 real property situated in the state. This tax shall be  
2 assessed and collected as provided in this chapter.

3 Section 2. Section 199.202, Florida Statutes, is  
4 amended to read:

5 199.202 Administration of law; rules.--

6 (1) The department shall administer and enforce the  
7 assessment and collection of the taxes, interest, and  
8 penalties imposed by this chapter. It may by rule prescribe  
9 the form and content of all returns and reports. It has  
10 authority to adopt rules pursuant to ss. 120.536(1) and 120.54  
11 to enforce the provisions of this chapter.

12 (2) The executive director of the department may adopt  
13 emergency rules under ss. 120.536(1) and 120.54 to administer  
14 this chapter. The Legislature declares that all conditions to  
15 adopting such emergency rules under those provisions have been  
16 met. Notwithstanding any other law, such emergency rules shall  
17 remain in effect for 6 months after the date of their adoption  
18 and may be renewed during the pendency of procedures to adopt  
19 rules addressing the subject of the emergency rules.

20 Section 3. Effective January 1, 2007, sections  
21 199.012, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062,  
22 199.103, 199.1055, 199.106, 199.175, and 199.185, Florida  
23 Statutes, are repealed.

24 Section 4. Effective January 1, 2007, subsection (5)  
25 of section 192.032, Florida Statutes, is repealed.

26 Section 5. Effective January 1, 2007, subsection (3)  
27 of section 192.042, Florida Statutes, is repealed.

28 Section 6. Effective January 1, 2007, subsections (5)  
29 and (6) of section 192.091, Florida Statutes, are amended to  
30 read:

31

1           192.091 Commissions of property appraisers and tax  
2 collectors.--

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

6           (6) ~~If a~~ Provided, further, that where any property  
7 appraiser or tax collector in the state is receiving  
8 compensation for expenses in conducting his or her office or  
9 by way of salary pursuant to any act of the Legislature other  
10 than the general law fixing compensation of property  
11 appraisers, ~~the such~~ property appraiser or tax collector may  
12 file a declaration in writing with the board of county  
13 commissioners of his or her county electing to come under ~~the~~  
14 ~~provisions of~~ this section, and thereupon ~~the such~~ property  
15 appraiser or tax collector shall be paid compensation in  
16 accordance with this section ~~the provisions hereof,~~ and shall  
17 not be entitled to the benefit of the ~~said~~ special or local  
18 act. If ~~the such~~ property appraiser or tax collector does not  
19 so elect, he or she shall continue to be paid such  
20 compensation as is ~~may now be~~ provided by law for such a  
21 property appraiser or tax collector.

22           Section 7. Effective January 1, 2007, subsection (4)  
23 of section 193.114, Florida Statutes, is repealed.

24           Section 8. Effective January 1, 2007, subsection (9)  
25 of section 196.015, Florida Statutes, is repealed.

26           Section 9. Effective January 1, 2007, paragraph (b) of  
27 subsection (2) of section 196.199, Florida Statutes, is  
28 amended to read:

29           196.199 Government property exemption.--  
30  
31

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

4           (b) Except as provided in paragraph (c), the exemption  
5 provided by this subsection shall not apply to those portions  
6 of a leasehold or other possessory interest in real property,  
7 except as described in s. 199.023(2)(d) defined by s.

8 199.023(1)(d), subject to ~~the provisions of~~ subsection (7).

9 ~~Such leasehold or other interest shall be taxed only as~~  
10 ~~intangible personal property pursuant to chapter 199 if rental~~  
11 ~~payments are due in consideration of such leasehold or other~~  
12 ~~interest.~~ If no rental payments are due pursuant to the

13 agreement creating such leasehold or other interest, the  
14 leasehold or other interest shall be taxed as real property.

15 ~~Nothing in~~ This paragraph does not ~~shall be deemed to~~ exempt  
16 personal property, buildings, or other real property  
17 improvements owned by the lessee from ad valorem taxation.

18           Section 10. Effective January 1, 2007, section  
19 196.1993, Florida Statutes, is amended to read:

20           196.1993 Certain agreements with local governments for  
21 use of public property; exemption.--Any agreement entered into  
22 with a local governmental authority prior to January 1, 1969,  
23 for use of public property, under which it was understood and  
24 agreed in a written instrument or by special act that no ad  
25 valorem real property taxes would be paid by the licensee or  
26 lessee, shall be deemed a license or management agreement for  
27 the use or management of public property. Such interest shall  
28 be deemed not to convey an interest in the property and shall  
29 not be subject to ad valorem real property taxation. Nothing  
30 in this section shall be deemed to exempt such licensee from  
31

1 ~~the ad valorem intangible tax and the ad valorem personal~~  
2 property tax.

3 Section 11. Effective January 1, 2007, section  
4 199.023, Florida Statutes, is amended to read:

5 199.023 Definitions.--As used in this chapter, the  
6 term:

7 (1) "Department" means the Department of Revenue.

8 (2)~~(1)~~ "Intangible personal property" means all  
9 personal property which is not in itself intrinsically  
10 valuable, but which derives its chief value from that which it  
11 represents, including, but not limited to, the following:

12 (a) All stocks or shares of incorporated or  
13 unincorporated companies, business trusts, and mutual funds.

14 (b) All notes, bonds, and other obligations for the  
15 payment of money.

16 (c) All condominium and cooperative apartment leases  
17 of recreation facilities, land leases, and leases of other  
18 commonly used facilities.

19 (d) Except for any leasehold or other possessory  
20 interest described in s. 4(a), Art. VII of the State  
21 Constitution or s. 196.199(7), all leasehold or other  
22 possessory interests in real property owned by the United  
23 States, the state, any political subdivision of the state, any  
24 municipality of the state, or any agency, authority, and other  
25 public body corporate of the state, which are undeveloped or  
26 predominantly used for residential or commercial purposes and  
27 upon which rental payments are due.

28 ~~(2) "Money" includes, without limitation, United~~  
29 ~~States legal tender, certificates of deposit, cashier's and~~  
30 ~~certified checks, bills of exchange, drafts, the cash~~  
31 ~~equivalent of annuities and life insurance policies, and~~

1 ~~similar instruments, which are held by a taxpayer, or~~  
2 ~~deposited with or held by a banking organization or any other~~  
3 ~~person.~~

4 (3) "Person" means any individual, firm, partnership,  
5 joint adventure, syndicate, or other group or combination  
6 acting as a unit, association, corporation, estate, trust,  
7 business trust, trustee, personal representative, receiver, or  
8 other fiduciary and includes the plural as well as the  
9 singular.

10 (4) "Taxpayer" means any person liable for taxes  
11 imposed under this chapter and the heirs, successors,  
12 assignees, and transferees of any such person.

13 ~~(5) "Department" means the Department of Revenue.~~

14 ~~(6) "In the state" means within the exterior limits of~~  
15 ~~Florida.~~

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

21 ~~(8) "Affiliated group" means one or more chains of~~  
22 ~~corporations or limited liability companies connected through~~  
23 ~~stock ownership or membership interest in a limited liability~~  
24 ~~company with a common parent corporation or limited liability~~  
25 ~~company, for which:~~

26 ~~(a) Stock or membership interest in a limited~~  
27 ~~liability company possessing at least 80 percent of the voting~~  
28 ~~power of all classes of stock or membership interest in a~~  
29 ~~limited liability company and at least 80 percent of each~~  
30 ~~class of the nonvoting stock or membership interest in a~~  
31 ~~limited liability company of each corporation or limited~~

1 ~~liability company, except for the common parent corporation or~~  
2 ~~limited liability company, is owned directly by one or more of~~  
3 ~~the other corporations or limited liability companies; and~~

4 ~~(b) The common parent corporation or limited liability~~  
5 ~~company directly owns stock or membership interest in a~~  
6 ~~limited liability company possessing at least 80 percent of~~  
7 ~~the voting power of all classes of stock or membership~~  
8 ~~interest in a limited liability company and at least 80~~  
9 ~~percent of each class of the nonvoting stock or membership~~  
10 ~~interest in a limited liability company of at least one of the~~  
11 ~~other corporations or limited liability companies.~~

12  
13 ~~As used in this subsection, the terms "nonvoting stock" and~~  
14 ~~"membership interest in a limited liability company" do not~~  
15 ~~include nonvoting stock or membership interest in a limited~~  
16 ~~liability company which is limited and preferred as to~~  
17 ~~dividends. For purposes of this chapter, a common parent may~~  
18 ~~be a corporation or a limited liability company.~~

19 ~~(9) "Banking organization" means:~~

20 ~~(a) A bank organized and existing under the laws of~~  
21 ~~this state;~~

22 ~~(b) A national bank organized and existing pursuant to~~  
23 ~~the provisions of the National Bank Act, 12 U.S.C. ss. 21 et~~  
24 ~~seq., and maintaining its principal office in this state;~~

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

28 ~~(d) An international bank agency licensed pursuant to~~  
29 ~~the laws of this state;~~

30  
31

1           ~~(e) A federal agency licensed pursuant to ss. 4 and 5~~  
2 ~~of the International Banking Act of 1978 to maintain an office~~  
3 ~~in this state;~~

4           ~~(f) A savings association organized and existing under~~  
5 ~~the laws of this state;~~

6           ~~(g) A federal association organized and existing~~  
7 ~~pursuant to the provisions of the Home Owners' Loan Act of~~  
8 ~~1933, 12 U.S.C. ss. 1461 et seq., and maintaining its~~  
9 ~~principal office in this state; or~~

10           ~~(h) A Florida export finance corporation organized and~~  
11 ~~existing pursuant to the provisions of part V of chapter 288.~~

12           ~~(10) "International banking facility" means a set of~~  
13 ~~asset and liability accounts segregated on the books and~~  
14 ~~records of a banking organization that includes only~~  
15 ~~international banking facility deposits, borrowings, and~~  
16 ~~extensions of credit as those terms are defined pursuant to s.~~  
17 ~~655.071(2).~~

18           ~~(11) "International banking transaction" means:~~

19           ~~(a) The financing of the exportation from, or the~~  
20 ~~importation into, the United States or between jurisdictions~~  
21 ~~abroad of tangible personal property or services;~~

22           ~~(b) The financing of the production, preparation,~~  
23 ~~storage, or transportation of tangible personal property or~~  
24 ~~services which are identifiable as being directly and solely~~  
25 ~~for export from, or import into, the United States or between~~  
26 ~~jurisdictions abroad;~~

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

31



1           ~~(d) The receipt of deposits or borrowings or the~~  
2 ~~extensions of credit by an international banking facility,~~  
3 ~~except the loan or deposit of funds secured by mortgage, deed~~  
4 ~~of trust, or other lien upon real property located in the~~  
5 ~~state; or~~

6           ~~(e) Entering into foreign exchange trading or hedging~~  
7 ~~transactions in connection with the activities described in~~  
8 ~~paragraph (d).~~

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

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

16           ~~(14) "Processing activity" means an activity~~  
17 ~~undertaken to administer or service intangible personal~~  
18 ~~property in accordance with such terms, guidelines, criteria,~~  
19 ~~or directions as are provided solely by the owner of the~~  
20 ~~property. Methods, systems, or techniques chosen by the~~  
21 ~~processor to implement such terms, guidelines, criteria, or~~  
22 ~~directions are not considered the exercise of management or~~  
23 ~~control.~~

24           Section 12. Effective January 1, 2007, section  
25 199.183, Florida Statutes, is amended to read:

26           199.183 Taxpayers exempt from ~~annual and~~ nonrecurring  
27 taxes.--

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

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

3           **(b)** property related to the provision of two-way  
4 telecommunications services to the public for hire by the use  
5 of a telecommunications facility, as defined in s. 364.02(14),  
6 and for which a certificate is required under chapter 364,  
7 when such service is provided by any county, municipality, or  
8 other political subdivision of the state. Any immunity of any  
9 political subdivision of the state or other entity of local  
10 government from taxation of the property used to provide  
11 telecommunication services that is taxed as a result of this  
12 paragraph is hereby waived. However, intangible personal  
13 property related to the provision of such telecommunications  
14 services provided by the operator of a public-use airport, as  
15 defined in s. 332.004, for the operator's provision of  
16 telecommunications services for the airport or its tenants,  
17 concessionaires, or licensees, and intangible personal  
18 property related to the provision of such telecommunications  
19 services provided by a public hospital, are exempt from  
20 taxation under this chapter.

21           (2) Intangible personal property owned by nonprofit  
22 religious, nonprofit educational, or nonprofit charitable  
23 institutions shall be exempt from taxation under this chapter.  
24 This exemption shall be strictly defined, limited, and applied  
25 in each category as follows:

26           (a) "Religious institutions" means churches and  
27 ecclesiastical or denominational organizations having  
28 established physical places for worship in this state at which  
29 nonprofit religious services and activities are regularly  
30 conducted, as well as church cemeteries.

31           (b) "Educational institutions" means only:

1           1. Public or nonprofit private schools, colleges, or  
2 universities conducting regular classes and courses of study  
3 required for accreditation by, or membership in, the Southern  
4 Association of Colleges and Schools, Department of Education,  
5 or the Florida Council of Independent Schools; or

6           2. Nonprofit libraries, art galleries, and museums  
7 open to the public.

8           (c) "Charitable institutions" means only:

9           1. Nonprofit corporations operating physical  
10 facilities in this state at which are provided charitable  
11 services, a reasonable percentage of which shall be without  
12 cost to those unable to pay; or

13           2. Those institutions qualified as charitable under s.  
14 501(c)(3) of the United States Internal Revenue Code of 1954.

15  
16 Intangible personal property shall not be deemed to be owned  
17 by such exempt institutions if it is held in a trust of any  
18 kind under which the institution has no present interest in  
19 the trust principal except the right to compel the performance  
20 of the trust agreement.

21           (3) Every national bank having its principal place of  
22 business in another state, but operating a credit card credit  
23 application processing, customer service, or collection  
24 operation in this state, that is not considered a bank under  
25 the provisions of 12 U.S.C. s. 1841(c)(2)(F), is exempt from  
26 paying the tax imposed by this chapter on credit card  
27 receivables owed to the bank by credit card holders domiciled  
28 outside this state.

29           ~~(4) Intangible personal property that is owned,~~  
30 ~~managed, or controlled by a trustee of a trust is exempt from~~  
31 ~~annual tax under this chapter. This exemption does not exempt~~

1 ~~from annual tax a resident of this state who has a taxable~~  
2 ~~beneficial interest, as defined in s. 199.023, in a trust.~~

3 Section 13. Effective January 1, 2007, subsection (3)  
4 is added to section 199.303, Florida Statutes, to read:

5 199.303 Declaration of legislative intent.--

6 (3) All annual intangible personal property taxes  
7 imposed under this chapter for the calendar years 2006 and  
8 prior years shall remain in full force and effect for the year  
9 in which the tax was due for the purposes specified in s.  
10 95.091. The department shall continue to assess and collect  
11 all taxes due to the state under these provisions for all  
12 periods available for assessment, as provided for the year in  
13 which tax was due under s. 95.091.

14 Section 14. Effective January 1, 2007, subsection (4)  
15 of section 201.23, Florida Statutes, is amended to read:

16 201.23 Foreign notes and other written obligations  
17 exempt.--

18 (4)(a) The excise taxes imposed by this chapter shall  
19 not apply to the documents, notes, evidences of indebtedness,  
20 financing statements, drafts, bills of exchange, or other  
21 taxable items dealt with, made, issued, drawn upon, accepted,  
22 delivered, shipped, received, signed, executed, assigned,  
23 transferred, or sold by or to a banking organization, as  
24 defined in s. 655.071 ~~s. 199.023(9)~~, in the conduct of an  
25 international banking transaction, ~~as defined in s.~~  
26 ~~199.023(11)~~.

27 (b) As used in paragraph (a), the term "international  
28 banking transaction" means:

29 1. The financing of the exportation from or the  
30 importation into the United States or between jurisdictions  
31 abroad of tangible personal property or services;

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

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

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

15           5. Entering into foreign exchange trading or hedging  
16 transactions in connection with the activities described in  
17 subparagraph 4.

18  
19 ~~Nothing in This subsection does not shall be construed to~~  
20 ~~change the application of paragraph (2)(a).~~

21           Section 15. Effective January 1, 2007, subsection (19)  
22 of section 212.02, Florida Statutes, is amended to read:

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

27           (19) "Tangible personal property" means and includes  
28 personal property that can ~~which may~~ be seen, weighed,  
29 measured, or touched or is in any manner perceptible to the  
30 senses, including electric power or energy, boats, motor  
31 vehicles and mobile homes as defined in s. 320.01(1) and (2),

1 aircraft as defined in s. 330.27, and all other types of  
2 vehicles. The term "tangible personal property" does not  
3 include stocks, bonds, notes, insurance, or other obligations  
4 or securities, ~~intangibles as defined by the intangible tax~~  
5 ~~law of the state;~~ or pari-mutuel tickets sold or issued under  
6 the racing laws of the state.

7 Section 16. Effective January 1, 2007, subsection (4),  
8 paragraphs (k) and (p) of subsection (7), and paragraph (a) of  
9 subsection (14) of section 213.053, Florida Statutes, are  
10 amended to read:

11 213.053 Confidentiality and information sharing.--

12 (4) ~~Nothing contained in~~ This section does not shall  
13 prevent the department from publishing statistics so  
14 classified as to prevent the identification of particular  
15 accounts, reports, declarations, or returns or prevent the  
16 department from disclosing to the Chief Financial Officer the  
17 names and addresses of those taxpayers who have claimed ~~an~~  
18 ~~exemption pursuant to s. 199.185(1)(i) or a deduction pursuant~~  
19 to s. 220.63(5).

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

22 (k)1. Payment information relative to chapters ~~199,~~  
23 201, 212, 220, 221, and 624 to the Office of Tourism, Trade,  
24 and Economic Development, or its employees or agents that are  
25 identified in writing by the office to the department, in the  
26 administration of the tax refund program for qualified defense  
27 contractors authorized by s. 288.1045 and the tax refund  
28 program for qualified target industry businesses authorized by  
29 s. 288.106.

30 2. Information relative to tax credits taken by a  
31 business under s. 220.191 and exemptions or tax refunds

1 received by a business under s. 212.08(5)(j) to the Office of  
2 Tourism, Trade, and Economic Development, or its employees or  
3 agents that are identified in writing by the office to the  
4 department, in the administration and evaluation of the  
5 capital investment tax credit program authorized in s. 220.191  
6 and the semiconductor, defense, and space tax exemption  
7 program authorized in s. 212.08(5)(j).

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

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

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

28 Section 17. Effective January 1, 2007, section  
29 213.054, Florida Statutes, is amended to read:

30 213.054 Persons claiming tax ~~exemptions or~~ deductions;  
31 annual report.--The Department of Revenue shall be responsible

1 for monitoring the utilization of ~~tax exemptions and~~ tax  
2 deductions authorized pursuant to chapter 81-179, Laws of  
3 Florida. On or before September 1 of each year, the  
4 department shall report to the Chief Financial Officer the  
5 names and addresses of all persons who have claimed ~~an~~  
6 ~~exemption pursuant to s. 199.185(1)(i) or~~ a deduction pursuant  
7 to s. 220.63(5).

8 Section 18. Effective January 1, 2007, section 213.27,  
9 Florida Statutes, is amended to read:

10 213.27 Contracts with debt collection agencies and  
11 certain vendors.--

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

28 ~~(2) The department may enter into contracts with any~~  
29 ~~individual or business for the purpose of identifying~~  
30 ~~intangible personal property tax liability. Contracts may~~  
31 ~~provide for the identification of assets subject to the tax on~~



1 ~~intangible personal property, the determination of value of~~  
2 ~~such property, the requirement for filing a tax return and the~~  
3 ~~collection of taxes due, including applicable penalties and~~  
4 ~~interest thereon. The department may share confidential~~  
5 ~~information pursuant to the contract necessary for the~~  
6 ~~identification of taxable intangible personal property.~~  
7 ~~Contracts shall be made pursuant to chapter 287. The taxpayer~~  
8 ~~must be notified by mail by the department 30 days prior to~~  
9 ~~the department assigning identification of intangible personal~~  
10 ~~property to an individual or business.~~

11 (2)~~(3)~~ Any contract may provide, in the discretion of  
12 the executive director of the Department of Revenue, the  
13 manner in which the compensation for such services will be  
14 paid. Under standards established by the department, such  
15 compensation shall be added to the amount of the tax and  
16 collected as a part thereof by the agency or deducted from the  
17 amount of tax, penalty, and interest actually collected.

18 (3)~~(4)~~ All funds collected under the terms of the  
19 contract, less the fees provided in the contract, shall be  
20 remitted to the department within 30 days from the date of  
21 collection from a taxpayer. Forms to be used for such purpose  
22 shall be prescribed by the department.

23 (4)~~(5)~~ The department shall require a bond from the  
24 debt collection agency ~~or the individual or business~~  
25 ~~contracted with under subsection (2)~~ not in excess of \$100,000  
26 guaranteeing compliance with the terms of the contract.  
27 However, a bond of \$10,000 is required from a debt collection  
28 agency if the agency does not actually collect and remit  
29 delinquent funds to the department.

30 (5)~~(6)~~ The department may, for the purpose of  
31 ascertaining the amount of or collecting any taxes due from a

1 person doing mail order business in this state, contract with  
2 any auditing agency doing business within or without this  
3 state for the purpose of conducting an audit of such mail  
4 order business; however, such audit agency may not conduct an  
5 audit on behalf of the department of any person domiciled in  
6 this state, person registered for sales and use tax purposes  
7 in this state, or corporation filing a Florida corporate tax  
8 return, if any such person or corporation objects to such  
9 audit in writing to the department and the auditing agency.  
10 The department shall notify the taxpayer by mail at least 30  
11 days before the department assigns the collection of such  
12 taxes.

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

23 ~~(7)(8)~~(a) The executive director of the department may  
24 enter into contracts with private vendors to develop and  
25 implement systems to enhance tax collections where  
26 compensation to the vendors is funded through increased tax  
27 collections. The amount of compensation paid to a vendor  
28 shall be based on a percentage of increased tax collections  
29 attributable to the system after all administrative and  
30 judicial appeals are exhausted, and the total amount of  
31

1 compensation paid to a vendor shall not exceed the maximum  
2 amount stated in the contract.

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

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

14 Section 19. Effective January 1, 2007, paragraph (d)  
15 of subsection (6) of section 215.555, Florida Statutes, is  
16 amended to read:

17 215.555 Florida Hurricane Catastrophe Fund.--

18 (6) REVENUE BONDS.--

19 (d) Florida Hurricane Catastrophe Fund Finance  
20 Corporation.--

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

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

30 b. The purpose of such bonds is to fund reimbursements  
31 through the Florida Hurricane Catastrophe Fund to pay for the

1 | costs of construction, reconstruction, repair, restoration,  
2 | and other costs associated with damage to properties of  
3 | policyholders of covered policies due to the occurrence of a  
4 | hurricane.

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

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

13 |         b. The corporation shall operate under a five-member  
14 | board of directors consisting of the Governor or a designee,  
15 | the Chief Financial Officer or a designee, the Attorney  
16 | General or a designee, the director of the Division of Bond  
17 | Finance of the State Board of Administration, and the senior  
18 | employee of the State Board of Administration responsible for  
19 | operations of the Florida Hurricane Catastrophe Fund.

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

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

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

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

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

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

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

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

1 corporations other than the Florida Hurricane Catastrophe Fund  
2 Finance Corporation.

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

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

26           Section 20. Effective January 1, 2007, section  
27 220.1845, Florida Statutes, is amended to read:

28           220.1845 Contaminated site rehabilitation tax  
29 credit.--

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

31

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

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

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

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

14 (b) A tax credit applicant, or multiple tax credit  
15 applicants working jointly to clean up a single site, may not  
16 be granted more than \$250,000 per year in tax credits for each  
17 site voluntarily rehabilitated. Multiple tax credit applicants  
18 shall be granted tax credits in the same proportion as their  
19 contribution to payment of cleanup costs. Subject to the same  
20 conditions and limitations as provided in this section, a  
21 municipality, county, or other tax credit applicant which  
22 voluntarily rehabilitates a site may receive not more than  
23 \$250,000 per year in tax credits which it can subsequently  
24 transfer subject to ~~the provisions in paragraph (g)(h).~~

25 (c) If the credit granted under this section is not  
26 fully used in any one year because of insufficient tax  
27 liability on the part of the corporation, the unused amount  
28 may be carried forward for a period not to exceed 5 years. The  
29 carryover credit may be used in a subsequent year when the tax  
30 imposed by this chapter for that year exceeds the credit for  
31 which the corporation is eligible in that year under this

1 section after applying the other credits and unused carryovers  
2 in the order provided by s. 220.02(8). Five years after the  
3 date a credit is granted under this section, such credit  
4 expires and may not be used. However, if during the 5-year  
5 period the credit is transferred, in whole or in part,  
6 pursuant to paragraph (g)~~(h)~~, each transferee has 5 years  
7 after the date of transfer to use its credit.

8 (d) A taxpayer that files a consolidated return in  
9 this state as a member of an affiliated group under s.  
10 220.131(1) may be allowed the credit on a consolidated return  
11 basis up to the amount of tax imposed upon the consolidated  
12 group.

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

16 (e)~~(f)~~ A tax credit applicant that receives  
17 state-funded site rehabilitation under s. 376.3078(3) for  
18 rehabilitation of a drycleaning-solvent-contaminated site is  
19 ineligible to receive credit under this section for costs  
20 incurred by the tax credit applicant in conjunction with the  
21 rehabilitation of that site during the same time period that  
22 state-administered site rehabilitation was underway.

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

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

31



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

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

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

27           (2) FILING REQUIREMENTS.--Any corporation that wishes  
28 to obtain credit under this section must submit with its  
29 return a tax credit certificate approving partial tax credits  
30 issued by the Department of Environmental Protection under s.  
31 376.30781.

1           (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT  
2 FORFEITURE.--

3           (a) The Department of Revenue may adopt rules to  
4 prescribe any necessary forms required to claim a tax credit  
5 under this section and to provide the administrative  
6 guidelines and procedures required to administer this section.

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

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

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

29           2. The taxpayer shall file with the Department of  
30 Revenue an amended tax return or such other report as the  
31 Department of Revenue prescribes by rule and shall pay any

1 required tax within 60 days after the taxpayer receives  
2 notification from the Department of Environmental Protection  
3 pursuant to s. 376.30781 that previously approved tax credits  
4 have been revoked or modified, if uncontested, or within 60  
5 days after a final order is issued following proceedings  
6 involving a contested revocation or modification order.

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

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

23         Section 21. Effective January 1, 2007, paragraph (b)  
24 of subsection (2) of section 288.039, Florida Statutes, is  
25 amended to read:

26         288.039 Employing and Training our Youths (ENTRY).--

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

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

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

3           2. Corporate income taxes under chapter 220.

4           ~~3. Intangible personal property taxes under chapter~~  
5 ~~199.~~

6           3.4. Emergency excise taxes under chapter 221.

7           4.5. Excise taxes on documents under chapter 201.

8           5.6. Ad valorem taxes paid, as defined in s.  
9 220.03(1).

10          6.7. Insurance premium taxes under s. 624.509.

11          7.8. Occupational license fees under chapter 205.

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

25           Section 22. Effective January 1, 2007, paragraph (f)  
26 of subsection (2) and paragraphs (b), (c), and (d) of  
27 subsection (3) of section 288.1045, Florida Statutes, are  
28 amended to read:

29           288.1045 Qualified defense contractor tax refund  
30 program.--

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

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

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

9 2. Corporate income taxes paid pursuant to chapter  
10 220.

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

13 3.4. Emergency excise taxes paid pursuant to chapter  
14 221.

15 4.5. Excise taxes paid on documents pursuant to  
16 chapter 201.

17 5.6. Ad valorem taxes paid, as defined in s.  
18 220.03(1)(a) on June 1, 1996.

19  
20 However, a qualified applicant may not receive a tax refund  
21 pursuant to this section for any amount of credit, refund, or  
22 exemption granted such contractor for any of such taxes. If a  
23 refund for such taxes is provided by the office, which taxes  
24 are subsequently adjusted by the application of any credit,  
25 refund, or exemption granted to the qualified applicant other  
26 than that provided in this section, the qualified applicant  
27 shall reimburse the Economic Development Trust Fund for the  
28 amount of such credit, refund, or exemption. A qualified  
29 applicant must notify and tender payment to the office within  
30 20 days after receiving a credit, refund, or exemption, other  
31 than that provided in this section.

1           (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY  
2 DETERMINATION.--

3           (b) Applications for certification based on the  
4 consolidation of a Department of Defense contract or a new  
5 Department of Defense contract must be submitted to the office  
6 as prescribed by the office and must include, but are not  
7 limited to, the following information:

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

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

15           3. The Department of Defense contract numbers of the  
16 contract to be consolidated, the new Department of Defense  
17 contract number, or the "RFP" number of a proposed Department  
18 of Defense contract.

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

22           5. The commencement date for project operations under  
23 the contract in this state.

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

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

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

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

3 9. The amount of:

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

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

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

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

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

14 e.f. Ad valorem taxes paid  
15

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

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

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

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

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

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

10           (c) Applications for certification based on the  
11 conversion of defense production jobs to nondefense production  
12 jobs must be submitted to the office as prescribed by the  
13 office and must include, but are not limited to, the following  
14 information:

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

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

22           3. The Department of Defense contract numbers of the  
23 contract under which the defense production jobs will be  
24 converted to nondefense production jobs.

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

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

30  
31



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

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

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

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

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

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

8           6. The commencement date for project operations under  
9 the contract in this state.

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

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

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.

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

30           10. The estimated amount of tax refunds to be claimed  
31 for each fiscal year.

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

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

18           13. Any additional information requested by the  
19 office.

20           Section 23. Effective January 1, 2007, paragraph (c)  
21 of subsection (2) of section 288.106, Florida Statutes, is  
22 amended to read:

23           288.106 Tax refund program for qualified target  
24 industry businesses.--

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

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

28           1. Receive refunds from the account for the following  
29 taxes due and paid by that business beginning with the first  
30 taxable year of the business which begins after entering into  
31 the agreement:

- 1 a. Corporate income taxes under chapter 220.  
2 b. Insurance premium tax under s. 624.509.  
3 2. Receive refunds from the account for the following  
4 taxes due and paid by that business after entering into the  
5 agreement:  
6 a. Taxes on sales, use, and other transactions under  
7 chapter 212.  
8 ~~b. Intangible personal property taxes under chapter~~  
9 ~~199.~~  
10 b.e. Emergency excise taxes under chapter 221.  
11 c.d. Excise taxes on documents under chapter 201.  
12 d.e. Ad valorem taxes paid, as defined in s.  
13 220.03(1).

14 Section 24. Effective January 1, 2007, paragraph (a)  
15 of subsection (2) and subsections (3) and (12) of section  
16 376.30781, Florida Statutes, are amended to read:

17 376.30781 Partial tax credits for rehabilitation of  
18 drycleaning-solvent-contaminated sites and brownfield sites in  
19 designated brownfield areas; application process; rulemaking  
20 authority; revocation authority.--

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

- 25 1. A drycleaning-solvent-contaminated site eligible  
26 for state-funded site rehabilitation under s. 376.3078(3);  
27 2. A drycleaning-solvent-contaminated site at which  
28 cleanup is undertaken by the real property owner pursuant to  
29 s. 376.3078(11), if the real property owner is not also, and  
30 has never been, the owner or operator of the drycleaning  
31 facility where the contamination exists; or

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

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

7           (12) A tax credit applicant who receives state-funded  
8 site rehabilitation under s. 376.3078(3) for rehabilitation of  
9 a drycleaning-solvent-contaminated site is ineligible to  
10 receive a tax credit under ~~s. 199.1055 or~~ s. 220.1845 for  
11 costs incurred by the tax credit applicant in conjunction with  
12 the rehabilitation of that site during the same time period  
13 that state-administered site rehabilitation was underway.

14           Section 25. Effective January 1, 2007, subsection (13)  
15 of section 493.6102, Florida Statutes, is amended to read:

16           493.6102 Inapplicability of this chapter.--This  
17 chapter shall not apply to:

18           (13) Any individual employed as a security officer by  
19 a church or ecclesiastical or denominational organization  
20 having an established physical place of worship in this state  
21 at which nonprofit religious services and activities are  
22 regularly conducted or by a church cemetery ~~religious~~  
23 ~~institution as defined in s. 199.183(2)(a)~~ to provide security  
24 on the ~~institution~~ property of the organization or cemetery,  
25 and who does not carry a firearm in the course of her or his  
26 duties.

27           Section 26. Effective January 1, 2007, paragraph (a)  
28 of subsection (3) of section 516.031, Florida Statutes, is  
29 amended to read:

30           516.031 Finance charge; maximum rates.--

31           (3) OTHER CHARGES.--

1 (a) In addition to the interest, delinquency, and  
2 insurance charges herein provided for, no further or other  
3 charges or amount whatsoever for any examination, service,  
4 commission, or other thing or otherwise shall be directly or  
5 indirectly charged, contracted for, or received as a condition  
6 to the grant of a loan, except:

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

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

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

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

18 4.5. The documentary excise tax and lawful fees, if  
19 any, actually and necessarily paid out by the licensee to any  
20 public officer for filing, recording, or releasing in any  
21 public office any instrument securing the loan, which fees may  
22 be collected when the loan is made or at any time thereafter;

23 5.6. The premium payable for any insurance in lieu of  
24 perfecting any security interest otherwise required by the  
25 licensee in connection with the loan, if the premium does not  
26 exceed the fees which would otherwise be payable, which  
27 premium may be collected when the loan is made or at any time  
28 thereafter;

29 6.7. Actual and reasonable attorney's fees and court  
30 costs as determined by the court in which suit is filed;

31

1           ~~7.8.~~ Actual and commercially reasonable expenses of  
2 repossession, storing, repairing and placing in condition for  
3 sale, and selling of any property pledged as security; or

4           ~~8.9.~~ A delinquency charge not to exceed \$10 for each  
5 payment in default for a period of not less than 10 days, if  
6 the charge is agreed upon, in writing, between the parties  
7 before imposing the charge.

8  
9 Any charges, including interest, in excess of the combined  
10 total of all charges authorized and permitted by this chapter  
11 constitute a violation of chapter 687 governing interest and  
12 usury, and the penalties of that chapter apply. In the event  
13 of a bona fide error, the licensee shall refund or credit the  
14 borrower with the amount of the overcharge immediately but  
15 within 20 days from the discovery of such error.

16           Section 27. Effective January 1, 2007, paragraph (m)  
17 of subsection (5) of section 627.311, Florida Statutes, is  
18 amended to read:

19           627.311 Joint underwriters and joint reinsurers;  
20 public records and public meetings exemptions.--

21           (5)

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

27           Section 28. Effective January 1, 2007, paragraph (j)  
28 of subsection (6) of section 627.351, Florida Statutes, is  
29 amended to read:

30           627.351 Insurance risk apportionment plans.--

31           (6) CITIZENS PROPERTY INSURANCE CORPORATION.--



1           (j) ~~For the purposes of s. 199.183(1),~~ The corporation  
2 shall be considered a political subdivision of the state and  
3 shall be exempt from the corporate income tax. The premiums,  
4 assessments, investment income, and other revenue of the  
5 corporation are funds received for providing property  
6 insurance coverage as required by this subsection, paying  
7 claims for Florida citizens insured by the corporation,  
8 securing and repaying debt obligations issued by the  
9 corporation, and conducting all other activities of the  
10 corporation, and shall not be considered taxes, fees,  
11 licenses, or charges for services imposed by the Legislature  
12 on individuals, businesses, or agencies outside state  
13 government. Bonds and other debt obligations issued by or on  
14 behalf of the corporation are not to be considered "state  
15 bonds" within the meaning of s. 215.58(8). The corporation is  
16 not subject to the procurement provisions of chapter 287, and  
17 policies and decisions of the corporation relating to  
18 incurring debt, levying of assessments and the sale, issuance,  
19 continuation, terms and claims under corporation policies, and  
20 all services relating thereto, are not subject to the  
21 provisions of chapter 120. The corporation is not required to  
22 obtain or to hold a certificate of authority issued by the  
23 office, nor is it required to participate as a member insurer  
24 of the Florida Insurance Guaranty Association. However, the  
25 corporation is required to pay, in the same manner as an  
26 authorized insurer, assessments pledged by the Florida  
27 Insurance Guaranty Association to secure bonds issued or other  
28 indebtedness incurred to pay covered claims arising from  
29 insurer insolvencies caused by, or proximately related to,  
30 hurricane losses. It is the intent of the Legislature that the  
31 tax exemptions provided in this paragraph will augment the

1 financial resources of the corporation to better enable the  
2 corporation to fulfill its public purposes. Any bonds issued  
3 by the corporation, their transfer, and the income therefrom,  
4 including any profit made on the sale thereof, shall at all  
5 times be free from taxation of every kind by the state and any  
6 political subdivision or local unit or other instrumentality  
7 thereof; however, this exemption does not apply to any tax  
8 imposed by chapter 220 on interest, income, or profits on debt  
9 obligations owned by corporations other than the corporation.

10 Section 29. Effective January 1, 2007, paragraph (b)  
11 of subsection (4) of section 650.05, Florida Statutes, is  
12 amended to read:

13 650.05 Plans for coverage of employees of political  
14 subdivisions.--

15 (4)

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

24 Section 30. Effective January 1, 2007, subsection (1)  
25 of section 655.071, Florida Statutes, is amended to read:

26 655.071 International banking facilities; definitions;  
27 notice before establishment.--

28 (1)(a) The term "International banking facility" means  
29 a set of asset and liability accounts segregated on the books  
30 and records of a banking organization and, ~~as that term is~~  
31 ~~defined in s. 199.023, that~~ includes only international

1 banking facility deposits, borrowings, and extensions of  
2 credit, as those terms shall be defined by the commission  
3 pursuant to subsection (2).

4 (b) As used in paragraph (a), the term "banking  
5 organization" means:

6 1. A bank organized and existing under the laws of  
7 this state;

8 2. A national bank organized and existing under the  
9 National Bank Act, 12 U.S.C. ss. 21 et seq., and maintaining  
10 its principal office in this state;

11 3. An Edge Act corporation organized under s. 25(a) of  
12 the Federal Reserve Act, 12 U.S.C. ss. 611 et seq., and  
13 maintaining an office in this state;

14 4. An international bank agency licensed under the  
15 laws of this state;

16 5. A federal agency licensed under ss. 4 and 5 of the  
17 International Banking Act of 1978 to maintain an office in  
18 this state;

19 6. A savings association organized and existing under  
20 the laws of this state;

21 7. A federal association organized and existing under  
22 the Home Owners' Loan Act of 1933, 12 U.S.C. ss. 1461 et seq.,  
23 and maintaining its principal office in this state; or

24 8. A Florida export finance corporation organized and  
25 existing under part V of chapter 288.

26 Section 31. Subsections (5) and (6) of section  
27 733.702, Florida Statutes, are amended to read:

28 733.702 Limitations on presentation of claims.--

29 ~~(5) The Department of Revenue may file a claim against~~  
30 ~~the estate of a decedent for taxes due under chapter 199 after~~  
31 ~~the expiration of the time for filing claims provided in~~

1 ~~subsection (1), if the department files its claim within 30~~  
2 ~~days after the service of the inventory. Upon filing of the~~  
3 ~~estate tax return with the department as provided in s.~~  
4 ~~198.13, or to the extent the inventory or estate tax return is~~  
5 ~~amended or supplemented, the department has the right to file~~  
6 ~~a claim or to amend its previously filed claim within 30 days~~  
7 ~~after service of the estate tax return, or an amended or~~  
8 ~~supplemented inventory or filing of an amended or supplemental~~  
9 ~~estate tax return, as to the additional information disclosed.~~

10 (5)(6) ~~Nothing in~~ This section does not ~~shall~~ extend  
11 the limitations period set forth in s. 733.710.

12 Section 32. Effective January 1, 2007, paragraph (a)  
13 of subsection (1) of section 766.105, Florida Statutes, is  
14 amended to read:

15 766.105 Florida Patient's Compensation Fund.--

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

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

23 Section 33. Except as otherwise expressly provided in  
24 this act, this act shall take effect January 1, 2006.

25 \*\*\*\*\*

26  
27 SENATE SUMMARY

28 Provides for the gradual reduction of the annual rate of  
29 the tax on intangible personal property. Provides for the  
30 repeal of the tax effective January 1, 2007. Provides  
31 that the taxes levied for calendar year 2006 and before  
remain in effect and collectible. Authorizes the  
executive director of the Department of Revenue to adopt  
emergency rules.