

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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Representatives(s) Ryan offered the following:

Substitute Amendment for Amendment (262369) (with title amendment)

Remove everything after the enacting clause, and insert:

Section 1. (1) Subsection (7) of section 199.023, Florida Statutes, is amended to read:

199.023 Definitions.--As used in this chapter:

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

498021

3/30/2005 5:47:46 PM

Amendment No. (for drafter's use only)

14 (2) The Department of Revenue may adopt any rules
15 necessary to carry out the intent of this section.

16 Section 2. Section 199.105, Florida Statutes, is created
17 to read:

18 199.105 Anti-avoidance provision.--

19 (1) Any taxpayer who, within 60 days prior to December 31
20 of any year, sells, transfers, or conveys any taxable intangible
21 personal property to any person or entity outside the state and
22 within 60 days after January 1 repurchases or receives the same
23 or identical property shall be taxed with regard to such
24 property as if the transfer had not taken place. Such a transfer
25 shall be prima facie evidence of intent to evade taxation and
26 the taxpayer has the burden of proving the existence of a bona
27 fide investment or business purpose, other than the avoidance of
28 taxes, for such transactions.

29 (2) The Department of Revenue may adopt any rules
30 necessary to carry out the intent of this section.

31 Section 3. Subsection (2) of section 199.185, Florida
32 Statutes, is amended to read:

33 199.185 Property exempted from annual and nonrecurring
34 taxes.--

35 (2) Every natural person is entitled each year to an
36 exemption of the first \$1 million ~~\$250,000~~ of the value of
37 property otherwise subject to the annual tax. A husband and wife
38 filing jointly shall have an exemption of \$2 million ~~\$500,000~~.
39 Every taxpayer that is not a natural person is entitled each
40 year to an exemption of the first \$1 million ~~\$250,000~~ of the

498021

Amendment No. (for drafter's use only)

41 value of property otherwise subject to the tax. Agents and
 42 fiduciaries, other than guardians and custodians under a gifts-
 43 to-minors act, filing as such may not claim this exemption on
 44 behalf of their principals or beneficiaries; however, if the
 45 principal or beneficiary returns the property held by the agent
 46 or fiduciary and is a natural person, the principal or
 47 beneficiary may claim the exemption. No taxpayer shall be
 48 entitled to more than one exemption under this subsection. This
 49 exemption shall not apply to that intangible personal property
 50 described in s. 199.023(1)(d).

51 Section 4. This act shall take effect upon becoming a law.

52
53 ===== T I T L E A M E N D M E N T =====

54 Remove the entire title, and insert:

55 A bill to be entitled

56 An act relating to the annual intangible personal property
 57 tax; amending s. 199.023, F.S.; revising a definition;
 58 authorizing the Department of Revenue to adopt rules;
 59 creating s. 199.105, F.S.; creating an anti-avoidance tax
 60 provision; providing for taxing certain sales, transfers,
 61 or conveyances of taxable intangible personal property
 62 under certain circumstances; providing for prima facie
 63 evidence of intent to avoid taxation; requiring a taxpayer
 64 to prove existence of bona fide investment or business
 65 purpose; authorizing the Department of Revenue to adopt
 66 rules; amending s. 199.185, F.S.; increasing the exempt

498021

3/30/2005 5:47:46 PM

(LATE FILED)

HOUSE AMENDMENT

Bill No. HB 963 CS

Amendment No. (for drafter's use only)

67 value of property subject to the tax; providing an
68 effective date.

498021

3/30/2005 5:47:46 PM

Page 4 of 4