

1 A bill to be entitled
 2 An act relating to the annual intangible personal property
 3 tax; repealing ss. 199.012, 199.023, 199.032, 199.033,
 4 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055,
 5 199.106, and 199.175, F.S., relating to the annual
 6 intangible personal property tax; amending s. 199.303,
 7 F.S.; providing additional legislative intent relating to
 8 the annual intangible personal property tax; amending ss.
 9 192.032, 192.042, 192.091, 193.114, 196.015, 196.199,
 10 196.1993, 199.133, 199.183, 199.185, 199.232, 199.282,
 11 199.292, 201.23, 212.02, 213.053, 213.054, 213.27,
 12 220.1845, 288.039, 288.1045, 288.106, 288.1067, 341.840,
 13 376.30781, 493.6102, 516.031, 650.05, 655.071, and
 14 733.702, F.S., to conform provisions to the repeal of the
 15 annual intangible personal property tax; authorizing the
 16 Department of Revenue to adopt emergency implementing
 17 rules for a certain time; providing effective dates.

18
 19 Be It Enacted by the Legislature of the State of Florida:

20
 21 Section 1. Sections 199.012, 199.023, 199.032, 199.033,
 22 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106,
 23 and 199.175, Florida Statutes, are repealed.

24 Section 2. Subsections (5), (6), and (7) of section
 25 192.032, Florida Statutes, are amended to read:

26 192.032 Situs of property for assessment purposes.--All
 27 property shall be assessed according to its situs as follows:

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

30 (5)~~(6)~~(a) Notwithstanding the provisions of subsection
 31 (2), personal property used as a marine cargo container in the
 32 conduct of foreign or interstate commerce shall not be deemed to
 33 have acquired a taxable situs within a county when the property
 34 is temporarily halted or stored within the state for a period
 35 not exceeding 180 days.

36 (b) "Marine cargo container" means a nondisposable
 37 receptacle which is of a permanent character, strong enough to
 38 be suitable for repeated use; which is specifically designed to
 39 facilitate the carriage of goods by one or more modes of
 40 transport, one of which shall be by ocean vessel, without
 41 intermediate reloading; and which is fitted with devices
 42 permitting its ready handling, particularly in the transfer from
 43 one transport mode to another. The term "marine cargo container"
 44 includes a container when carried on a chassis but does not
 45 include a vehicle or packaging.

46 (6)~~(7)~~ Notwithstanding any other provision of this
 47 section, tangible personal property used in traveling shows such
 48 as carnivals, ice shows, or circuses shall be deemed to be
 49 physically present or habitually located or typically present
 50 only to the extent the value of such property is multiplied by a
 51 fraction, the numerator of which is the number of days such
 52 property is present in Florida during the taxable year and the
 53 denominator of which is the number of days in the taxable year.
 54 However, railroad property of such traveling shows shall be
 55 taxable under s. 193.085(4)(b) and not under this section.

56 Section 3. Subsection (3) of section 192.042, Florida
 57 Statutes, is amended to read:

58 192.042 Date of assessment.--All property shall be
 59 assessed according to its just value as follows:

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

62 Section 4. Subsections (5) and (6) of section 192.091,
 63 Florida Statutes, are amended to read:

64 192.091 Commissions of property appraisers and tax
 65 collectors.--

66 (5) ~~Provided, that~~ The provisions of this section shall
 67 not apply to commissions on ~~intangible property taxes or~~
 68 ~~drainage district or drainage subdistrict taxes.~~ ; ~~and~~

69 (6) If ~~Provided, further, that~~ where any property
 70 appraiser or tax collector in the state is receiving
 71 compensation for expenses in conducting his or her office or by
 72 way of salary pursuant to any act of the Legislature other than
 73 the general law fixing compensation of property appraisers, such
 74 property appraiser or tax collector may file a declaration in
 75 writing with the board of county commissioners of his or her
 76 county electing to come under the provisions of this section,
 77 and thereupon such property appraiser or tax collector shall be
 78 paid compensation in accordance with the provisions hereof, and
 79 shall not be entitled to the benefit of the said special or
 80 local act. If such property appraiser or tax collector does not
 81 so elect, he or she shall continue to be paid such compensation
 82 as may now be provided by law for such property appraiser or tax
 83 collector.

84 Section 5. Subsections (4), (5), and (6) of section
 85 193.114, Florida Statutes, are amended to read:

86 193.114 Preparation of assessment rolls.--

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

90 (4)~~(5)~~ For every change made to the assessed or taxable
 91 value of a parcel on an assessment roll subsequent to the
 92 mailing of the notice provided for in s. 200.069, the property
 93 appraiser shall document the reason for such change in the
 94 public records of the office of the property appraiser in a
 95 manner acceptable to the executive director or the executive
 96 director's designee. For every change that decreases the
 97 assessed or taxable value of a parcel on an assessment roll
 98 between the time of complete submission of the tax roll pursuant
 99 to s. 193.1142(3) and mailing of the notice provided for in s.
 100 200.069, the property appraiser shall document the reason for
 101 such change in the public records of the office of the property
 102 appraiser in a manner acceptable to the executive director or
 103 the executive director's designee. Changes made by the value
 104 adjustment board are not subject to the requirements of this
 105 subsection.

106 (5)~~(6)~~ For proprietary purposes, including the furnishing
 107 or sale of copies of the tax roll under s. 119.07(1), the
 108 property appraiser is the custodian of the tax roll and the
 109 copies of it which are maintained by any state agency. The
 110 department or any state or local agency may use copies of the
 111 tax roll received by it for official purposes and shall permit

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112 inspection and examination thereof under s. 119.07(1), but is
 113 not required to furnish copies of the records. A social security
 114 number submitted under s. 196.011(1) is confidential and exempt
 115 from s. 24(a), Art. I of the State Constitution and the
 116 provisions of s. 119.07(1). A copy of documents containing the
 117 numbers furnished or sold by the property appraiser, except a
 118 copy furnished to the department, or a copy of documents
 119 containing social security numbers provided by the department or
 120 any state or local agency for inspection or examination by the
 121 public, must exclude those social security numbers.

122 Section 6. Subsection (9) of section 196.015, Florida
 123 Statutes, is amended to read:

124 196.015 Permanent residency; factual determination by
 125 property appraiser.--Intention to establish a permanent
 126 residence in this state is a factual determination to be made,
 127 in the first instance, by the property appraiser. Although any
 128 one factor is not conclusive of the establishment or
 129 nonestablishment of permanent residence, the following are
 130 relevant factors that may be considered by the property
 131 appraiser in making his or her determination as to the intent of
 132 a person claiming a homestead exemption to establish a permanent
 133 residence in this state:

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

136 Section 7. Paragraph (b) of subsection (2) of section
 137 196.199, Florida Statutes, is amended to read:

138 196.199 Government property exemption.--

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

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

162 Section 8. Section 196.1993, Florida Statutes, is amended
 163 to read:

164 196.1993 Certain agreements with local governments for use
 165 of public property; exemption.--Any agreement entered into with
 166 a local governmental authority prior to January 1, 1969, for use

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167 of public property, under which it was understood and agreed in
 168 a written instrument or by special act that no ad valorem real
 169 property taxes would be paid by the licensee or lessee, shall be
 170 deemed a license or management agreement for the use or
 171 management of public property. Such interest shall be deemed not
 172 to convey an interest in the property and shall not be subject
 173 to ad valorem real property taxation. Nothing in this section
 174 shall be deemed to exempt such licensee from the ~~ad valorem~~
 175 ~~intangible tax and the~~ ad valorem personal property tax.

176 Section 9. Subsection (2) of section 199.133, Florida
 177 Statutes, is amended to read:

178 199.133 Levy of nonrecurring tax; ~~relationship to annual~~
 179 ~~tax.~~--

180 (2) The nonrecurring tax shall apply to a note, bond, or
 181 other obligation for payment of money only to the extent it is
 182 secured by mortgage, deed of trust, or other lien upon real
 183 property situated in this state. Where a note, bond, or other
 184 obligation is secured by personal property or by real property
 185 situated outside this state, as well as by mortgage, deed of
 186 trust, or other lien upon real property situated in this state,
 187 then the nonrecurring tax shall apply to that portion of the
 188 note, bond, or other obligation which bears the same ratio to
 189 the entire principal balance of the note, bond, or other
 190 obligation as the value of the real property situated in this
 191 state bears to the value of all of the security; however, if the
 192 security is solely made up of personal property and real
 193 property situated in this state, the taxpayer may elect to
 194 apportion the taxes based upon the value of the collateral, if

195 any, to which the taxpayer by law or contract must look first
 196 for collection. In no event shall the portion of the note, bond,
 197 or other obligation which is subject to the nonrecurring tax
 198 exceed in value the value of the real property situated in this
 199 state which is the security. ~~The portion of a note, bond, or~~
 200 ~~other obligation which is not subject to the nonrecurring tax~~
 201 ~~shall be subject to the annual tax unless otherwise exempt.~~

202 Section 10. Subsection (4) of section 199.183, Florida
 203 Statutes, is amended to read:

204 199.183 Taxpayers exempt from annual and nonrecurring
 205 taxes.--

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

211 Section 11. Section 199.185, Florida Statutes, is amended
 212 to read:

213 199.185 Property exempted from annual and nonrecurring
 214 taxes.--

215 (1) The following intangible personal property shall be
 216 exempt from the ~~annual and nonrecurring~~ tax ~~taxes~~ imposed by
 217 this chapter:

218 (a) Money.

219 (b) Franchises.

220 (c) Any interest as a partner in a partnership, either
 221 general or limited, other than any interest as a limited partner
 222 in a limited partnership registered with the Securities and

223 Exchange Commission pursuant to the Securities Act of 1933, as
 224 amended.

225 (d) Notes, bonds, and other obligations issued by the
 226 State of Florida or its municipalities, counties, and other
 227 taxing districts, or by the United States Government and its
 228 agencies.

229 (e) Intangible personal property held in trust pursuant to
 230 any stock bonus, pension, or profit-sharing plan or any
 231 individual retirement account which is qualified under s. 530,
 232 s. 401, s. 408, or s. 408A of the United States Internal Revenue
 233 Code, 26 U.S.C. ss. 530, 401, 408, and 408A, as amended.

234 (f) Intangible personal property held under a retirement
 235 plan of a Florida-based corporation exempt from federal income
 236 tax under s. 501(c)(6) of the United States Internal Revenue
 237 Code, 26 U.S.C., if the primary purpose of the corporation is to
 238 support the promotion of professional sports and the retirement
 239 plan is either a qualified plan under s. 457 of the United
 240 States Internal Revenue Code or the contributions to the plan,
 241 pursuant to a ruling by the United States Internal Revenue
 242 Service, are not taxable to plan participants until actual
 243 receipt or withdrawal by the participant.

244 (g) Notes and other obligations, except bonds, to the
 245 extent that such notes and obligations are secured by mortgage,
 246 deed of trust, or other lien upon real property situated outside
 247 the state.

248 (h) The assets of a corporation registered under the
 249 Investment Company Act of 1940, 15 U.S.C. s. 80a-1-52, as
 250 amended.

251 (i) All intangible personal property issued in or arising
 252 out of any international banking transaction and owned by a
 253 banking organization.

254 (j) Units of a unit investment trust and shares or units
 255 of, or other undivided interest in, a business trust organized
 256 under an agreement, indenture, or declaration of trust and
 257 registered under the Investment Company Act of 1940, as amended,
 258 ~~shall be exempt if at least 90 percent of the net asset value of~~
 259 ~~the portfolio of assets corresponding to such shares, units, or~~
 260 ~~undivided interests is invested in assets that are exempt from~~
 261 ~~the tax imposed by s. 199.032.~~

262 (k) Interests in real estate securitizations, including,
 263 but not limited to, real estate mortgage investment conduits
 264 (REMIC) and financial asset securitization trusts (FASITS),
 265 which are directly or indirectly secured by or payable from
 266 notes and obligations that are in turn secured solely by a
 267 mortgage, deed of trust, or other lien upon real property
 268 situated in or outside the state, including, but not limited to,
 269 mortgage pools, participations, and derivatives.

270 (l) All accounts receivable arising or acquired in the
 271 ordinary course of a trade or business which are owned,
 272 controlled, or managed by a taxpayer. This exemption does not
 273 apply to accounts receivable that arise outside the taxpayer's
 274 ordinary course of trade or business. For the purposes of this
 275 chapter, the term "accounts receivable" means a business debt
 276 that is owed by another to the taxpayer or the taxpayer's
 277 assignee in the ordinary course of trade or business and is not
 278 supported by negotiable instruments. Accounts receivable

279 include, but are not limited to, credit card receivables, charge
280 card receivables, credit receivables, margin receivables,
281 inventory or other floor plan financing, lease payments past
282 due, conditional sales contracts, retail installment sales
283 agreements, financing lease contracts, and a claim against a
284 debtor usually arising from sales or services rendered and which
285 is not necessarily due or past due. The examples specified in
286 this paragraph shall be deemed not to be supported by negotiable
287 instruments. The term "negotiable instrument" means a written
288 document that is legally capable of being transferred by
289 indorsement or delivery. The term "indorsement" means the act of
290 a payee or holder in writing his or her name on the back of an
291 instrument without further qualifying words other than "pay to
292 the order of" or "pay to" whereby the property is assigned and
293 transferred to another.

294 (m) Stock options granted to employees by their employer
295 pursuant to an incentive plan, if the employees cannot transfer,
296 sell, or mortgage the options. Stock purchased by an employee
297 from an employer pursuant to an incentive plan shall be treated
298 as a nontaxable stock option if part of the purchase price of
299 the stock is nonrecourse debt secured by the stock and the stock
300 cannot be sold, transferred, or assigned by the employee until
301 the nonrecourse debt is discharged. Such stock becomes taxable
302 stock when it can be sold, transferred, or assigned by the
303 employee.

304 (n)1. A leasehold estate in governmental property where
305 the lessee is required to furnish space on the leasehold estate

306 for public use by governmental agencies at no charge to the
 307 governmental agencies.

308 2. The provisions of this exemption shall apply
 309 retroactively. However, notwithstanding the retroactivity of the
 310 exemption, it does not reopen a closed period of nonclaim under
 311 s. 215.26 or any other statute or extend the period of nonclaim
 312 under s. 215.26 or any other statute.

313 ~~(2) Every natural person is entitled each year to an~~
 314 ~~exemption of the first \$250,000 of the value of property~~
 315 ~~otherwise subject to the annual tax. A husband and wife filing~~
 316 ~~jointly shall have an exemption of \$500,000. Every taxpayer that~~
 317 ~~is not a natural person is entitled each year to an exemption of~~
 318 ~~the first \$250,000 of the value of property otherwise subject to~~
 319 ~~the tax. Agents and fiduciaries, other than guardians and~~
 320 ~~custodians under a gifts to minors act, filing as such may not~~
 321 ~~claim this exemption on behalf of their principals or~~
 322 ~~beneficiaries; however, if the principal or beneficiary returns~~
 323 ~~the property held by the agent or fiduciary and is a natural~~
 324 ~~person, the principal or beneficiary may claim the exemption. No~~
 325 ~~taxpayer shall be entitled to more than one exemption under this~~
 326 ~~subsection. This exemption shall not apply to that intangible~~
 327 ~~personal property described in s. 199.023(1)(d).~~

328 (2)(3) Every natural person who is a widow or widower, or
 329 who is blind, or who is totally and permanently disabled, is
 330 entitled each year to an additional exemption of \$500 of
 331 property otherwise subject to the ~~annual~~ or nonrecurring tax.
 332 This exemption is afforded by s. 3, Art. VII of the State

333 Constitution and is available only to the extent not used
 334 against real property or tangible personal property taxes.

335 ~~(4) Charitable trusts, 95 percent of the income of which~~
 336 ~~is paid to organizations exempt from federal income tax pursuant~~
 337 ~~to s. 501(c)3 of the Internal Revenue Code, shall be exempt from~~
 338 ~~the tax imposed in s. 199.032.~~

339 ~~(5) Those organizations defined in s. 220.62(1), (2), (3),~~
 340 ~~or (4) are exempt from the tax imposed by s. 199.032.~~

341 (3)~~(6)~~ Every liquor distributor that is domiciled in this
 342 state, that is authorized to do business under the Beverage Law,
 343 and that has paid the license taxes required by s. 565.03(2) is
 344 exempt from paying tax on accounts receivable owned by the
 345 taxpayer which are derived from, arise out of, or are issued in
 346 connection with a sale of alcoholic beverages transacted in
 347 another state with a customer in another state.

348 (4)~~(7)~~ A national bank that has its principal place of
 349 business in another state, processes credit card credit
 350 applications in this state or performs customer service or
 351 collection operations in this state, and is not a bank under 12
 352 U.S.C. s. 1941(c)(2)(F), is exempt from paying tax on credit
 353 card receivables owed to the bank by a credit card holder
 354 domiciled outside this state.

355 ~~(8) Every insurer, as defined in s. 624.03, whether the~~
 356 ~~insurer is authorized or unauthorized as defined in s. 624.09,~~
 357 ~~is exempt from the tax imposed by s. 199.032.~~

358 Section 12. Paragraph (a) of subsection (1) and subsection
 359 (3) of section 199.232, Florida Statutes, are amended to read:
 360 199.232 Powers of department.--

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

364 (3) With or without an audit, the department may assess
 365 any tax deficiency resulting from nonpayment or underpayment of
 366 the tax, as well as any applicable interest and penalties. The
 367 department shall assess on the basis of the best information
 368 available to it, including estimates based on the best
 369 information available to it if the taxpayer fails to permit
 370 inspection of the taxpayer's records, ~~fails to file an annual~~
 371 ~~return,~~ files a grossly incorrect return, or files a false and
 372 fraudulent return.

373 Section 13. Subsections (2), (3), (4), and (8) of section
 374 199.282, Florida Statutes, are amended, and subsections (5),
 375 (6), and (7) of said section are renumbered as subsections (4),
 376 (5), and (6), respectively, to read:

377 199.282 Penalties for violation of this chapter.--

378 (2) If any ~~annual or~~ nonrecurring tax is not paid by the
 379 statutory due date, then despite any extension granted under s.
 380 199.232(6), interest shall run on the unpaid balance from such
 381 due date until paid at the rate of 12 percent per year.

382 (3)~~(a)~~ If any ~~annual or~~ nonrecurring tax is not paid by
 383 the due date, a delinquency penalty shall be charged. The
 384 delinquency penalty shall be 10 percent of the delinquent tax
 385 for each calendar month or portion thereof from the due date
 386 until paid, up to a limit of 50 percent of the total tax not
 387 timely paid.

388 ~~(b) If any annual tax return required by this chapter is~~
 389 ~~not filed by the due date, a penalty of 10 percent of the tax~~
 390 ~~due with the return shall be charged for each calendar month or~~
 391 ~~portion thereof during which the return remains unfiled, up to a~~
 392 ~~limit of 50 percent of the total tax due.~~

393
 394 ~~For~~ Any penalty assessed under this subsection, ~~the combined~~
 395 ~~total for all penalties assessed under paragraphs (a) and (b)~~
 396 shall not exceed 10 percent per calendar month, up to a limit of
 397 50 percent of the total tax due.

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

404 (7)~~(8)~~ Any person who fails or refuses to file an annual
 405 return, or who fails or refuses to make records available for
 406 inspection, when requested to do so by the department is guilty
 407 of a misdemeanor of the first degree, punishable as provided in
 408 s. 775.082 or s. 775.083.

409 Section 14. Section 199.292, Florida Statutes, is amended
 410 to read:

411 199.292 Disposition of intangible personal property
 412 taxes.--All intangible personal property taxes collected
 413 pursuant to this chapter, ~~except for revenues derived from the~~
 414 ~~annual tax on a leasehold described in s. 199.023(1)(d),~~ shall
 415 be deposited into the General Revenue Fund. ~~Revenues derived~~

416 ~~from the annual tax on a leasehold described in s. 199.023(1)(d)~~
 417 ~~shall be returned to the local school board for the county in~~
 418 ~~which the property subject to the leasehold is situated.~~

419 Section 15. Subsection (3) is added to section 199.303,
 420 Florida Statutes, to read:

421 199.303 Declaration of legislative intent.--

422 (3) It is hereby declared to be the specific intent of the
 423 Legislature that all annual intangible personal property taxes
 424 imposed as provided by law for calendar years 2005 and prior
 425 shall remain in full force and effect during the period
 426 specified by s. 95.091, for the year in which the tax was due.
 427 It is further the intent of the Legislature that the department
 428 continue to assess and collect all taxes due to the state under
 429 such provisions for all periods available for assessment, as
 430 provided for the year in which tax was due by s. 95.091.

431 Section 16. Subsection (4) of section 201.23, Florida
 432 Statutes, is amended to read:

433 201.23 Foreign notes and other written obligations
 434 exempt.--

435 (4)(a) The excise taxes imposed by this chapter shall not
 436 apply to the documents, notes, evidences of indebtedness,
 437 financing statements, drafts, bills of exchange, or other
 438 taxable items dealt with, made, issued, drawn upon, accepted,
 439 delivered, shipped, received, signed, executed, assigned,
 440 transferred, or sold by or to a banking organization, ~~as defined~~
 441 ~~in s. 199.023(9),~~ in the conduct of an international banking
 442 transaction, ~~as defined in s. 199.023(11).~~ Nothing in this

443 subsection shall be construed to change the application of
444 paragraph (2)(a).

445 (b) For purposes of this subsection:

446 1. "Banking organization" means:

447 a. A bank organized and existing under the laws of this
448 the state;

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

452 c. An Edge Act corporation organized pursuant to the
453 provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss.
454 611 et seq., and maintaining an office in this state;

455 d. An international bank agency licensed pursuant to the
456 laws of this state;

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

460 f. A savings association organized and existing under the
461 laws of this state;

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

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

468 2. "International banking transaction" means:

469 a. The financing of the exportation from, or the
470 importation into, the United States or between jurisdictions

471 abroad of tangible personal property or services;

472 b. The financing of the production, preparation, storage,
 473 or transportation of tangible personal property or services
 474 which are identifiable as being directly and solely for export
 475 from, or import into, the United States or between jurisdictions
 476 abroad;

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

481 d. The receipt of deposits or borrowings or the extensions
 482 of credit by an international banking facility, except the loan
 483 or deposit of funds secured by mortgage, deed of trust, or other
 484 lien upon real property located in the state; or

485 e. Entering into foreign exchange trading or hedging
 486 transactions in connection with the activities described in sub-
 487 paragraph d.

488 Section 17. Subsection (19) of section 212.02, Florida
 489 Statutes, is amended to read:

490 212.02 Definitions.--The following terms and phrases when
 491 used in this chapter have the meanings ascribed to them in this
 492 section, except where the context clearly indicates a different
 493 meaning:

494 (19) "Tangible personal property" means and includes
 495 personal property which may be seen, weighed, measured, or
 496 touched or is in any manner perceptible to the senses, including
 497 electric power or energy, boats, motor vehicles and mobile homes
 498 as defined in s. 320.01(1) and (2), aircraft as defined in s.

499 330.27, and all other types of vehicles. The term "tangible
 500 personal property" does not include stocks, bonds, notes,
 501 insurance, or other obligations or securities; ~~intangibles as~~
 502 ~~defined by the intangible tax law of the state;~~ or pari-mutuel
 503 tickets sold or issued under the racing laws of the state.

504 Section 18. Paragraph (p) of subsection (7) and paragraph
 505 (a) of subsection (14) of section 213.053, Florida Statutes, are
 506 amended to read:

507 213.053 Confidentiality and information sharing.--

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

510 (p) Information relative to ss. ~~199.1055~~, 220.1845, and
 511 376.30781 to the Department of Environmental Protection in the
 512 conduct of its official business.

513
 514 Disclosure of information under this subsection shall be
 515 pursuant to a written agreement between the executive director
 516 and the agency. Such agencies, governmental or nongovernmental,
 517 shall be bound by the same requirements of confidentiality as
 518 the Department of Revenue. Breach of confidentiality is a
 519 misdemeanor of the first degree, punishable as provided by s.
 520 775.082 or s. 775.083.

521 (14)(a) Notwithstanding any other provision of this
 522 section, the department shall, subject to the safeguards
 523 specified in paragraph (c), disclose to the Division of
 524 Corporations of the Department of State the name, address,
 525 federal employer identification number, and duration of tax
 526 filings with this state of all corporate or partnership entities

527 | which are not on file or have a dissolved status with the
 528 | Division of Corporations and which have filed tax returns
 529 | pursuant to ~~either chapter 199 or~~ chapter 220.

530 | Section 19. Section 213.054, Florida Statutes, is amended
 531 | to read:

532 | 213.054 Persons claiming tax exemptions or deductions;
 533 | annual report.--The Department of Revenue shall be responsible
 534 | for monitoring the utilization of ~~tax exemptions and~~ tax
 535 | deductions authorized pursuant to chapter 81-179, Laws of
 536 | Florida. On or before September 1 of each year, the department
 537 | shall report to the Chief Financial Officer the names and
 538 | addresses of all persons who have claimed an exemption pursuant
 539 | to s. 199.185(1)(i) or a deduction pursuant to s. 220.63(5).

540 | Section 20. Section 213.27, Florida Statutes, is amended
 541 | to read:

542 | 213.27 Contracts with debt collection agencies and certain
 543 | vendors.--

544 | (1) The Department of Revenue may, for the purpose of
 545 | collecting any delinquent taxes due from a taxpayer, including
 546 | taxes for which a bill or notice has been generated, contract
 547 | with any debt collection agency or attorney doing business
 548 | within or without this state for the collection of such
 549 | delinquent taxes including penalties and interest thereon. The
 550 | department may also share confidential information pursuant to
 551 | the contract necessary for the collection of delinquent taxes
 552 | and taxes for which a billing or notice has been generated.
 553 | Contracts will be made pursuant to chapter 287. The taxpayer
 554 | must be notified by mail by the department, its employees, or

555 its authorized representative 30 days prior to commencing any
556 litigation to recover any delinquent taxes. The taxpayer must be
557 notified by mail by the department 30 days prior to the
558 department assigning the collection of any taxes to the debt
559 collection agency.

560 ~~(2) The department may enter into contracts with any~~
561 ~~individual or business for the purpose of identifying intangible~~
562 ~~personal property tax liability. Contracts may provide for the~~
563 ~~identification of assets subject to the tax on intangible~~
564 ~~personal property, the determination of value of such property,~~
565 ~~the requirement for filing a tax return and the collection of~~
566 ~~taxes due, including applicable penalties and interest thereon.~~
567 ~~The department may share confidential information pursuant to~~
568 ~~the contract necessary for the identification of taxable~~
569 ~~intangible personal property. Contracts shall be made pursuant~~
570 ~~to chapter 287. The taxpayer must be notified by mail by the~~
571 ~~department 30 days prior to the department assigning~~
572 ~~identification of intangible personal property to an individual~~
573 ~~or business.~~

574 (2)(3) Any contract may provide, in the discretion of the
575 executive director of the Department of Revenue, the manner in
576 which the compensation for such services will be paid. Under
577 standards established by the department, such compensation shall
578 be added to the amount of the tax and collected as a part
579 thereof by the agency or deducted from the amount of tax,
580 penalty, and interest actually collected.

581 (3)(4) All funds collected under the terms of the
582 contract, less the fees provided in the contract, shall be

583 remitted to the department within 30 days from the date of
584 collection from a taxpayer. Forms to be used for such purpose
585 shall be prescribed by the department.

586 (4)~~(5)~~ The department shall require a bond from the debt
587 collection agency ~~or the individual or business contracted with~~
588 ~~under subsection (2)~~ not in excess of \$100,000 guaranteeing
589 compliance with the terms of the contract. However, a bond of
590 \$10,000 is required from a debt collection agency if the agency
591 does not actually collect and remit delinquent funds to the
592 department.

593 (5)~~(6)~~ The department may, for the purpose of ascertaining
594 the amount of or collecting any taxes due from a person doing
595 mail order business in this state, contract with any auditing
596 agency doing business within or without this state for the
597 purpose of conducting an audit of such mail order business;
598 however, such audit agency may not conduct an audit on behalf of
599 the department of any person domiciled in this state, person
600 registered for sales and use tax purposes in this state, or
601 corporation filing a Florida corporate tax return, if any such
602 person or corporation objects to such audit in writing to the
603 department and the auditing agency. The department shall notify
604 the taxpayer by mail at least 30 days before the department
605 assigns the collection of such taxes.

606 (6)~~(7)~~ Confidential information shared by the department
607 with debt collection or auditing agencies ~~or individuals or~~
608 ~~businesses with which the department has contracted under~~
609 ~~subsection (2)~~ is exempt from the provisions of s. 119.07(1),
610 and debt collection or auditing agencies ~~and individuals or~~

611 ~~businesses with which the department has contracted under~~
612 ~~subsection (2)~~ shall be bound by the same requirements of
613 confidentiality as the Department of Revenue. Breach of
614 confidentiality is a misdemeanor of the first degree, punishable
615 as provided by ss. 775.082 and 775.083.

616 (7)~~(8)~~(a) The executive director of the department may
617 enter into contracts with private vendors to develop and
618 implement systems to enhance tax collections where compensation
619 to the vendors is funded through increased tax collections. The
620 amount of compensation paid to a vendor shall be based on a
621 percentage of increased tax collections attributable to the
622 system after all administrative and judicial appeals are
623 exhausted, and the total amount of compensation paid to a vendor
624 shall not exceed the maximum amount stated in the contract.

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

630 (c) Disclosure of information under this subsection shall
631 be pursuant to a written agreement between the executive
632 director and the private vendors. The vendors shall be bound by
633 the same requirements of confidentiality as the department.
634 Breach of confidentiality is a misdemeanor of the first degree,
635 punishable as provided in s. 775.082 or s. 775.083.

636 Section 21. Subsection (1) and paragraphs (b) and (c) of
637 subsection (3) of section 220.1845, Florida Statutes, are
638 amended to read:

639 | 220.1845 Contaminated site rehabilitation tax credit.--
 640 | (1) AUTHORIZATION FOR TAX CREDIT; LIMITATIONS.--
 641 | (a) A credit in the amount of 35 percent of the costs of
 642 | voluntary cleanup activity that is integral to site
 643 | rehabilitation at the following sites is available against any
 644 | tax due for a taxable year under this chapter:
 645 | 1. A drycleaning-solvent-contaminated site eligible for
 646 | state-funded site rehabilitation under s. 376.3078(3);
 647 | 2. A drycleaning-solvent-contaminated site at which
 648 | cleanup is undertaken by the real property owner pursuant to s.
 649 | 376.3078(11), if the real property owner is not also, and has
 650 | never been, the owner or operator of the drycleaning facility
 651 | where the contamination exists; or
 652 | 3. A brownfield site in a designated brownfield area under
 653 | s. 376.80.
 654 | (b) A tax credit applicant, or multiple tax credit
 655 | applicants working jointly to clean up a single site, may not be
 656 | granted more than \$250,000 per year in tax credits for each site
 657 | voluntarily rehabilitated. Multiple tax credit applicants shall
 658 | be granted tax credits in the same proportion as their
 659 | contribution to payment of cleanup costs. Subject to the same
 660 | conditions and limitations as provided in this section, a
 661 | municipality, county, or other tax credit applicant which
 662 | voluntarily rehabilitates a site may receive not more than
 663 | \$250,000 per year in tax credits which it can subsequently
 664 | transfer subject to the provisions in paragraph (g)~~(h)~~.
 665 | (c) If the credit granted under this section is not fully
 666 | used in any one year because of insufficient tax liability on

667 the part of the corporation, the unused amount may be carried
668 forward for a period not to exceed 5 years. The carryover credit
669 may be used in a subsequent year when the tax imposed by this
670 chapter for that year exceeds the credit for which the
671 corporation is eligible in that year under this section after
672 applying the other credits and unused carryovers in the order
673 provided by s. 220.02(8). Five years after the date a credit is
674 granted under this section, such credit expires and may not be
675 used. However, if during the 5-year period the credit is
676 transferred, in whole or in part, pursuant to paragraph (g)~~(h)~~,
677 each transferee has 5 years after the date of transfer to use
678 its credit.

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

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

686 (e)~~(f)~~ A tax credit applicant that receives state-funded
687 site rehabilitation under s. 376.3078(3) for rehabilitation of a
688 drycleaning-solvent-contaminated site is ineligible to receive
689 credit under this section for costs incurred by the tax credit
690 applicant in conjunction with the rehabilitation of that site
691 during the same time period that state-administered site
692 rehabilitation was underway.

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

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

701 2. The entity or its surviving or acquiring entity as
 702 described in subparagraph 1., may transfer any unused credit in
 703 whole or in units of no less than 25 percent of the remaining
 704 credit. The entity acquiring such credit may use it in the same
 705 manner and with the same limitation as described in this
 706 section. Such transferred credits may not be transferred again
 707 although they may succeed to a surviving or acquiring entity
 708 subject to the same conditions and limitations as described in
 709 this section.

710 3. In the event the credit provided for under this section
 711 is reduced either as a result of a determination by the
 712 Department of Environmental Protection or an examination or
 713 audit by the Department of Revenue, such tax deficiency shall be
 714 recovered from the first entity, or the surviving or acquiring
 715 entity, to have claimed such credit up to the amount of credit
 716 taken. Any subsequent deficiencies shall be assessed against any
 717 entity acquiring and claiming such credit, or in the case of
 718 multiple succeeding entities in the order of credit succession.

719 (h)~~(i)~~ In order to encourage completion of site
 720 rehabilitation at contaminated sites being voluntarily cleaned

721 up and eligible for a tax credit under this section, the tax
 722 credit applicant may claim an additional 10 percent of the total
 723 cleanup costs, not to exceed \$50,000, in the final year of
 724 cleanup as evidenced by the Department of Environmental
 725 Protection issuing a "No Further Action" order for that site.

726 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT
 727 FORFEITURE.--

728 (b) In addition to its existing audit and investigation
 729 authority relating to ~~chapter 199~~ and this chapter, the
 730 Department of Revenue may perform any additional financial and
 731 technical audits and investigations, including examining the
 732 accounts, books, or records of the tax credit applicant, which
 733 are necessary to verify the site rehabilitation costs included
 734 in a tax credit return and to ensure compliance with this
 735 section. The Department of Environmental Protection shall
 736 provide technical assistance, when requested by the Department
 737 of Revenue, on any technical audits performed pursuant to this
 738 section.

739 (c) It is grounds for forfeiture of previously claimed and
 740 received tax credits if the Department of Revenue determines, as
 741 a result of either an audit or information received from the
 742 Department of Environmental Protection, that a taxpayer received
 743 tax credits pursuant to this section to which the taxpayer was
 744 not entitled. In the case of fraud, the taxpayer shall be
 745 prohibited from claiming any future tax credits under this
 746 section ~~or s. 199.1055~~.

747 1. The taxpayer is responsible for returning forfeited tax
 748 credits to the Department of Revenue, and such funds shall be

749 | paid into the General Revenue Fund of the state.

750 | 2. The taxpayer shall file with the Department of Revenue
 751 | an amended tax return or such other report as the Department of
 752 | Revenue prescribes by rule and shall pay any required tax within
 753 | 60 days after the taxpayer receives notification from the
 754 | Department of Environmental Protection pursuant to s. 376.30781
 755 | that previously approved tax credits have been revoked or
 756 | modified, if uncontested, or within 60 days after a final order
 757 | is issued following proceedings involving a contested revocation
 758 | or modification order.

759 | 3. A notice of deficiency may be issued by the Department
 760 | of Revenue at any time within 5 years after the date the
 761 | taxpayer receives notification from the Department of
 762 | Environmental Protection pursuant to s. 376.30781 that
 763 | previously approved tax credits have been revoked or modified.
 764 | If a taxpayer fails to notify the Department of Revenue of any
 765 | change in its tax credit claimed, a notice of deficiency may be
 766 | issued at any time. In either case, the amount of any proposed
 767 | assessment set forth in such notice of deficiency shall be
 768 | limited to the amount of any deficiency resulting under this
 769 | section from the recomputation of the taxpayer's tax for the
 770 | taxable year.

771 | 4. Any taxpayer that fails to report and timely pay any
 772 | tax due as a result of the forfeiture of its tax credit is in
 773 | violation of this section and is subject to applicable penalty
 774 | and interest.

775 | Section 22. Paragraph (b) of subsection (2) of section
 776 | 288.039, Florida Statutes, is amended to read:

- 777 288.039 Employing and Training our Youths (ENTRY).--
 778 (2) TAX REFUND; ELIGIBLE AMOUNTS.--
 779 (b) After entering into an employment/tax refund agreement
 780 under subsection (3), an eligible business may receive refunds
 781 for the following taxes or fees due and paid by that business:
 782 1. Taxes on sales, use, and other transactions under
 783 chapter 212.
 784 2. Corporate income taxes under chapter 220.
 785 ~~3. Intangible personal property taxes under chapter 199.~~
 786 3.4. Emergency excise taxes under chapter 221.
 787 ~~4.5.~~ Excise taxes on documents under chapter 201.
 788 ~~5.6.~~ Ad valorem taxes paid, as defined in s. 220.03(1).
 789 ~~6.7.~~ Insurance premium taxes under s. 624.509.
 790 7.8. Occupational license fees under chapter 205.

791
 792 However, an eligible business may not receive a refund under
 793 this section for any amount of credit, refund, or exemption
 794 granted to that business for any of such taxes or fees. If a
 795 refund for such taxes or fees is provided by the office, which
 796 taxes or fees are subsequently adjusted by the application of
 797 any credit, refund, or exemption granted to the eligible
 798 business other than as provided in this section, the business
 799 shall reimburse the office for the amount of that credit,
 800 refund, or exemption. An eligible business shall notify and
 801 tender payment to the office within 20 days after receiving any
 802 credit, refund, or exemption other than the one provided in this
 803 section.

CODING: Words ~~stricken~~ are deletions; words underlined are additions.

804 Section 23. Paragraph (f) of subsection (2) and paragraphs
 805 (b), (c), and (d) of subsection (3) of section 288.1045, Florida
 806 Statutes, are amended to read:

807 288.1045 Qualified defense contractor tax refund
 808 program.--

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

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

816 1. Taxes on sales, use, and other transactions paid
 817 pursuant to chapter 212.

818 2. Corporate income taxes paid pursuant to chapter 220.

819 ~~3. Intangible personal property taxes paid pursuant to~~
 820 ~~chapter 199.~~

821 3.4. Emergency excise taxes paid pursuant to chapter 221.

822 4.5. Excise taxes paid on documents pursuant to chapter
 823 201.

824 5.6. Ad valorem taxes paid, as defined in s. 220.03(1)(a)
 825 on June 1, 1996.

826
 827 However, a qualified applicant may not receive a tax refund
 828 pursuant to this section for any amount of credit, refund, or
 829 exemption granted such contractor for any of such taxes. If a
 830 refund for such taxes is provided by the office, which taxes are
 831 subsequently adjusted by the application of any credit, refund,

832 or exemption granted to the qualified applicant other than that
 833 provided in this section, the qualified applicant shall
 834 reimburse the Economic Development Trust Fund for the amount of
 835 such credit, refund, or exemption. A qualified applicant must
 836 notify and tender payment to the office within 20 days after
 837 receiving a credit, refund, or exemption, other than that
 838 provided in this section.

839 (3) APPLICATION PROCESS; REQUIREMENTS; AGENCY
 840 DETERMINATION.--

841 (b) Applications for certification based on the
 842 consolidation of a Department of Defense contract or a new
 843 Department of Defense contract must be submitted to the office
 844 as prescribed by the office and must include, but are not
 845 limited to, the following information:

846 1. The applicant's federal employer identification number,
 847 the applicant's Florida sales tax registration number, and a
 848 notarized signature of an officer of the applicant.

849 2. The permanent location of the manufacturing,
 850 assembling, fabricating, research, development, or design
 851 facility in this state at which the project is or is to be
 852 located.

853 3. The Department of Defense contract numbers of the
 854 contract to be consolidated, the new Department of Defense
 855 contract number, or the "RFP" number of a proposed Department of
 856 Defense contract.

857 4. The date the contract was executed or is expected to be
 858 executed, and the date the contract is due to expire or is
 859 expected to expire.

860 5. The commencement date for project operations under the
861 contract in this state.

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

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

867 8. The percentage of the applicant's gross receipts
868 derived from Department of Defense contracts during the 5
869 taxable years immediately preceding the date the application is
870 submitted.

871 9. The amount of:

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

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

875 ~~c. Intangible personal property taxes paid pursuant to~~
876 ~~chapter 199;~~

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

878 d.e. Excise taxes paid on documents pursuant to chapter
879 201; and

880 e.f. Ad valorem taxes paid

881
882 during the 5 fiscal years immediately preceding the date of the
883 application, and the projected amounts of such taxes to be due
884 in the 3 fiscal years immediately following the date of the
885 application.

886 10. The estimated amount of tax refunds to be claimed for
887 each fiscal year.

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

891 12. A resolution adopted by the county commissioners of
 892 the county in which the project will be located, which
 893 recommends the applicant be approved as a qualified applicant,
 894 and which indicates that the necessary commitments of local
 895 financial support for the applicant exist. Prior to the adoption
 896 of the resolution, the county commission may review the proposed
 897 public or private sources of such support and determine whether
 898 the proposed sources of local financial support can be provided
 899 or, for any applicant whose project is located in a county
 900 designated by the Rural Economic Development Initiative, a
 901 resolution adopted by the county commissioners of such county
 902 requesting that the applicant's project be exempt from the local
 903 financial support requirement.

904 13. Any additional information requested by the office.

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

909 1. The applicant's federal employer identification number,
 910 the applicant's Florida sales tax registration number, and a
 911 notarized signature of an officer of the applicant.

912 2. The permanent location of the manufacturing,
 913 assembling, fabricating, research, development, or design
 914 facility in this state at which the project is or is to be
 915 located.

916 3. The Department of Defense contract numbers of the
 917 contract under which the defense production jobs will be
 918 converted to nondefense production jobs.

919 4. The date the contract was executed, and the date the
 920 contract is due to expire or is expected to expire, or was
 921 canceled.

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

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

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

929 8. The percentage of the applicant's gross receipts
 930 derived from Department of Defense contracts during the 5
 931 taxable years immediately preceding the date the application is
 932 submitted.

933 9. The amount of:

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

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

937 ~~e. Intangible personal property taxes paid pursuant to~~
 938 ~~chapter 199;~~

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

940 d.e. Excise taxes paid on documents pursuant to chapter
 941 201; and

942 e.f. Ad valorem taxes paid

943

944 during the 5 fiscal years immediately preceding the date of the
 945 application, and the projected amounts of such taxes to be due
 946 in the 3 fiscal years immediately following the date of the
 947 application.

948 10. The estimated amount of tax refunds to be claimed for
 949 each fiscal year.

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

953 12. A resolution adopted by the county commissioners of
 954 the county in which the project will be located, which
 955 recommends the applicant be approved as a qualified applicant,
 956 and which indicates that the necessary commitments of local
 957 financial support for the applicant exist. Prior to the adoption
 958 of the resolution, the county commission may review the proposed
 959 public or private sources of such support and determine whether
 960 the proposed sources of local financial support can be provided
 961 or, for any applicant whose project is located in a county
 962 designated by the Rural Economic Development Initiative, a
 963 resolution adopted by the county commissioners of such county
 964 requesting that the applicant's project be exempt from the local
 965 financial support requirement.

966 13. Any additional information requested by the office.

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

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

973 2. The permanent location of the manufacturing,
974 assembling, fabricating, research, development, or design
975 facility in this state at which the project is or is to be
976 located.

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

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

984 5. The date the contract to reuse the facility was
985 executed or is expected to be executed, and the date the
986 contract is due to expire or is expected to expire.

987 6. The commencement date for project operations under the
988 contract in this state.

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

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

994 9. The amount of:

995 a. Taxes on sales, use, and other transactions paid
996 pursuant to chapter 212.

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

998 ~~e. Intangible personal property taxes paid pursuant to~~
 999 ~~chapter 199.~~

1000 c.d. Emergency excise taxes paid pursuant to chapter 221.
 1001 d.e. Excise taxes paid on documents pursuant to chapter
 1002 201.

1003 e.f. Ad valorem taxes paid during the 5 fiscal years
 1004 immediately preceding the date of the application, and the
 1005 projected amounts of such taxes to be due in the 3 fiscal years
 1006 immediately following the date of the application.

1007 10. The estimated amount of tax refunds to be claimed for
 1008 each fiscal year.

1009 11. A brief statement concerning the applicant's need for
 1010 tax refunds, and the proposed uses of such refunds by the
 1011 applicant.

1012 12. A resolution adopted by the county commissioners of
 1013 the county in which the project will be located, which
 1014 recommends the applicant be approved as a qualified applicant,
 1015 and which indicates that the necessary commitments of local
 1016 financial support for the applicant exist. Prior to the adoption
 1017 of the resolution, the county commission may review the proposed
 1018 public or private sources of such support and determine whether
 1019 the proposed sources of local financial support can be provided
 1020 or, for any applicant whose project is located in a county
 1021 designated by the Rural Economic Development Initiative, a
 1022 resolution adopted by the county commissioners of such county
 1023 requesting that the applicant's project be exempt from the local
 1024 financial support requirement.

1025 13. Any additional information requested by the office.

1026 Section 24. Paragraph (c) of subsection (2) of section
 1027 288.106, Florida Statutes, is amended to read:

1028 288.106 Tax refund program for qualified target industry
 1029 businesses.--

1030 (2) TAX REFUND; ELIGIBLE AMOUNTS.--

1031 (c) After entering into a tax refund agreement under
 1032 subsection (4), a qualified target industry business may:

1033 1. Receive refunds from the account for the following
 1034 taxes due and paid by that business beginning with the first
 1035 taxable year of the business which begins after entering into
 1036 the agreement:

1037 a. Corporate income taxes under chapter 220.

1038 b. Insurance premium tax under s. 624.509.

1039 2. Receive refunds from the account for the following
 1040 taxes due and paid by that business after entering into the
 1041 agreement:

1042 a. Taxes on sales, use, and other transactions under
 1043 chapter 212.

1044 ~~b. Intangible personal property taxes under chapter 199.~~

1045 b.e. Emergency excise taxes under chapter 221.

1046 c.d. Excise taxes on documents under chapter 201.

1047 d.e. Ad valorem taxes paid, as defined in s. 220.03(1).

1048 Section 25. Paragraph (g) of subsection (1) of section
 1049 288.1067, Florida Statutes, is amended to read:

1050 288.1067 Confidentiality of records.--

1051 (1) The following information held by the Office of
 1052 Tourism, Trade, and Economic Development, Enterprise Florida,
 1053 Inc., or county or municipal governmental entities, and their

1054 employees or agents, pursuant to the incentive programs for
 1055 qualified businesses as provided in s. 220.191, s. 288.1045, s.
 1056 288.106, s. 288.108, or s. 288.1088 is confidential and exempt
 1057 from the provisions of s. 119.07(1) and s. 24(a), Art. I of the
 1058 State Constitution, for a period not to exceed the duration of
 1059 the relevant tax refund, tax credit, or incentive agreement:

1060 (g) The amount of:

- 1061 1. Taxes on sales, use, and other transactions paid
- 1062 pursuant to chapter 212;
- 1063 2. Corporate income taxes paid pursuant to chapter 220;
- 1064 ~~3. Intangible personal property taxes paid pursuant to~~
- 1065 ~~chapter 199;~~
- 1066 3.4. Emergency excise taxes paid pursuant to chapter 221;
- 1067 ~~4.5.~~ Insurance premium taxes paid pursuant to chapter 624;
- 1068 ~~5.6.~~ Excise taxes paid on documents pursuant to chapter
- 1069 201; or
- 1070 ~~6.7.~~ Ad valorem taxes paid, as defined in s. 220.03(1),

1071
 1072 which the qualified business reports on its application for
 1073 certification or reports during the term of the tax refund
 1074 agreement, and for which the qualified business claims a tax
 1075 refund under s. 288.1045 or s. 288.106, and any such information
 1076 held as evidence of the achievement or nonachievement of
 1077 performance items contained in the tax refund agreement.

1078 Section 26. Paragraph (a) of subsection (2) and
 1079 subsections (6) and (7) of section 341.840, Florida Statutes,
 1080 are amended to read:

1081 341.840 Tax exemption.--

1082 (2)(a) For the purposes of this section, the term
 1083 "authority" does not include agents of the authority other than
 1084 contractors who qualify as such pursuant to subsection (6)~~(7)~~.

1085 ~~(6) A leasehold interest held by the authority is not~~
 1086 ~~subject to intangible tax. However, if a leasehold interest held~~
 1087 ~~by the authority is subleased to a nongovernmental lessee, such~~
 1088 ~~subleasehold interest shall be deemed to be an interest~~
 1089 ~~described in s. 199.023(1)(d), and is subject to the intangible~~
 1090 ~~tax.~~

1091 (6)~~(7)~~(a) In order to be considered an agent of the
 1092 authority for purposes of the exemption from sales and use tax
 1093 granted by subsection (3) for tangible personal property
 1094 incorporated into the high-speed rail system, a contractor of
 1095 the authority that purchases or fabricates such tangible
 1096 personal property must be certified by the authority as provided
 1097 in this subsection.

1098 (b)1. A contractor must apply for a renewal of the
 1099 exemption not later than December 1 of each calendar year.

1100 2. A contractor must apply to the authority on the
 1101 application form adopted by the authority, which shall develop
 1102 the form in consultation with the Department of Revenue.

1103 3. The authority shall review each submitted application
 1104 and determine whether it is complete. The authority shall notify
 1105 the applicant of any deficiencies in the application within 30
 1106 days. Upon receipt of a completed application, the authority
 1107 shall evaluate the application for exemption under this
 1108 subsection and issue a certification that the contractor is
 1109 qualified to act as an agent of the authority for purposes of

1110 this section or a denial of such certification within 30 days.
 1111 The authority shall provide the Department of Revenue with a
 1112 copy of each certification issued upon approval of an
 1113 application. Upon receipt of a certification from the authority,
 1114 the Department of Revenue shall issue an exemption permit to the
 1115 contractor.

1116 (c)1. The contractor may extend a copy of its exemption
 1117 permit to its vendors in lieu of paying sales tax on purchases
 1118 of tangible personal property qualifying for exemption under
 1119 this section. Possession of a copy of the exemption permit
 1120 relieves the seller of the responsibility of collecting tax on
 1121 the sale, and the Department of Revenue shall look solely to the
 1122 contractor for recovery of tax upon a determination that the
 1123 contractor was not entitled to the exemption.

1124 2. The contractor may extend a copy of its exemption
 1125 permit to real property subcontractors supplying and installing
 1126 tangible personal property that is exempt under subsection (3).
 1127 Any such subcontractor is authorized to extend a copy of the
 1128 permit to the subcontractor's vendors in order to purchase
 1129 qualifying tangible personal property tax-exempt. If the
 1130 subcontractor uses the exemption permit to purchase tangible
 1131 personal property that is determined not to qualify for
 1132 exemption under subsection (3), the Department of Revenue may
 1133 assess and collect any tax, penalties, and interest that are due
 1134 from either the contractor holding the exemption permit or the
 1135 subcontractor that extended the exemption permit to the seller.

1136 (d) Any contractor authorized to act as an agent of the
 1137 authority under this section shall maintain the necessary books

1138 and records to document the exempt status of purchases and
1139 fabrication costs made or incurred under the permit. In
1140 addition, an authorized contractor extending its exemption
1141 permit to its subcontractors shall maintain a copy of the
1142 subcontractor's books, records, and invoices indicating all
1143 purchases made by the subcontractor under the authorized
1144 contractor's permit. If, in an audit conducted by the Department
1145 of Revenue, it is determined that tangible personal property
1146 purchased or fabricated claiming exemption under this section
1147 does not meet the criteria for exemption, the amount of taxes
1148 not paid at the time of purchase or fabrication shall be
1149 immediately due and payable to the Department of Revenue,
1150 together with the appropriate interest and penalty, computed
1151 from the date of purchase, in the manner prescribed by chapter
1152 212.

1153 (e) If a contractor fails to apply for a high-speed rail
1154 system exemption permit, or if a contractor initially determined
1155 by the authority to not qualify for exemption is subsequently
1156 determined to be eligible, the contractor shall receive the
1157 benefit of the exemption in this subsection through a refund of
1158 previously paid taxes for transactions that otherwise would have
1159 been exempt. A refund may not be made for such taxes without the
1160 issuance of a certification by the authority that the contractor
1161 was authorized to make purchases tax-exempt and a determination
1162 by the Department of Revenue that the purchases qualified for
1163 the exemption.

1164 (f) The authority may adopt rules governing the
1165 application process for exemption of a contractor as an

1166 authorized agent of the authority.

1167 (g) The Department of Revenue may adopt rules governing
 1168 the issuance and form of high-speed rail system exemption
 1169 permits, the audit of contractors and subcontractors using such
 1170 permits, the recapture of taxes on nonqualified purchases, and
 1171 the manner and form of refund applications.

1172 Section 27. Paragraph (a) of subsection (2) and
 1173 subsections (3), (8), and (12) of section 376.30781, Florida
 1174 Statutes, are amended to read:

1175 376.30781 Partial tax credits for rehabilitation of
 1176 drycleaning-solvent-contaminated sites and brownfield sites in
 1177 designated brownfield areas; application process; rulemaking
 1178 authority; revocation authority.--

1179 (2)(a) A credit in the amount of 35 percent of the costs
 1180 of voluntary cleanup activity that is integral to site
 1181 rehabilitation at the following sites is allowed pursuant to s.
 1182 ~~ss. 199.1055 and 220.1845~~:

1183 1. A drycleaning-solvent-contaminated site eligible for
 1184 state-funded site rehabilitation under s. 376.3078(3);

1185 2. A drycleaning-solvent-contaminated site at which
 1186 cleanup is undertaken by the real property owner pursuant to s.
 1187 376.3078(11), if the real property owner is not also, and has
 1188 never been, the owner or operator of the drycleaning facility
 1189 where the contamination exists; or

1190 3. A brownfield site in a designated brownfield area under
 1191 s. 376.80.

1192 (3) The Department of Environmental Protection shall be
 1193 responsible for allocating the tax credits provided for in s.

1194 ~~ss. 199.1055 and~~ 220.1845, not to exceed a total of \$2 million
 1195 in tax credits annually.

1196 (8) On or before March 1, the Department of Environmental
 1197 Protection shall inform each eligible tax credit applicant of
 1198 the amount of its partial tax credit and provide each eligible
 1199 tax credit applicant with a tax credit certificate that must be
 1200 submitted with its tax return to the Department of Revenue to
 1201 claim the tax credit or be transferred pursuant to ~~s.~~
 1202 ~~199.1055(1)(g) or~~ s. 220.1845(1)(h). Credits will not result in
 1203 the payment of refunds if total credits exceed the amount of tax
 1204 owed.

1205 (12) A tax credit applicant who receives state-funded site
 1206 rehabilitation under s. 376.3078(3) for rehabilitation of a
 1207 drycleaning-solvent-contaminated site is ineligible to receive a
 1208 tax credit under ~~s. 199.1055 or~~ s. 220.1845 for costs incurred
 1209 by the tax credit applicant in conjunction with the
 1210 rehabilitation of that site during the same time period that
 1211 state-administered site rehabilitation was underway.

1212 Section 28. Subsection (13) of section 493.6102, Florida
 1213 Statutes, is amended to read:

1214 493.6102 Inapplicability of this chapter.--This chapter
 1215 shall not apply to:

1216 (13) Any individual employed as a security officer by a
 1217 church or ecclesiastical or denominational organization having
 1218 an established physical place of worship in this state at which
 1219 nonprofit religious services and activities are regularly
 1220 conducted or by a church cemetery religious institution as
 1221 ~~defined in s. 199.183(2)(a)~~ to provide security on the

1222 ~~institution~~ property of the organization or cemetery, and who
 1223 does not carry a firearm in the course of her or his duties.

1224 Section 29. Paragraph (a) of subsection (3) of section
 1225 516.031, Florida Statutes, is amended to read:

1226 516.031 Finance charge; maximum rates.--

1227 (3) OTHER CHARGES.--

1228 (a) In addition to the interest, delinquency, and
 1229 insurance charges herein provided for, no further or other
 1230 charges or amount whatsoever for any examination, service,
 1231 commission, or other thing or otherwise shall be directly or
 1232 indirectly charged, contracted for, or received as a condition
 1233 to the grant of a loan, except:

1234 1. An amount not to exceed \$10 to reimburse a portion of
 1235 the costs for investigating the character and credit of the
 1236 person applying for the loan;

1237 2. An annual fee of \$25 on the anniversary date of each
 1238 line-of-credit account;

1239 3. Charges paid for brokerage fee on a loan or line of
 1240 credit of more than \$10,000, title insurance, and the appraisal
 1241 of real property offered as security when paid to a third party
 1242 and supported by an actual expenditure;

1243 ~~4. Intangible personal property tax on the loan note or
 1244 obligation when secured by a lien on real property;~~

1245 4.5- The documentary excise tax and lawful fees, if any,
 1246 actually and necessarily paid out by the licensee to any public
 1247 officer for filing, recording, or releasing in any public office
 1248 any instrument securing the loan, which fees may be collected
 1249 when the loan is made or at any time thereafter;

1250 ~~5.6.~~ The premium payable for any insurance in lieu of
 1251 perfecting any security interest otherwise required by the
 1252 licensee in connection with the loan, if the premium does not
 1253 exceed the fees which would otherwise be payable, which premium
 1254 may be collected when the loan is made or at any time
 1255 thereafter;

1256 ~~6.7.~~ Actual and reasonable attorney's fees and court costs
 1257 as determined by the court in which suit is filed;

1258 ~~7.8.~~ Actual and commercially reasonable expenses of
 1259 repossession, storing, repairing and placing in condition for
 1260 sale, and selling of any property pledged as security; or

1261 ~~8.9.~~ A delinquency charge not to exceed \$10 for each
 1262 payment in default for a period of not less than 10 days, if the
 1263 charge is agreed upon, in writing, between the parties before
 1264 imposing the charge.

1265
 1266 Any charges, including interest, in excess of the combined total
 1267 of all charges authorized and permitted by this chapter
 1268 constitute a violation of chapter 687 governing interest and
 1269 usury, and the penalties of that chapter apply. In the event of
 1270 a bona fide error, the licensee shall refund or credit the
 1271 borrower with the amount of the overcharge immediately but
 1272 within 20 days from the discovery of such error.

1273 Section 30. Paragraph (b) of subsection (4) of section
 1274 650.05, Florida Statutes, is amended to read:

1275 650.05 Plans for coverage of employees of political
 1276 subdivisions.--

1277 (4)

1278 (b) The grants-in-aid and other revenue referred to in
 1279 paragraph (a) specifically include, but are not limited to,
 1280 minimum foundation program grants to public school districts and
 1281 community colleges; gasoline, motor fuel, ~~intangible~~, cigarette,
 1282 racing, and insurance premium taxes distributed to political
 1283 subdivisions; and amounts specifically appropriated as grants-
 1284 in-aid for mental health, mental retardation, and mosquito
 1285 control programs.

1286 Section 31. Subsection (1) of section 655.071, Florida
 1287 Statutes, is amended to read:

1288 655.071 International banking facilities; definitions;
 1289 notice before establishment.--

1290 (1) "International banking facility" means a set of asset
 1291 and liability accounts segregated on the books and records of a
 1292 banking organization, as that term is defined in s. 201.23
 1293 ~~199.023~~, that includes only international banking facility
 1294 deposits, borrowings, and extensions of credit, as those terms
 1295 shall be defined by the commission pursuant to subsection (2).

1296 Section 32. Subsections (5) and (6) of section 733.702,
 1297 Florida Statutes, are amended to read:

1298 733.702 Limitations on presentation of claims.--

1299 ~~(5) The Department of Revenue may file a claim against the~~
 1300 ~~estate of a decedent for taxes due under chapter 199 after the~~
 1301 ~~expiration of the time for filing claims provided in subsection~~
 1302 ~~(1), if the department files its claim within 30 days after the~~
 1303 ~~service of the inventory. Upon filing of the estate tax return~~
 1304 ~~with the department as provided in s. 198.13, or to the extent~~
 1305 ~~the inventory or estate tax return is amended or supplemented,~~

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1306 ~~the department has the right to file a claim or to amend its~~
 1307 ~~previously filed claim within 30 days after service of the~~
 1308 ~~estate tax return, or an amended or supplemented inventory or~~
 1309 ~~filing of an amended or supplemental estate tax return, as to~~
 1310 ~~the additional information disclosed.~~

1311 ~~(5)(6)~~ Nothing in this section shall extend the
 1312 limitations period set forth in s. 733.710.

1313 Section 33. Effective upon this act becoming a law, the
 1314 executive director of the Department of Revenue may, and all
 1315 conditions are deemed met, adopt emergency rules under ss.
 1316 120.536(1) and 120.54, Florida Statutes, to implement chapter
 1317 199, Florida Statutes. Notwithstanding any other provision of
 1318 law, such emergency rules shall remain effective for 6 months
 1319 after the date of adoption and may be renewed during the
 1320 pendency of procedures to adopt rules addressing the subject of
 1321 the emergency rules.

1322 Section 34. Except as otherwise provided herein, this act
 1323 shall take effect January 1, 2006.