

A bill to be entitled

An act relating to the annual intangible personal property tax; repealing ss. 199.012, 199.023, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106, 199.175, and 199.185, F.S., relating to the annual intangible personal property tax; amending s. 199.303, F.S.; providing additional legislative intent relating to the annual intangible personal property tax; amending ss. 28.35, 192.0105, 192.032, 192.042, 192.091, 193.114, 196.015, 196.199, 199.133, 199.183, 199.218, 199.232, 199.282, 199.292, 201.23, 212.02, 213.053, 213.054, 213.27, 220.1845, 376.30781, 493.6102, 650.05, 655.071, and 733.702, F.S., to conform provisions to the repeal of the annual intangible personal property tax; authorizing the Department of Revenue to adopt emergency implementing rules for a certain time; providing effective dates.

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

Section 1. Sections 199.012, 199.023, 199.032, 199.033, 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106, 199.175, and 199.185, Florida Statutes, are repealed.

Section 2. Paragraph (c) of subsection (1) of section 28.35, Florida Statutes, is amended to read:

28.35 Florida Clerks of Court Operations Corporation.--  
(1)

28           (c) ~~For the purposes of s. 199.183(1),~~ The corporation  
29 shall be considered a political subdivision of the state and  
30 shall be exempt from the corporate income tax. The corporation  
31 is not subject to the procurement provisions of chapter 287 and  
32 policies and decisions of the corporation relating to incurring  
33 debt, levying assessments, and the sale, issuance, continuation,  
34 terms, and claims under corporation policies, and all services  
35 relating thereto, are not subject to the provisions of chapter  
36 120.

37           Section 3. Paragraph (a) of subsection (4) of section  
38 192.0105, Florida Statutes, is amended to read:

39           192.0105 Taxpayer rights.--There is created a Florida  
40 Taxpayer's Bill of Rights for property taxes and assessments to  
41 guarantee that the rights, privacy, and property of the  
42 taxpayers of this state are adequately safeguarded and protected  
43 during tax levy, assessment, collection, and enforcement  
44 processes administered under the revenue laws of this state. The  
45 Taxpayer's Bill of Rights compiles, in one document, brief but  
46 comprehensive statements that summarize the rights and  
47 obligations of the property appraisers, tax collectors, clerks  
48 of the court, local governing boards, the Department of Revenue,  
49 and taxpayers. Additional rights afforded to payors of taxes and  
50 assessments imposed under the revenue laws of this state are  
51 provided in s. 213.015. The rights afforded taxpayers to assure  
52 that their privacy and property are safeguarded and protected  
53 during tax levy, assessment, and collection are available only  
54 insofar as they are implemented in other parts of the Florida  
55 Statutes or rules of the Department of Revenue. The rights so

56 | guaranteed to state taxpayers in the Florida Statutes and the  
 57 | departmental rules include:

58 |       (4) THE RIGHT TO CONFIDENTIALITY.--

59 |       (a) The right to have information kept confidential,  
 60 | including federal tax information, ad valorem tax returns,  
 61 | social security numbers, all financial records produced by the  
 62 | taxpayer, Form DR-219 returns for documentary stamp tax  
 63 | information, and sworn statements of gross income, copies of  
 64 | federal income tax returns for the prior year, wage and earnings  
 65 | statements (W-2 forms), and other documents (see ss. 192.105,  
 66 | 193.074, 193.114(5)~~(6)~~, 195.027(3) and (6), and 196.101(4)(c)).

67 |       Section 4. Subsections (5), (6), and (7) of section  
 68 | 192.032, Florida Statutes, are amended to read:

69 |       192.032 Situs of property for assessment purposes.--All  
 70 | property shall be assessed according to its situs as follows:

71 |       ~~(5) Intangible personal property, according to the rules~~  
 72 | ~~laid down in chapter 199.~~

73 |       (5)~~(6)~~(a) Notwithstanding the provisions of subsection  
 74 | (2), personal property used as a marine cargo container in the  
 75 | conduct of foreign or interstate commerce shall not be deemed to  
 76 | have acquired a taxable situs within a county when the property  
 77 | is temporarily halted or stored within the state for a period  
 78 | not exceeding 180 days.

79 |       (b) "Marine cargo container" means a nondisposable  
 80 | receptacle which is of a permanent character, strong enough to  
 81 | be suitable for repeated use; which is specifically designed to  
 82 | facilitate the carriage of goods by one or more modes of  
 83 | transport, one of which shall be by ocean vessel, without

84 intermediate reloading; and which is fitted with devices  
 85 permitting its ready handling, particularly in the transfer from  
 86 one transport mode to another. The term "marine cargo container"  
 87 includes a container when carried on a chassis but does not  
 88 include a vehicle or packaging.

89 (6)~~(7)~~ Notwithstanding any other provision of this  
 90 section, tangible personal property used in traveling shows such  
 91 as carnivals, ice shows, or circuses shall be deemed to be  
 92 physically present or habitually located or typically present  
 93 only to the extent the value of such property is multiplied by a  
 94 fraction, the numerator of which is the number of days such  
 95 property is present in Florida during the taxable year and the  
 96 denominator of which is the number of days in the taxable year.  
 97 However, railroad property of such traveling shows shall be  
 98 taxable under s. 193.085(4)(b) and not under this section.

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

101 192.042 Date of assessment.--All property shall be  
 102 assessed according to its just value as follows:

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

105 Section 6. Subsections (5) and (6) of section 192.091,  
 106 Florida Statutes, are amended to read:

107 192.091 Commissions of property appraisers and tax  
 108 collectors.--

109 (5) ~~Provided, that~~ The provisions of this section shall  
 110 not apply to commissions on ~~intangible property taxes or~~  
 111 drainage district or drainage subdistrict taxes, ~~and~~

112           (6) If ~~Provided, further, that~~ where any property  
 113 appraiser or tax collector in the state is receiving  
 114 compensation for expenses in conducting his or her office or by  
 115 way of salary pursuant to any act of the Legislature other than  
 116 the general law fixing compensation of property appraisers, such  
 117 property appraiser or tax collector may file a declaration in  
 118 writing with the board of county commissioners of his or her  
 119 county electing to come under the provisions of this section,  
 120 and thereupon such property appraiser or tax collector shall be  
 121 paid compensation in accordance with the provisions hereof, and  
 122 shall not be entitled to the benefit of the said special or  
 123 local act. If such property appraiser or tax collector does not  
 124 so elect, he or she shall continue to be paid such compensation  
 125 as may now be provided by law for such property appraiser or tax  
 126 collector.

127           Section 7. Subsections (4), (5), and (6) of section  
 128 193.114, Florida Statutes, are amended to read:

129           193.114 Preparation of assessment rolls.--

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

133           (4)~~(5)~~ For every change made to the assessed or taxable  
 134 value of a parcel on an assessment roll subsequent to the  
 135 mailing of the notice provided for in s. 200.069, the property  
 136 appraiser shall document the reason for such change in the  
 137 public records of the office of the property appraiser in a  
 138 manner acceptable to the executive director or the executive  
 139 director's designee. For every change that decreases the

140 assessed or taxable value of a parcel on an assessment roll  
141 between the time of complete submission of the tax roll pursuant  
142 to s. 193.1142(3) and mailing of the notice provided for in s.  
143 200.069, the property appraiser shall document the reason for  
144 such change in the public records of the office of the property  
145 appraiser in a manner acceptable to the executive director or  
146 the executive director's designee. Changes made by the value  
147 adjustment board are not subject to the requirements of this  
148 subsection.

149 (5)~~(6)~~ For proprietary purposes, including the furnishing  
150 or sale of copies of the tax roll under s. 119.07(1), the  
151 property appraiser is the custodian of the tax roll and the  
152 copies of it which are maintained by any state agency. The  
153 department or any state or local agency may use copies of the  
154 tax roll received by it for official purposes and shall permit  
155 inspection and examination thereof under s. 119.07(1), but is  
156 not required to furnish copies of the records. A social security  
157 number submitted under s. 196.011(1) is confidential and exempt  
158 from s. 24(a), Art. I of the State Constitution and the  
159 provisions of s. 119.07(1). A copy of documents containing the  
160 numbers furnished or sold by the property appraiser, except a  
161 copy furnished to the department, or a copy of documents  
162 containing social security numbers provided by the department or  
163 any state or local agency for inspection or examination by the  
164 public, must exclude those social security numbers.

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

167 | 196.015 Permanent residency; factual determination by  
 168 | property appraiser.--Intention to establish a permanent  
 169 | residence in this state is a factual determination to be made,  
 170 | in the first instance, by the property appraiser. Although any  
 171 | one factor is not conclusive of the establishment or  
 172 | nonestablishment of permanent residence, the following are  
 173 | relevant factors that may be considered by the property  
 174 | appraiser in making his or her determination as to the intent of  
 175 | a person claiming a homestead exemption to establish a permanent  
 176 | residence in this state:

177 | ~~(9) The previous filing of Florida intangible tax returns~~  
 178 | ~~by the applicant.~~

179 | Section 9. Paragraph (b) of subsection (2) of section  
 180 | 196.199, Florida Statutes, is amended to read:

181 | 196.199 Government property exemption.--

182 | (2) Property owned by the following governmental units but  
 183 | used by nongovernmental lessees shall only be exempt from  
 184 | taxation under the following conditions:

185 | (b) Except as provided in paragraph (c), the exemption  
 186 | provided by this subsection shall not apply to those portions of  
 187 | a leasehold or other possessory interest in real property,  
 188 | except for any leasehold or other possessory interest described  
 189 | in s. 4(a), Art. VII of the State Constitution or subsection  
 190 | (7), owned by the United States, the state, any political  
 191 | subdivision of the state, any municipality of the state, or any  
 192 | agency, authority, and other public body corporate of the state,  
 193 | which are undeveloped or predominantly used for residential or  
 194 | commercial purposes and upon which rental payments are due

195 ~~defined by s. 199.023(1)(d)~~, subject to the provisions of  
 196 subsection (7). Such leasehold or other interest shall be taxed  
 197 only as intangible personal property pursuant to chapter 199 as  
 198 it existed prior to January 1, 2006, if rental payments are due  
 199 in consideration of such leasehold or other interest. If no  
 200 rental payments are due pursuant to the agreement creating such  
 201 leasehold or other interest, the leasehold or other interest  
 202 shall be taxed as real property. Nothing in this paragraph shall  
 203 be deemed to exempt personal property, buildings, or other real  
 204 property improvements owned by the lessee from ad valorem  
 205 taxation.

206 Section 10. Subsection (2) of section 199.133, Florida  
 207 Statutes, is amended to read:

208 199.133 Levy of nonrecurring tax; ~~relationship to annual~~  
 209 ~~tax~~. --

210 (2) The nonrecurring tax shall apply to a note, bond, or  
 211 other obligation for payment of money only to the extent it is  
 212 secured by mortgage, deed of trust, or other lien upon real  
 213 property situated in this state. Where a note, bond, or other  
 214 obligation is secured by personal property or by real property  
 215 situated outside this state, as well as by mortgage, deed of  
 216 trust, or other lien upon real property situated in this state,  
 217 then the nonrecurring tax shall apply to that portion of the  
 218 note, bond, or other obligation which bears the same ratio to  
 219 the entire principal balance of the note, bond, or other  
 220 obligation as the value of the real property situated in this  
 221 state bears to the value of all of the security; however, if the  
 222 security is solely made up of personal property and real

223 | property situated in this state, the taxpayer may elect to  
 224 | apportion the taxes based upon the value of the collateral, if  
 225 | any, to which the taxpayer by law or contract must look first  
 226 | for collection. In no event shall the portion of the note, bond,  
 227 | or other obligation which is subject to the nonrecurring tax  
 228 | exceed in value the value of the real property situated in this  
 229 | state which is the security. ~~The portion of a note, bond, or~~  
 230 | ~~other obligation which is not subject to the nonrecurring tax~~  
 231 | ~~shall be subject to the annual tax unless otherwise exempt.~~

232 |         Section 11. Subsections (1), (3), and (4) of section  
 233 | 199.183, Florida Statutes, are amended to read:

234 |         199.183 Taxpayers exempt from ~~annual and~~ nonrecurring  
 235 | taxes.--

236 |         (1) Intangible personal property owned by this state or  
 237 | any of its political subdivisions or municipalities shall be  
 238 | exempt from taxation under this chapter. This exemption does not  
 239 | apply to+

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

242 |         ~~(b)~~ property related to the provision of two-way  
 243 | telecommunications services to the public for hire by the use of  
 244 | a telecommunications facility, as defined in s. 364.02(14), and  
 245 | for which a certificate is required under chapter 364, when such  
 246 | service is provided by any county, municipality, or other  
 247 | political subdivision of the state. Any immunity of any  
 248 | political subdivision of the state or other entity of local  
 249 | government from taxation of the property used to provide  
 250 | telecommunication services that is taxed as a result of this

251 paragraph is hereby waived. However, intangible personal  
252 property related to the provision of such telecommunications  
253 services provided by the operator of a public-use airport, as  
254 defined in s. 332.004, for the operator's provision of  
255 telecommunications services for the airport or its tenants,  
256 concessionaires, or licensees, and intangible personal property  
257 related to the provision of such telecommunications services  
258 provided by a public hospital, are exempt from taxation under  
259 this chapter.

260 ~~(3) Every national bank having its principal place of~~  
261 ~~business in another state, but operating a credit card credit~~  
262 ~~application processing, customer service, or collection~~  
263 ~~operation in this state, that is not considered a bank under the~~  
264 ~~provisions of 12 U.S.C. s. 1841(c)(2)(F), is exempt from paying~~  
265 ~~the tax imposed by this chapter on credit card receivables owed~~  
266 ~~to the bank by credit card holders domiciled outside this state.~~

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

272 Section 12. Section 199.218, Florida Statutes, is amended  
273 to read:

274 199.218 Books and records.--

275 ~~(1)~~ Each taxpayer shall retain all books and other records  
276 necessary to identify the taxpayer's intangible personal  
277 property and to determine any tax due under this chapter, as  
278 well as all books and other records otherwise required by rule

279 of the department with respect to any such tax, until the  
 280 department's power to make an assessment with respect to such  
 281 tax has terminated under s. 95.091(3).

282 ~~(2) Each broker subject to the provisions of s. 199.062~~  
 283 ~~shall preserve all books and other records relating to the~~  
 284 ~~information reported under s. 199.062 or otherwise required by~~  
 285 ~~rule of the department for a period of 3 years from the due date~~  
 286 ~~of the report.~~

287 Section 13. Paragraph (a) of subsection (1) and subsection  
 288 (3) of section 199.232, Florida Statutes, are amended to read:

289 199.232 Powers of department.--

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

293 (3) With or without an audit, the department may assess  
 294 any tax deficiency resulting from nonpayment or underpayment of  
 295 the tax, as well as any applicable interest and penalties. The  
 296 department shall assess on the basis of the best information  
 297 available to it, including estimates based on the best  
 298 information available to it if the taxpayer fails to permit  
 299 inspection of the taxpayer's records, ~~fails to file an annual~~  
 300 ~~return,~~ files a grossly incorrect return, or files a false and  
 301 fraudulent return.

302 Section 14. Subsections (2), (3), (4), (6), and (8) of  
 303 section 199.282, Florida Statutes, are amended, and subsections  
 304 (5), (7), and (9) of said section are renumbered as subsections  
 305 (4), (5), and (7), respectively, to read:

306 199.282 Penalties for violation of this chapter.--

307 (2) If any ~~annual or~~ nonrecurring tax is not paid by the  
 308 statutory due date, then despite any extension granted under s.  
 309 199.232(6), interest shall run on the unpaid balance from such  
 310 due date until paid at the rate of 12 percent per year.

311 (3)(a) If any ~~annual or~~ nonrecurring tax is not paid by  
 312 the due date, a delinquency penalty shall be charged. The  
 313 delinquency penalty shall be 10 percent of the delinquent tax  
 314 for each calendar month or portion thereof from the due date  
 315 until paid, up to a limit of 50 percent of the total tax not  
 316 timely paid.

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

322  
 323 ~~For any penalty assessed under this subsection, the combined~~  
 324 ~~total for all penalties assessed under paragraphs (a) and (b)~~  
 325 ~~shall not exceed 10 percent per calendar month, up to a limit of~~  
 326 ~~50 percent of the total tax due.~~

327 ~~(4) If an annual tax return is filed and property is~~  
 328 ~~either omitted from it or undervalued, then a specific penalty~~  
 329 ~~shall be charged. The specific penalty shall be 10 percent of~~  
 330 ~~the tax attributable to each omitted item or to each~~  
 331 ~~undervaluation. No delinquency or late filing penalty shall be~~  
 332 ~~charged with respect to any undervaluation.~~

333 ~~(6) Late reporting penalties shall be imposed as follows:~~

334 ~~(a) A penalty of \$100 upon any corporation that does not~~  
335 ~~timely file a written notice required under s. 199.057(2)(c).~~

336 ~~(b) An initial penalty of \$10 per customer position~~  
337 ~~statement, plus an additional penalty of the greater of 1~~  
338 ~~percent of the initial penalty or \$50 for each month or portion~~  
339 ~~of a month, from the date due until filing is made, upon any~~  
340 ~~security dealer or investment adviser who does not timely file~~  
341 ~~or fails to file the statements required by s. 199.062(1). The~~  
342 ~~submission of a position statement that does not comply with the~~  
343 ~~department's specifications and instructions or the submission~~  
344 ~~of an inaccurate position statement is not a timely filing. The~~  
345 ~~department shall notify any security dealer or investment~~  
346 ~~adviser who fails to timely file the required statements. The~~  
347 ~~minimum penalty imposed upon a security dealer or investment~~  
348 ~~adviser under this paragraph is \$100.~~

349 ~~(6)(8)~~ Any person who fails or refuses to file an annual  
350 return, or who fails or refuses to make records available for  
351 inspection, when requested to do so by the department is guilty  
352 of a misdemeanor of the first degree, punishable as provided in  
353 s. 775.082 or s. 775.083.

354 Section 15. Section 199.292, Florida Statutes, is amended  
355 to read:

356 199.292 Disposition of intangible personal property  
357 taxes.--All intangible personal property taxes collected  
358 pursuant to this chapter, ~~except for revenues derived from the~~  
359 ~~annual tax on a leasehold described in s. 199.023(1)(d), shall~~  
360 be deposited into the General Revenue Fund. ~~Revenues derived~~  
361 ~~from the annual tax on a leasehold described in s. 199.023(1)(d)~~

362 ~~shall be returned to the local school board for the county in~~  
 363 ~~which the property subject to the leasehold is situated.~~

364 Section 16. Subsection (3) is added to section 199.303,  
 365 Florida Statutes, to read:

366 199.303 Declaration of legislative intent.--

367 (3) It is hereby declared to be the specific intent of the  
 368 Legislature that all annual intangible personal property taxes  
 369 imposed as provided by law for calendar years 2005 and prior  
 370 shall remain in full force and effect during the period  
 371 specified by s. 95.091 for the year in which the tax was due. It  
 372 is further the intent of the Legislature that the department  
 373 continue to assess and collect all taxes due to the state under  
 374 such provisions for all periods available for assessment, as  
 375 provided for the year in which tax was due by s. 95.091.

376 Section 17. Subsection (4) of section 201.23, Florida  
 377 Statutes, is amended to read:

378 201.23 Foreign notes and other written obligations  
 379 exempt.--

380 (4)(a) The excise taxes imposed by this chapter shall not  
 381 apply to the documents, notes, evidences of indebtedness,  
 382 financing statements, drafts, bills of exchange, or other  
 383 taxable items dealt with, made, issued, drawn upon, accepted,  
 384 delivered, shipped, received, signed, executed, assigned,  
 385 transferred, or sold by or to a banking organization, ~~as defined~~  
 386 ~~in s. 199.023(9),~~ in the conduct of an international banking  
 387 ~~transaction, as defined in s. 199.023(11).~~ Nothing in this  
 388 subsection shall be construed to change the application of  
 389 paragraph (2) (a).

390        (b) For purposes of this subsection:  
 391        1. "Banking organization" means:  
 392        a. A bank organized and existing under the laws of any  
 393 state;  
 394        b. A national bank organized and existing pursuant to the  
 395 provisions of the National Bank Act, 12 U.S.C. ss. 21 et seq.;  
 396        c. An Edge Act corporation organized pursuant to the  
 397 provisions of s. 25(a) of the Federal Reserve Act, 12 U.S.C. ss.  
 398 611 et seq.;  
 399        d. An international bank agency licensed pursuant to the  
 400 laws of any state;  
 401        e. A federal agency licensed pursuant to ss. 4 and 5 of  
 402 the International Banking Act of 1978;  
 403        f. A savings association organized and existing under the  
 404 laws of any state;  
 405        g. A federal association organized and existing pursuant  
 406 to the provisions of the Home Owners' Loan Act of 1933, 12  
 407 U.S.C. ss. 1461 et seq.; or  
 408        h. A Florida export finance corporation organized and  
 409 existing pursuant to the provisions of part V of chapter 288.  
 410        2. "International banking transaction" means:  
 411        a. The financing of the exportation from, or the  
 412 importation into, the United States or between jurisdictions  
 413 abroad of tangible personal property or services;  
 414        b. The financing of the production, preparation, storage,  
 415 or transportation of tangible personal property or services  
 416 which are identifiable as being directly and solely for export

417 from, or import into, the United States or between jurisdictions  
 418 abroad;

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

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

427 e. Entering into foreign exchange trading or hedging  
 428 transactions in connection with the activities described in sub-  
 429 subparagraph d.

430 Section 18. Subsection (19) of section 212.02, Florida  
 431 Statutes, is amended to read:

432 212.02 Definitions.--The following terms and phrases when  
 433 used in this chapter have the meanings ascribed to them in this  
 434 section, except where the context clearly indicates a different  
 435 meaning:

436 (19) "Tangible personal property" means and includes  
 437 personal property which may be seen, weighed, measured, or  
 438 touched or is in any manner perceptible to the senses, including  
 439 electric power or energy, boats, motor vehicles and mobile homes  
 440 as defined in s. 320.01(1) and (2), aircraft as defined in s.  
 441 330.27, and all other types of vehicles. The term "tangible  
 442 personal property" does not include stocks, bonds, notes,  
 443 insurance, or other obligations or securities; ~~intangibles as~~

444 ~~defined by the intangible tax law of the state;~~ or pari-mutuel  
 445 tickets sold or issued under the racing laws of the state.

446 Section 19. Paragraph (p) of subsection (7) and paragraph  
 447 (a) of subsection (14) of section 213.053, Florida Statutes, are  
 448 amended to read:

449 213.053 Confidentiality and information sharing.--

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

452 (p) Information relative to ss. ~~199.1055~~, 220.1845, and  
 453 376.30781 to the Department of Environmental Protection in the  
 454 conduct of its official business.

455  
 456 Disclosure of information under this subsection shall be  
 457 pursuant to a written agreement between the executive director  
 458 and the agency. Such agencies, governmental or nongovernmental,  
 459 shall be bound by the same requirements of confidentiality as  
 460 the Department of Revenue. Breach of confidentiality is a  
 461 misdemeanor of the first degree, punishable as provided by s.  
 462 775.082 or s. 775.083.

463 (14) (a) Notwithstanding any other provision of this  
 464 section, the department shall, subject to the safeguards  
 465 specified in paragraph (c), disclose to the Division of  
 466 Corporations of the Department of State the name, address,  
 467 federal employer identification number, and duration of tax  
 468 filings with this state of all corporate or partnership entities  
 469 which are not on file or have a dissolved status with the  
 470 Division of Corporations and which have filed tax returns  
 471 pursuant to ~~either chapter 199 or~~ chapter 220.

472 Section 20. Section 213.054, Florida Statutes, is amended  
 473 to read:

474 213.054 Persons claiming tax exemptions or deductions;  
 475 annual report.--The Department of Revenue shall be responsible  
 476 for monitoring the utilization of ~~tax exemptions and tax~~  
 477 deductions authorized pursuant to chapter 81-179, Laws of  
 478 Florida. On or before September 1 of each year, the department  
 479 shall report to the Chief Financial Officer the names and  
 480 addresses of all persons who have claimed ~~an exemption pursuant~~  
 481 ~~to s. 199.185(1)(i) or~~ a deduction pursuant to s. 220.63(5).

482 Section 21. Section 213.27, Florida Statutes, is amended  
 483 to read:

484 213.27 Contracts with debt collection agencies and certain  
 485 vendors.--

486 (1) The Department of Revenue may, for the purpose of  
 487 collecting any delinquent taxes due from a taxpayer, including  
 488 taxes for which a bill or notice has been generated, contract  
 489 with any debt collection agency or attorney doing business  
 490 within or without this state for the collection of such  
 491 delinquent taxes including penalties and interest thereon. The  
 492 department may also share confidential information pursuant to  
 493 the contract necessary for the collection of delinquent taxes  
 494 and taxes for which a billing or notice has been generated.  
 495 Contracts will be made pursuant to chapter 287. The taxpayer  
 496 must be notified by mail by the department, its employees, or  
 497 its authorized representative 30 days prior to commencing any  
 498 litigation to recover any delinquent taxes. The taxpayer must be  
 499 notified by mail by the department 30 days prior to the

500 department assigning the collection of any taxes to the debt  
501 collection agency.

502 ~~(2) The department may enter into contracts with any~~  
503 ~~individual or business for the purpose of identifying intangible~~  
504 ~~personal property tax liability. Contracts may provide for the~~  
505 ~~identification of assets subject to the tax on intangible~~  
506 ~~personal property, the determination of value of such property,~~  
507 ~~the requirement for filing a tax return and the collection of~~  
508 ~~taxes due, including applicable penalties and interest thereon.~~  
509 ~~The department may share confidential information pursuant to~~  
510 ~~the contract necessary for the identification of taxable~~  
511 ~~intangible personal property. Contracts shall be made pursuant~~  
512 ~~to chapter 287. The taxpayer must be notified by mail by the~~  
513 ~~department 30 days prior to the department assigning~~  
514 ~~identification of intangible personal property to an individual~~  
515 ~~or business.~~

516 (2)~~(3)~~ Any contract may provide, in the discretion of the  
517 executive director of the Department of Revenue, the manner in  
518 which the compensation for such services will be paid. Under  
519 standards established by the department, such compensation shall  
520 be added to the amount of the tax and collected as a part  
521 thereof by the agency or deducted from the amount of tax,  
522 penalty, and interest actually collected.

523 (3)~~(4)~~ All funds collected under the terms of the  
524 contract, less the fees provided in the contract, shall be  
525 remitted to the department within 30 days from the date of  
526 collection from a taxpayer. Forms to be used for such purpose  
527 shall be prescribed by the department.

528        (4)~~(5)~~ The department shall require a bond from the debt  
529 collection agency ~~or the individual or business contracted with~~  
530 ~~under subsection (2)~~ not in excess of \$100,000 guaranteeing  
531 compliance with the terms of the contract. However, a bond of  
532 \$10,000 is required from a debt collection agency if the agency  
533 does not actually collect and remit delinquent funds to the  
534 department.

535        (5)~~(6)~~ The department may, for the purpose of ascertaining  
536 the amount of or collecting any taxes due from a person doing  
537 mail order business in this state, contract with any auditing  
538 agency doing business within or without this state for the  
539 purpose of conducting an audit of such mail order business;  
540 however, such audit agency may not conduct an audit on behalf of  
541 the department of any person domiciled in this state, person  
542 registered for sales and use tax purposes in this state, or  
543 corporation filing a Florida corporate tax return, if any such  
544 person or corporation objects to such audit in writing to the  
545 department and the auditing agency. The department shall notify  
546 the taxpayer by mail at least 30 days before the department  
547 assigns the collection of such taxes.

548        (6)~~(7)~~ Confidential information shared by the department  
549 with debt collection or auditing agencies ~~or individuals or~~  
550 ~~businesses with which the department has contracted under~~  
551 ~~subsection (2)~~ is exempt from the provisions of s. 119.07(1),  
552 and debt collection or auditing agencies ~~and individuals or~~  
553 ~~businesses with which the department has contracted under~~  
554 ~~subsection (2)~~ shall be bound by the same requirements of  
555 confidentiality as the Department of Revenue. Breach of

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

558 (7)~~(8)~~(a) The executive director of the department may  
559 enter into contracts with private vendors to develop and  
560 implement systems to enhance tax collections where compensation  
561 to the vendors is funded through increased tax collections. The  
562 amount of compensation paid to a vendor shall be based on a  
563 percentage of increased tax collections attributable to the  
564 system after all administrative and judicial appeals are  
565 exhausted, and the total amount of compensation paid to a vendor  
566 shall not exceed the maximum amount stated in the contract.

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

572 (c) Disclosure of information under this subsection shall  
573 be pursuant to a written agreement between the executive  
574 director and the private vendors. The vendors shall be bound by  
575 the same requirements of confidentiality as the department.  
576 Breach of confidentiality is a misdemeanor of the first degree,  
577 punishable as provided in s. 775.082 or s. 775.083.

578 Section 22. Subsection (1) and paragraphs (b) and (c) of  
579 subsection (3) of section 220.1845, Florida Statutes, are  
580 amended to read:

581 220.1845 Contaminated site rehabilitation tax credit.--

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

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

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

589 2. A drycleaning-solvent-contaminated site at which  
 590 cleanup is undertaken by the real property owner pursuant to s.  
 591 376.3078(11), if the real property owner is not also, and has  
 592 never been, the owner or operator of the drycleaning facility  
 593 where the contamination exists; or

594 3. A brownfield site in a designated brownfield area under  
 595 s. 376.80.

596 (b) A tax credit applicant, or multiple tax credit  
 597 applicants working jointly to clean up a single site, may not be  
 598 granted more than \$250,000 per year in tax credits for each site  
 599 voluntarily rehabilitated. Multiple tax credit applicants shall  
 600 be granted tax credits in the same proportion as their  
 601 contribution to payment of cleanup costs. Subject to the same  
 602 conditions and limitations as provided in this section, a  
 603 municipality, county, or other tax credit applicant which  
 604 voluntarily rehabilitates a site may receive not more than  
 605 \$250,000 per year in tax credits which it can subsequently  
 606 transfer subject to the provisions in paragraph (g)~~(h)~~.

607 (c) If the credit granted under this section is not fully  
 608 used in any one year because of insufficient tax liability on  
 609 the part of the corporation, the unused amount may be carried  
 610 forward for a period not to exceed 5 years. The carryover credit

611 | may be used in a subsequent year when the tax imposed by this  
612 | chapter for that year exceeds the credit for which the  
613 | corporation is eligible in that year under this section after  
614 | applying the other credits and unused carryovers in the order  
615 | provided by s. 220.02(8). Five years after the date a credit is  
616 | granted under this section, such credit expires and may not be  
617 | used. However, if during the 5-year period the credit is  
618 | transferred, in whole or in part, pursuant to paragraph (g)~~(h)~~,  
619 | each transferee has 5 years after the date of transfer to use  
620 | its credit.

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

625 |       ~~(e) A taxpayer that receives credit under s. 199.1055 is~~  
626 | ~~ineligible to receive credit under this section in a given tax~~  
627 | ~~year.~~

628 |       (e)~~(f)~~ A tax credit applicant that receives state-funded  
629 | site rehabilitation under s. 376.3078(3) for rehabilitation of a  
630 | drycleaning-solvent-contaminated site is ineligible to receive  
631 | credit under this section for costs incurred by the tax credit  
632 | applicant in conjunction with the rehabilitation of that site  
633 | during the same time period that state-administered site  
634 | rehabilitation was underway.

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

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

643        2. The entity or its surviving or acquiring entity as  
644 described in subparagraph 1., may transfer any unused credit in  
645 whole or in units of no less than 25 percent of the remaining  
646 credit. The entity acquiring such credit may use it in the same  
647 manner and with the same limitation as described in this  
648 section. Such transferred credits may not be transferred again  
649 although they may succeed to a surviving or acquiring entity  
650 subject to the same conditions and limitations as described in  
651 this section.

652        3. In the event the credit provided for under this section  
653 is reduced either as a result of a determination by the  
654 Department of Environmental Protection or an examination or  
655 audit by the Department of Revenue, such tax deficiency shall be  
656 recovered from the first entity, or the surviving or acquiring  
657 entity, to have claimed such credit up to the amount of credit  
658 taken. Any subsequent deficiencies shall be assessed against any  
659 entity acquiring and claiming such credit, or in the case of  
660 multiple succeeding entities in the order of credit succession.

661        (h)~~(i)~~ In order to encourage completion of site  
662 rehabilitation at contaminated sites being voluntarily cleaned  
663 up and eligible for a tax credit under this section, the tax  
664 credit applicant may claim an additional 10 percent of the total  
665 cleanup costs, not to exceed \$50,000, in the final year of

666 cleanup as evidenced by the Department of Environmental  
667 Protection issuing a "No Further Action" order for that site.

668 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT  
669 FORFEITURE.--

670 (b) In addition to its existing audit and investigation  
671 authority relating to ~~chapter 199~~ and this chapter, the  
672 Department of Revenue may perform any additional financial and  
673 technical audits and investigations, including examining the  
674 accounts, books, or records of the tax credit applicant, which  
675 are necessary to verify the site rehabilitation costs included  
676 in a tax credit return and to ensure compliance with this  
677 section. The Department of Environmental Protection shall  
678 provide technical assistance, when requested by the Department  
679 of Revenue, on any technical audits performed pursuant to this  
680 section.

681 (c) It is grounds for forfeiture of previously claimed and  
682 received tax credits if the Department of Revenue determines, as  
683 a result of either an audit or information received from the  
684 Department of Environmental Protection, that a taxpayer received  
685 tax credits pursuant to this section to which the taxpayer was  
686 not entitled. In the case of fraud, the taxpayer shall be  
687 prohibited from claiming any future tax credits under this  
688 section ~~or s. 199.1055~~.

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

692 2. The taxpayer shall file with the Department of Revenue  
693 an amended tax return or such other report as the Department of

694 Revenue prescribes by rule and shall pay any required tax within  
695 60 days after the taxpayer receives notification from the  
696 Department of Environmental Protection pursuant to s. 376.30781  
697 that previously approved tax credits have been revoked or  
698 modified, if uncontested, or within 60 days after a final order  
699 is issued following proceedings involving a contested revocation  
700 or modification order.

701 3. A notice of deficiency may be issued by the Department  
702 of Revenue at any time within 5 years after the date the  
703 taxpayer receives notification from the Department of  
704 Environmental Protection pursuant to s. 376.30781 that  
705 previously approved tax credits have been revoked or modified.  
706 If a taxpayer fails to notify the Department of Revenue of any  
707 change in its tax credit claimed, a notice of deficiency may be  
708 issued at any time. In either case, the amount of any proposed  
709 assessment set forth in such notice of deficiency shall be  
710 limited to the amount of any deficiency resulting under this  
711 section from the recomputation of the taxpayer's tax for the  
712 taxable year.

713 4. Any taxpayer that fails to report and timely pay any  
714 tax due as a result of the forfeiture of its tax credit is in  
715 violation of this section and is subject to applicable penalty  
716 and interest.

717 Section 23. Paragraph (a) of subsection (2) and  
718 subsections (3), (8), and (12) of section 376.30781, Florida  
719 Statutes, are amended to read:

720 376.30781 Partial tax credits for rehabilitation of  
721 drycleaning-solvent-contaminated sites and brownfield sites in

722 designated brownfield areas; application process; rulemaking  
 723 authority; revocation authority.--

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

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

730 2. A drycleaning-solvent-contaminated site at which  
 731 cleanup is undertaken by the real property owner pursuant to s.  
 732 376.3078(11), if the real property owner is not also, and has  
 733 never been, the owner or operator of the drycleaning facility  
 734 where the contamination exists; or

735 3. A brownfield site in a designated brownfield area under  
 736 s. 376.80.

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

741 (8) On or before March 1, the Department of Environmental  
 742 Protection shall inform each eligible tax credit applicant of  
 743 the amount of its partial tax credit and provide each eligible  
 744 tax credit applicant with a tax credit certificate that must be  
 745 submitted with its tax return to the Department of Revenue to  
 746 claim the tax credit or be transferred pursuant to ~~s.~~  
 747 ~~199.1055(1)(g) or~~ s. 220.1845(1)(h). Credits will not result in  
 748 the payment of refunds if total credits exceed the amount of tax  
 749 owed.

750 (12) A tax credit applicant who receives state-funded site  
 751 rehabilitation under s. 376.3078(3) for rehabilitation of a  
 752 drycleaning-solvent-contaminated site is ineligible to receive a  
 753 tax credit under ~~s. 199.1055~~ or s. 220.1845 for costs incurred  
 754 by the tax credit applicant in conjunction with the  
 755 rehabilitation of that site during the same time period that  
 756 state-administered site rehabilitation was underway.

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

759 493.6102 Inapplicability of this chapter.--This chapter  
 760 shall not apply to:

761 (13) Any individual employed as a security officer by a  
 762 church or ecclesiastical or denominational organization having  
 763 an established physical place of worship in this state at which  
 764 nonprofit religious services and activities are regularly  
 765 conducted or by a church cemetery religious institution as  
 766 ~~defined in s. 199.183(2)(a)~~ to provide security on the  
 767 institution property of the organization or cemetery, and who  
 768 does not carry a firearm in the course of her or his duties.

769 Section 25. Paragraph (b) of subsection (4) of section  
 770 650.05, Florida Statutes, is amended to read:

771 650.05 Plans for coverage of employees of political  
 772 subdivisions.--

773 (4)

774 (b) The grants-in-aid and other revenue referred to in  
 775 paragraph (a) specifically include, but are not limited to,  
 776 minimum foundation program grants to public school districts and  
 777 community colleges; gasoline, motor fuel, ~~intangible~~, cigarette,

778 racing, and insurance premium taxes distributed to political  
 779 subdivisions; and amounts specifically appropriated as grants-  
 780 in-aid for mental health, mental retardation, and mosquito  
 781 control programs.

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

784 655.071 International banking facilities; definitions;  
 785 notice before establishment.--

786 (1) "International banking facility" means a set of asset  
 787 and liability accounts segregated on the books and records of a  
 788 banking organization, as that term is defined in s. 201.23  
 789 ~~199.023~~, that includes only international banking facility  
 790 deposits, borrowings, and extensions of credit, as those terms  
 791 shall be defined by the commission pursuant to subsection (2).

792 Section 27. Effective January 1, 2008, subsections (5) and  
 793 (6) of section 733.702, Florida Statutes, are amended to read:

794 733.702 Limitations on presentation of claims.--

795 ~~(5) The Department of Revenue may file a claim against the~~  
 796 ~~estate of a decedent for taxes due under chapter 199 after the~~  
 797 ~~expiration of the time for filing claims provided in subsection~~  
 798 ~~(1), if the department files its claim within 30 days after the~~  
 799 ~~service of the inventory. Upon filing of the estate tax return~~  
 800 ~~with the department as provided in s. 198.13, or to the extent~~  
 801 ~~the inventory or estate tax return is amended or supplemented,~~  
 802 ~~the department has the right to file a claim or to amend its~~  
 803 ~~previously filed claim within 30 days after service of the~~  
 804 ~~estate tax return, or an amended or supplemented inventory or~~

805 ~~filing of an amended or supplemental estate tax return, as to~~  
806 ~~the additional information disclosed.~~

807 (5)~~(6)~~ Nothing in this section shall extend the  
808 limitations period set forth in s. 733.710.

809 Section 28. Effective upon this act becoming a law, the  
810 executive director of the Department of Revenue may adopt  
811 emergency rules under ss. 120.536(1) and 120.54, Florida  
812 Statutes, to implement chapter 199, Florida Statutes, and all  
813 conditions are deemed met for the adoption of such rules.  
814 Notwithstanding any other provision of law, such emergency rules  
815 shall remain effective for 6 months after the date of adoption  
816 and may be renewed during the pendency of procedures to adopt  
817 rules addressing the subject of the emergency rules.

818 Section 29. Except as otherwise provided herein, this act  
819 shall take effect January 1, 2006.