

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, 199.175, and 199.185, F.S., relating to the  
 6           annual intangible personal property tax; amending s.  
 7           199.303, F.S.; providing additional legislative intent  
 8           relating to the annual intangible personal property tax;  
 9           amending ss. 28.35, 192.0105, 192.032, 192.042, 192.091,  
 10          193.114, 196.015, 196.199, 199.133, 199.183, 199.218,  
 11          199.232, 199.282, 199.292, 201.23, 212.02, 213.053,  
 12          213.054, 213.27, 220.1845, 376.30781, 493.6102, 650.05,  
 13          655.071, and 733.702, F.S., to conform provisions to the  
 14          repeal of the annual intangible personal property tax;  
 15          providing for application of certain collection,  
 16          administration, and enforcement provisions to taxation of  
 17          certain leaseholds; authorizing the Department of Revenue  
 18          to adopt emergency implementing rules for a certain time;  
 19          providing effective dates.

20  
 21 Be It Enacted by the Legislature of the State of Florida:

22  
 23           Section 1. Sections 199.012, 199.023, 199.032, 199.033,  
 24 199.042, 199.052, 199.057, 199.062, 199.103, 199.1055, 199.106,  
 25 199.175, and 199.185, Florida Statutes, are repealed.

26           Section 2. Paragraph (c) of subsection (1) of section  
 27 28.35, Florida Statutes, is amended to read:

28           28.35 Florida Clerks of Court Operations Corporation.--

29 (1)

30 (c) ~~For the purposes of s. 199.183(1),~~ The corporation  
31 shall be considered a political subdivision of the state and  
32 shall be exempt from the corporate income tax. The corporation  
33 is not subject to the procurement provisions of chapter 287 and  
34 policies and decisions of the corporation relating to incurring  
35 debt, levying assessments, and the sale, issuance, continuation,  
36 terms, and claims under corporation policies, and all services  
37 relating thereto, are not subject to the provisions of chapter  
38 120.

39 Section 3. Paragraph (a) of subsection (4) of section  
40 192.0105, Florida Statutes, is amended to read:

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

57 Statutes or rules of the Department of Revenue. The rights so  
 58 guaranteed to state taxpayers in the Florida Statutes and the  
 59 departmental rules include:

60 (4) THE RIGHT TO CONFIDENTIALITY.--

61 (a) The right to have information kept confidential,  
 62 including federal tax information, ad valorem tax returns,  
 63 social security numbers, all financial records produced by the  
 64 taxpayer, Form DR-219 returns for documentary stamp tax  
 65 information, and sworn statements of gross income, copies of  
 66 federal income tax returns for the prior year, wage and earnings  
 67 statements (W-2 forms), and other documents (see ss. 192.105,  
 68 193.074, 193.114 (5) ~~(6)~~, 195.027(3) and (6), and 196.101(4)(c)).

69 Section 4. Subsections (5), (6), and (7) of section  
 70 192.032, Florida Statutes, are amended to read:

71 192.032 Situs of property for assessment purposes.--All  
 72 property shall be assessed according to its situs as follows:

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

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

81 (b) "Marine cargo container" means a nondisposable  
 82 receptacle which is of a permanent character, strong enough to  
 83 be suitable for repeated use; which is specifically designed to  
 84 facilitate the carriage of goods by one or more modes of

85 transport, one of which shall be by ocean vessel, without  
86 intermediate reloading; and which is fitted with devices  
87 permitting its ready handling, particularly in the transfer from  
88 one transport mode to another. The term "marine cargo container"  
89 includes a container when carried on a chassis but does not  
90 include a vehicle or packaging.

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

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

103 192.042 Date of assessment.--All property shall be  
104 assessed according to its just value as follows:

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

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

109 192.091 Commissions of property appraisers and tax  
110 collectors.--

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

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

129           Section 7. Subsections (4), (5), and (6) of section  
 130 193.114, Florida Statutes, are amended to read:

131           193.114 Preparation of assessment rolls.--

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

135           (4) ~~(5)~~ For every change made to the assessed or taxable  
 136 value of a parcel on an assessment roll subsequent to the  
 137 mailing of the notice provided for in s. 200.069, the property  
 138 appraiser shall document the reason for such change in the

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

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

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

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

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

181 Section 9. Paragraph (b) of subsection (2) of section  
 182 196.199, Florida Statutes, is amended to read:

183 196.199 Government property exemption.--

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

187 (b) Except as provided in paragraph (c), the exemption  
 188 provided by this subsection shall not apply to those portions of  
 189 a leasehold or other interest defined by s. 199.023(1)(d), as it  
 190 existed prior to January 1, 2006, subject to the provisions of  
 191 subsection (7). Such leasehold or other interest shall be taxed  
 192 only as intangible personal property pursuant to chapter 199 as  
 193 it existed prior to January 1, 2006, if rental payments are due  
 194 in consideration of such leasehold or other interest. All

195 applicable collection, administration, and enforcement  
 196 provisions of chapter 199, as it existed prior to January 1,  
 197 2006, shall apply to taxation of such leaseholds. If no rental  
 198 payments are due pursuant to the agreement creating such  
 199 leasehold or other interest, the leasehold or other interest  
 200 shall be taxed as real property. Nothing in this paragraph shall  
 201 be deemed to exempt personal property, buildings, or other real  
 202 property improvements owned by the lessee from ad valorem  
 203 taxation.

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

206 199.133 Levy of nonrecurring tax; ~~relationship to annual~~  
 207 ~~tax.~~--

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



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

230 Section 11. Subsections (1), (3), and (4) of section  
 231 199.183, Florida Statutes, are amended to read:

232 199.183 Taxpayers exempt from ~~annual and~~ nonrecurring  
 233 taxes.--

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

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

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

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

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

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

270 Section 12. Section 199.218, Florida Statutes, is amended  
 271 to read:

272 199.218 Books and records.--

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

278 department's power to make an assessment with respect to such  
 279 tax has terminated under s. 95.091(3).

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

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

287 199.232 Powers of department.--

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

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

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

304 199.282 Penalties for violation of this chapter.--

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

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

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

320  
 321 ~~For any penalty assessed under this subsection, the combined~~  
 322 ~~total for all penalties assessed under paragraphs (a) and (b)~~  
 323 ~~shall not exceed 10 percent per calendar month, up to a limit of~~  
 324 ~~50 percent of the total tax due.~~

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

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

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

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

347 ~~(6)(8)~~ Any person who fails or refuses to file an annual  
 348 ~~return, or who fails or refuses to~~ make records available for  
 349 inspection, when requested to do so by the department is guilty  
 350 of a misdemeanor of the first degree, punishable as provided in  
 351 s. 775.082 or s. 775.083.

352 Section 15. Section 199.292, Florida Statutes, is amended  
 353 to read:

354 199.292 Disposition of intangible personal property  
 355 taxes.--All intangible personal property taxes collected  
 356 pursuant to this chapter, ~~except for revenues derived from the~~  
 357 ~~annual tax on a leasehold described in s. 199.023(1)(d),~~ shall  
 358 be deposited into the General Revenue Fund. ~~Revenues derived~~  
 359 ~~from the annual tax on a leasehold described in s. 199.023(1)(d)~~

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

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

364 199.303 Declaration of legislative intent.--

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

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

376 201.23 Foreign notes and other written obligations  
 377 exempt.--

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

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

415 from, or import into, the United States or between jurisdictions  
 416 abroad;

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

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

425 e. Entering into foreign exchange trading or hedging  
 426 transactions in connection with the activities described in sub-  
 427 paragraph d.

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

430 212.02 Definitions.--The following terms and phrases when  
 431 used in this chapter have the meanings ascribed to them in this  
 432 section, except where the context clearly indicates a different  
 433 meaning:

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



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

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

447 213.053 Confidentiality and information sharing.--

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

450 (p) Information relative to ss. ~~199.1055~~, 220.1845, and  
 451 376.30781 to the Department of Environmental Protection in the  
 452 conduct of its official business.

453  
 454 Disclosure of information under this subsection shall be  
 455 pursuant to a written agreement between the executive director  
 456 and the agency. Such agencies, governmental or nongovernmental,  
 457 shall be bound by the same requirements of confidentiality as  
 458 the Department of Revenue. Breach of confidentiality is a  
 459 misdemeanor of the first degree, punishable as provided by s.  
 460 775.082 or s. 775.083.

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

470 Section 20. Section 213.054, Florida Statutes, is amended  
 471 to read:

472 213.054 Persons claiming tax exemptions or deductions;  
 473 annual report.--The Department of Revenue shall be responsible  
 474 for monitoring the utilization of ~~tax exemptions and tax~~  
 475 deductions authorized pursuant to chapter 81-179, Laws of  
 476 Florida. On or before September 1 of each year, the department  
 477 shall report to the Chief Financial Officer the names and  
 478 addresses of all persons who have claimed ~~an exemption pursuant~~  
 479 ~~to s. 199.185(1)(i) or~~ a deduction pursuant to s. 220.63(5).

480 Section 21. Section 213.27, Florida Statutes, is amended  
 481 to read:

482 213.27 Contracts with debt collection agencies and certain  
 483 vendors.--

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

498 department assigning the collection of any taxes to the debt  
499 collection agency.

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

514 (2)~~(3)~~ Any contract may provide, in the discretion of the  
515 executive director of the Department of Revenue, the manner in  
516 which the compensation for such services will be paid. Under  
517 standards established by the department, such compensation shall  
518 be added to the amount of the tax and collected as a part  
519 thereof by the agency or deducted from the amount of tax,  
520 penalty, and interest actually collected.

521 (3)~~(4)~~ All funds collected under the terms of the  
522 contract, less the fees provided in the contract, shall be  
523 remitted to the department within 30 days from the date of  
524 collection from a taxpayer. Forms to be used for such purpose  
525 shall be prescribed by the department.

526        (4)~~(5)~~ The department shall require a bond from the debt  
527 collection agency ~~or the individual or business contracted with~~  
528 ~~under subsection (2)~~ not in excess of \$100,000 guaranteeing  
529 compliance with the terms of the contract. However, a bond of  
530 \$10,000 is required from a debt collection agency if the agency  
531 does not actually collect and remit delinquent funds to the  
532 department.

533        (5)~~(6)~~ The department may, for the purpose of ascertaining  
534 the amount of or collecting any taxes due from a person doing  
535 mail order business in this state, contract with any auditing  
536 agency doing business within or without this state for the  
537 purpose of conducting an audit of such mail order business;  
538 however, such audit agency may not conduct an audit on behalf of  
539 the department of any person domiciled in this state, person  
540 registered for sales and use tax purposes in this state, or  
541 corporation filing a Florida corporate tax return, if any such  
542 person or corporation objects to such audit in writing to the  
543 department and the auditing agency. The department shall notify  
544 the taxpayer by mail at least 30 days before the department  
545 assigns the collection of such taxes.

546        (6)~~(7)~~ Confidential information shared by the department  
547 with debt collection or auditing agencies ~~or individuals or~~  
548 ~~businesses with which the department has contracted under~~  
549 ~~subsection (2)~~ is exempt from the provisions of s. 119.07(1),  
550 and debt collection or auditing agencies ~~and individuals or~~  
551 ~~businesses with which the department has contracted under~~  
552 ~~subsection (2)~~ shall be bound by the same requirements of  
553 confidentiality as the Department of Revenue. Breach of

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

556 (7)~~(8)~~(a) The executive director of the department may  
 557 enter into contracts with private vendors to develop and  
 558 implement systems to enhance tax collections where compensation  
 559 to the vendors is funded through increased tax collections. The  
 560 amount of compensation paid to a vendor shall be based on a  
 561 percentage of increased tax collections attributable to the  
 562 system after all administrative and judicial appeals are  
 563 exhausted, and the total amount of compensation paid to a vendor  
 564 shall not exceed the maximum amount stated in the contract.

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

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

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

579 220.1845 Contaminated site rehabilitation tax credit.--

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

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

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

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

592 3. A brownfield site in a designated brownfield area under  
593 s. 376.80.

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

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

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

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

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

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

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

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

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

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

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



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

666 (3) ADMINISTRATION; AUDIT AUTHORITY; TAX CREDIT  
 667 FORFEITURE.--

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

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

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

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

692 Revenue prescribes by rule and shall pay any required tax within  
693 60 days after the taxpayer receives notification from the  
694 Department of Environmental Protection pursuant to s. 376.30781  
695 that previously approved tax credits have been revoked or  
696 modified, if uncontested, or within 60 days after a final order  
697 is issued following proceedings involving a contested revocation  
698 or modification order.

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

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

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

718 376.30781 Partial tax credits for rehabilitation of  
719 drycleaning-solvent-contaminated sites and brownfield sites in

720 designated brownfield areas; application process; rulemaking  
 721 authority; revocation authority.--

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

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

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

733 3. A brownfield site in a designated brownfield area under  
 734 s. 376.80.

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

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

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

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

757 493.6102 Inapplicability of this chapter.--This chapter  
 758 shall not apply to:

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

767 Section 25. Paragraph (b) of subsection (4) of section  
 768 650.05, Florida Statutes, is amended to read:

769 650.05 Plans for coverage of employees of political  
 770 subdivisions.--

771 (4)

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

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

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

782 655.071 International banking facilities; definitions;  
 783 notice before establishment.--

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

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

792 733.702 Limitations on presentation of claims.--

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

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

805 (5)~~(6)~~ Nothing in this section shall extend the  
806 limitations period set forth in s. 733.710.

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

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