

SB 170 by **Altman**; (Identical to H 0103) Transfer of Tax Liability

CS/CS/SB 502 by **CA, AG, Hays (CO-INTRODUCERS) Dean**; (Similar to CS/CS/H 0449) Public Fairs and Expositions

904660	A	S	RCS	BFT, Gardiner	Delete L.326:	01/24 04:01 PM
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CS/SB 582 by **CA, Simmons**; (Similar to H 0191) Neighborhood Improvement Districts

146882	A	S	RCS	BFT, Altman	Delete L.383 - 385:	01/24 04:05 PM
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441642	A	S	RCS	BFT, Altman	Delete L.545:	01/24 04:05 PM
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SB 800 by **Negron**; (Compare to H 1319) County Boundary Lines

408900	A	S	RCS	BFT, Altman	Delete L.133:	01/24 04:01 PM
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CS/SB 962 by **ED, Benacquisto (CO-INTRODUCERS) Haridopolos, Garcia, Bogdanoff, Bennett, Flores, Negron, Thrasher, Fasano, Wise, Hays, Norman, Siplin, Richter, Alexander, Storms, Altman, Gardiner, Simmons, Evers, Oelrich**; (Compare to H 0859) Florida Tax Credit Scholarship Program

SB 1256 by **BFT**; Administration of Property Taxes

512326	A	S	RCS	BFT, Altman	btw L.212 - 213:	01/24 04:01 PM
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529392	A	S	RCS	BFT, Altman	btw L.535 - 536:	01/24 04:01 PM
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SB 1304 by **BFT**; Tax Administration

567906	A	S	RCS	BFT, Altman	btw L.51 - 52:	01/24 04:01 PM
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840698	A	S	RCS	BFT, Altman	btw L.479 - 480:	01/24 04:01 PM
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SPB 7182 by **BFT**; Taxation

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

BUDGET SUBCOMMITTEE ON FINANCE AND TAX
Senator Bogdanoff, Chair
Senator Altman, Vice Chair

MEETING DATE: Tuesday, January 24, 2012
TIME: 1:00 —2:00 p.m.
PLACE: 301 Senate Office Building

MEMBERS: Senator Bogdanoff, Chair; Senator Altman, Vice Chair; Senators Alexander, Gardiner, Margolis, Norman, and Sachs

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 170 Altman (Identical H 103)	Transfer of Tax Liability; Revising provisions relating to a tax liability when a person transfers or quits a business; providing that the transfer of the assets of a business or stock of goods of a business under certain circumstances is considered a transfer of the business; requiring the Department of Revenue to provide certain notification to a business before a circuit court temporarily enjoins business activity by that business; providing that transferees of the business are liable for certain taxes unless specified conditions are met; requiring the department to conduct certain audits relating to the tax liability of transferors and transferees of a business within a specified time period; requiring certain notification by the Department of Revenue to a transferee before a circuit court enjoins business activity in an action brought by the Department of Legal Affairs seeking an injunction, etc. CA 10/04/2011 Favorable CM 01/09/2012 Favorable BFT 01/24/2012 Favorable BC	Favorable Yeas 5 Nays 0
2	CS/CS/SB 502 Community Affairs / Agriculture / Hays (Similar CS/CS/H 449)	Public Fairs and Expositions; Amending provision relating to requirements for the proposed charter of an annual public fair; providing that the primary objective of a fair association is the holding, conducting, and promoting of public fairs or expositions; providing that a fair association may file its duly approved charter with the Department of State in addition to the Department of Agriculture and Consumer Services for notice purposes; providing that certain fair associations are noncommercial activity providers; revising provisions relating to the exemption from certain license taxes and local business taxes for annual public fairs held by a fair association; removing certain limitations on the use of buildings by counties, municipalities, or fair associations, etc. AG 11/14/2011 Fav/CS CA 12/05/2011 Fav/CS BFT 01/24/2012 Fav/CS BC	Fav/CS Yeas 6 Nays 0

COMMITTEE MEETING EXPANDED AGENDABudget Subcommittee on Finance and Tax
Tuesday, January 24, 2012, 1:00 —2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
3	CS/SB 582 Community Affairs / Simmons (Similar H 191, Compare H 7041, CS/S 1204)	Neighborhood Improvement Districts; Renaming the "Safe Neighborhoods Act" as the "Neighborhoods Improvement Act"; requiring each neighborhood improvement district authorized under law to notify the Department of Economic Opportunity and the Department of Legal Affairs of its existence rather than to register with such departments; revising provisions authorizing a local governing body to create a local government neighborhood improvement district, etc. CA 12/05/2011 Fav/CS BFT 01/24/2012 Fav/CS BC	Fav/CS Yeas 5 Nays 0
4	SB 800 Negrón (Compare H 1319)	County Boundary Lines; Incorporating a portion of St. Lucie County into Martin County; revising the legal description of Martin County; revising the legal description of St. Lucie County, to conform, etc. CA 01/12/2012 Favorable BFT 01/24/2012 Fav/CS BC	Fav/CS Yeas 5 Nays 0
5	CS/SB 962 Education Pre-K - 12 / Benacquisto (Compare H 859)	Florida Tax Credit Scholarship Program; Increasing the tax credit cap amount applicable to the program, etc. ED 01/09/2012 Fav/CS BFT 01/24/2012 Favorable BC	Favorable Yeas 5 Nays 0
6	SB 1256 Budget Subcommittee on Finance and Tax (Compare CS/S 156)	Administration of Property Taxes; Revising the definitions of the terms "assessed value of property" and "complete submission of the rolls"; providing that a taxpayer has a right to have a hearing before the value adjustment board rescheduled if the hearing is not commenced within a certain period after the scheduled time; deleting provisions requiring that the tax collector report amounts of deferred tax liability to the Department of Revenue; requiring that ad valorem tax exemptions be applied in the order that results in the lowest taxable value of a homestead; authorizing an applicant for an ad valorem tax exemption for a disabled veteran or for a surviving spouse to apply for the exemption before receiving certain documentation from the Federal Government, etc. BFT 01/24/2012 Fav/CS BC RC	Fav/CS Yeas 4 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Budget Subcommittee on Finance and Tax
Tuesday, January 24, 2012, 1:00 —2:00 p.m.

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
7	SB 1304 Budget Subcommittee on Finance and Tax	Tax Administration; Subjecting a dealer to monetary and criminal penalties for the willful failure to collect certain taxes or fees after notice of the duty to collect the taxes or fees by the Department of Revenue; deleting provisions relating to the imposition of criminal penalties after notice by the Department of Revenue of requirements to register as a dealer or to collect taxes; revising the due date for funds collected by the clerks of court to be transmitted to the Department of Revenue; authorizing the Department of Highway Safety and Motor Vehicles to release photographs or digital images to the Department of Revenue in order to identify individuals for purposes of tax administration, etc. BFT 01/24/2012 Fav/CS BC RC	Fav/CS Yeas 5 Nays 0
8	Consideration of proposed committee bill:		
	SPB 7182	Taxation; Providing for the collection of allowances of the amount of tax due by persons who file returns only by electronic means and pay the amount due on such returns only by electronic means; adopting the 2012 version of the Internal Revenue Code for purposes of ch. 220, F.S.; specifying the date by which estimated tax payments must be made when the due date is a Saturday, Sunday, or legal holiday, etc.	Workshop-Discussed
9	Other Related Meeting Documents		

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: SB 170

INTRODUCER: Senator Altman

SUBJECT: Transfer of Tax Liability

DATE: January 24, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	Favorable
2.	Hrdlicka	Hrdlicka	CM	Favorable
3.	Babin	Diez-Arguelles	BFT	Favorable
4.				
5.				
6.				

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

SB 170 consolidates and revises statutes governing the transfer of tax liabilities when businesses or business assets are transferred to successor owners. In general, a person who buys a business (transferee) assumes the tax liabilities of the seller (transferor), unless an exception applies. Current law contains relevant provisions within specific tax chapters, as well as in a general statute that applies to most taxes. The tax-specific statutes repeat much of what is contained in the general statute. This bill repeals two tax-specific statutes (relating to sales tax and communications services tax)¹ and amends the general statute relating to taxes owed.²

The bill revises the requirements for a transferee to take possession of a business without assuming any outstanding tax liabilities of a transferor. Under current law, if the transferor provides a certificate from the Department of Revenue showing that no taxes are owed, and the department conducts an audit finding no liability for taxes, the transferee can take possession

¹ Sections 212.10 and 202.31, F.S., respectively.

² Section 213.758, F.S.

without assuming any tax liability. This bill allows the transferee to take the business without assuming the transferor's liabilities under either of the following two circumstances:

- The transferee receives a certificate of compliance from the transferor showing that the transferor has not received notice of audit, has filed all required tax returns, has paid the tax due from those returns, and there are no insiders in common between the transferor and the transferee; or
- The Department of Revenue conducts an audit, at the request of the transferee or transferor, and finds that the transferor is not liable for any taxes.

The bill amends sections 213.758 and 213.053, Florida Statutes, and repeals sections 212.10 and 202.31, Florida Statutes.

II. Present Situation:

Transfer of Tax Liability

Three sections of the Florida Statutes outline what is required with regard to tax liability when a business is transferred or sold.

- Section 212.10, F.S., governs sales and use tax liability when a business is quit or sold.³
- In 2000, the Legislature enacted s. 202.31, F.S., to govern the transfer of communications services tax liability related to communications services businesses.⁴
- In 2010, the Legislature enacted s. 213.758, F.S., as a comprehensive statute to govern the transfer of tax liability for all taxes administered by the Department of Revenue (DOR or department), excluding the corporate income tax.⁵

Section 213.758, F.S.: Tax Liability when Quitting, Selling, or Acquiring a Business

A taxpayer who quits a business without selling, assigning, or transferring the business must make a final return and full payment for any taxes due within 15 days of quitting the business.⁶ Similarly, a taxpayer who transfers a business must make a final return and full payment for any taxes due within 15 days of the date of transfer.⁷

The transferee, or group of transferees, of more than 50 percent of a business is liable for the taxes due by the transferor, *unless*:

- the transferor provides the transferee a receipt or certificate from DOR showing that the transferor is not liable for taxes, *and*

³ This statute has been in Florida law in some form since 1949. Section 10, ch. 26319, 1949.

⁴ Sections 23 and 58, ch. 2000-260, L.O.F. See also s. 38, ch. 2001-140, L.O.F.

⁵ Chapter 2010-166, L.O.F. For a list of all taxes administered by DOR, see s. 213.05, F.S. Section 220.829, F.S., governs the transfer of tax liability for corporate income taxes.

⁶ Section 213.758(2), F.S., refers to taxes, interest, penalties, surcharges, or fees pursuant to ch. 443, F.S., or described in s. 72.011(1), F.S., excluding the corporate income tax.

⁷ Section 213.758(3), F.S., refers to taxes, interest, or penalties levied under ch. 443, F.S., or specified in s. 213.05, F.S., excluding the corporate income tax.

- DOR conducts an audit and finds that the transferor is not liable for taxes.⁸

The maximum liability for a transferee is the greater of the fair market value of the business or the purchase price paid. The transferee may withhold a portion of the consideration to pay the taxes to DOR within 30 days of the date of transfer. A transferee becomes liable for outstanding taxes only for voluntary transfers.⁹

Taxpayers who quit a business without paying all taxes due are prohibited from engaging in any business in Florida until the tax liability is paid. Transferees acquiring a business who fail to pay all taxes due face the same ban. In each of the previous cases, DOR may request the Department of Legal Affairs to seek an injunction to prevent further business activity until all taxes due have been paid, and the injunction may be granted without notice.

Sections 202.31 and 212.10, F.S.: Tax Liability for Communications Services and Sales and Use

Sections 202.31 and 212.10, F.S., govern the transfer of tax liability for communications services tax and sales and use tax, respectively. The procedures pursuant to those statutes are substantially similar to those in s. 213.758, F.S. However, ss. 202.31 and 212.10, F.S., do provide for misdemeanor criminal penalties for violations of the tax transfer provisions.¹⁰

III. Effect of Proposed Changes:

Section 1 amends s. 213.758, F.S., to clarify, consolidate, and revise the statutes that deal with the transfer of tax liabilities.

Definitions

The bill creates definitions for the terms “business,” “financial institution,” “insider,” “stock of goods,” and “tax” for the purposes of s. 213.758, F.S., consistent with current administration. Of note, the bill defines “business” to require that a discrete division of a larger business be aggregated with all other divisions. Also, the definition of “insider” includes a manager of, a managing member of, or a person who controls a limited liability company or a relative thereof as defined in s. 726.102(11), F.S.

The bill also clarifies that a “transfer” includes the transfer of the assets of the business and that a transfer of more than 50 percent of a business, the assets of the business, or the stock of goods of the business is a transfer of the business.

Transfer of Tax Liabilities

This bill allows the transferee to take possession of a business without assuming the transferor’s outstanding tax liabilities under either of the following two circumstances:

⁸ Section 213.758(4)(a), F.S. DOR is permitted to charge a fee to perform these audits.

⁹ Section 213.758(1)(a), F.S., defines an “involuntary transfer” as a transfer: 1) due to the foreclosure by a non-insider, 2) that results from eminent domain or condemnation actions, 3) pursuant to a bankruptcy proceeding, or 4) to satisfy a debt to a financial institution.

¹⁰ Sections 202.31(5) and 212.10(5), F.S.

- The transferor provides a certificate of compliance from the department showing that the transferor has not received a notice of audit, has filed all required tax returns, has paid the tax due from those returns, and there are no insiders in common between the transferor and the transferee; or
- DOR conducts an audit and finds that the transferor is not liable for any taxes. Either the transferee or transferor may request that the department conduct an audit, and, if requested, the department must complete the audit within 90 days if the audit is not a certified audit done pursuant to s. 213.285, F.S.

In addition, the bill provides that s. 213.758, F.S., does *not* impose liability on a transferee of a business, assets of a business, or stock of goods of a business when:

- The transfer is an involuntary transfer; or
- The transferee is not an insider; and
 - The asset transferred is a 1- to 4-family residential real property, real property that has not been improved with any building, or owner-occupied commercial real property; and
 - No other assets of the business are included in the transfer.

The bill amends s. 213.758(6), F.S., to clarify that the maximum tax liability of the transferee is the fair market value or purchase price paid for the business, whichever is greater, net of any unassumed liens or liabilities to non-insiders.

Injunctions

Under the bill, a circuit court shall issue a temporary injunction to enjoin further business activity by the taxpayer on the grounds of failure to pay taxes if DOR has provided the taxpayer with 20 days' written notice. Under current law and the bill, the Department of Legal Affairs is authorized to seek an injunction from a circuit court at the request of DOR. Current law does not require notice before a court issues an injunction.

For transferees, the bill permits the Department of Legal Affairs, at the request of DOR, to seek an injunction from a circuit court to enjoin further business activity by the transferee on the grounds of failure to pay taxes if:

- The assessment against the transferee is final and either the time for contesting the assessment under s. 72.011, F.S., has passed or such a contest was filed and resulted in a final and nonappealable judgment sustaining the assessment; and
- DOR has provided at least 20 days' written notice of intention to seek an injunction.

Current law does not require a 20-day notice before a court issues an injunction against a transferee.

Section 2 amends s. 213.053, F.S., to correct a cross-reference.

Section 3 repeals s. 202.31, F.S., which relates to the transfer of communications services tax liability. With the creation of s. 213.758, F.S., in 2010 and the changes proposed in **Section 1** of

the bill, this statute is no longer necessary. The repeal eliminates the misdemeanor penalty provisions for violations of this statute.

Section 4 repeals s. 212.10, F.S., which relates to the transfer of sales and use tax liability. With the creation of s. 213.758, F.S., in 2010 and the changes proposed in **Section 1** of the bill, this statute is no longer necessary. The repeal eliminates the misdemeanor penalty provisions for violations of this statute.

Section 5 provides for an effective date upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The Revenue Estimating Conference estimated that the bill would have an indeterminate negative fiscal impact.¹¹ The potential impact is caused by the change in a tax collection mechanism. While it is likely small, the bill's effects could result in a negative impact on local tax collections.

Article VII, s. 18 of the Florida Constitution, excuses counties and municipalities from complying with laws requiring them to spend funds or to take an action unless certain conditions are met. Subsection (b) of the provision prohibits the Legislature from enacting, amending, or repealing any general law if the anticipated effect is to reduce county or municipal aggregate revenue generating authority as it existed on February 1, 1989. The exception to this prohibition is if the Legislature passes such a law by two-thirds of the membership of each chamber.

Subsection (d) provides an exemption from this prohibition. Laws determined to have an "insignificant fiscal impact," which means an amount not greater than the average statewide population for the applicable fiscal year times \$0.10 (which is \$1.88 million for FY 2011-12), are exempt.

It is unknown at this time if the bill would meet the exemption provided in subsection (d); however, the bill may be exempt from the mandates prohibition if the Legislature were to pass the bill by two-thirds of the membership of each chamber.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

¹¹ Office of Economic and Demographic Research, The Florida Legislature, *Revenue Estimating Conference for 2012 Regular Session – Transfer of Tax Liability, HB 103/SB 170* (October 25, 2011), available at <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2012/pdf/page30-32.pdf> (last visited January 18, 2012).

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The Revenue Estimating Conference met on October 25, 2011, and estimated that the bill would have had an indeterminate negative fiscal impact.¹²

B. Private Sector Impact:

The bill clarifies the conditions under which a transferee may be liable for unpaid tax of a transferor.

C. Government Sector Impact:

According to DOR, during the last five years, the department has averaged 20 audits regarding the transfer of tax liabilities annually. DOR expects the number of audits that it performs to decrease because the bill limits when an audit is required.¹³

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.

¹² *Id.*

¹³ Department of Revenue, *2012 Bill Analysis – SB 170* (September 16, 2011) (on file with the Senate Commerce and Tourism Committee).

By Senator Altman

24-00022-12

2012170__

1 A bill to be entitled
 2 An act relating to the transfer of tax liability;
 3 amending s. 213.758, F.S.; providing definitions;
 4 revising provisions relating to tax liability when a
 5 person transfers or quits a business; providing that
 6 the transfer of the assets of a business or stock of
 7 goods of a business under certain circumstances is
 8 considered a transfer of the business; requiring the
 9 Department of Revenue to provide certain notification
 10 to a business before a circuit court temporarily
 11 enjoins business activity by that business; providing
 12 that transferees of the business are liable for
 13 certain taxes unless specified conditions are met;
 14 requiring the department to conduct certain audits
 15 relating to the tax liability of transferors and
 16 transferees of a business within a specified time
 17 period; requiring certain notification by the
 18 Department of Revenue to a transferee before a circuit
 19 court enjoins business activity in an action brought
 20 by the Department of Legal Affairs seeking an
 21 injunction; specifying a transferor and transferee of
 22 the assets of a business are jointly and severally
 23 liable for certain tax payments up to a specified
 24 maximum amount; specifying the maximum liability of a
 25 transferee; providing methods for calculating the fair
 26 market value or total purchase price of specified
 27 business transfers to determine maximum tax liability
 28 of transferees; excluding certain transferees from tax
 29 liability when the transfer consists only of specified

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30 assets; amending s. 213.053, F.S.; authorizing the
 31 Department of Revenue to provide certain tax
 32 information to a transferee against whom tax liability
 33 is being asserted pursuant to s. 213.758, F.S.;
 34 repealing s. 202.31, F.S., relating to the tax
 35 liability and criminal liability of dealers of
 36 communications services who make certain transfers
 37 related to a communications services business;
 38 repealing s. 212.10, F.S., relating to a dealer's tax
 39 liability and criminal liability for sales tax when
 40 certain transfers of a business occur; providing an
 41 effective date.
 42
 43 Be It Enacted by the Legislature of the State of Florida:
 44
 45 Section 1. Section 213.758, Florida Statutes, is amended to
 46 read:
 47 213.758 Transfer of tax liabilities.—
 48 (1) As used in this section, the term:
 49 (a) "Business" means any activity regularly engaged in by
 50 any person, or caused to be engaged in by any person, for the
 51 purpose of private or public gain, benefit, or advantage. The
 52 term does not include occasional or isolated sales or
 53 transactions involving property or services by a person who does
 54 not hold himself or herself out as engaged in business. A
 55 discrete division or portion of a business is not a separate
 56 business and must be aggregated with all other divisions or
 57 portions that constitute a business if the division or portion
 58 is not a separate legal entity.

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59 (b) "Financial institution" means a financial institution
 60 as defined in s. 655.005 and any person who controls, is
 61 controlled by, or is under common control with a financial
 62 institution as defined in s. 655.005.

63 (c) "Insider" means:

64 1. Any person included within the meaning of insider as
 65 used in s. 726.102(7); or

66 2. A manager of, a managing member of, or a person who
 67 controls a transferor that is a limited liability company, or a
 68 relative as defined in s. 726.102(11) of any such persons.

69 (d) ~~(a)~~ "Involuntary transfer" means a transfer of a
 70 business, assets of a business, or stock of goods of a business
 71 made without the consent of the transferor, including, but not
 72 limited to, a transfer:

73 1. That occurs due to the foreclosure of a security
 74 interest issued to a person who is not an insider ~~as defined in~~
 75 ~~s. 726.102;~~

76 2. That results from an eminent domain or condemnation
 77 action;

78 3. Pursuant to chapter 61, chapter 702, or the United
 79 States Bankruptcy Code;

80 4. To a financial institution, ~~as defined in s. 655.005,~~ if
 81 the transfer is made to satisfy the transferor's debt to the
 82 financial institution; or

83 5. To a third party to the extent that the proceeds are
 84 used to satisfy the transferor's indebtedness to a financial
 85 institution ~~as defined in s. 655.005.~~ If the third party
 86 receives assets worth more than the indebtedness, the transfer
 87 of the excess may not be deemed an involuntary transfer.

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88 (e) "Stock of goods" means the inventory of a business held
 89 for sale to customers in the ordinary course of business.

90 (f) "Tax" means any tax, interest, penalty, surcharge, or
 91 fee administered by the department pursuant to chapter 443 or
 92 any of the chapters specified in s. 213.05, excluding chapter
 93 220, the corporate income tax code.

94 (g) ~~(b)~~ "Transfer" means every mode, direct or indirect,
 95 with or without consideration, of disposing of or parting with a
 96 business, assets of the business, or stock of goods of the
 97 business, and includes, but is not limited to, assigning,
 98 conveying, demising, gifting, granting, or selling, other than
 99 to customers in the ordinary course of business, to a transferee
 100 or to a group of transferees who are acting in concert. A
 101 business is considered transferred when there is a transfer of
 102 more than 50 percent of:

103 1. The business;

104 2. The assets of the business; or

105 3. The stock of goods of the business.

106 (2) A taxpayer engaged in a business who is liable for any
 107 tax arising from the operation of that business, ~~interest,~~
 108 ~~penalty, surcharge, or fee administered by the department~~
 109 ~~pursuant to chapter 443 or described in s. 72.011(1), excluding~~
 110 ~~corporate income tax,~~ and who quits ~~the a~~ business without the
 111 benefit of a purchaser, successor, or assignee, or without
 112 transferring the business, assets of the business, or stock of
 113 goods of a business to a transferee, must file a final return
 114 for the business and make full payment of all taxes arising from
 115 the operation of that business within 15 days after quitting the
 116 business. ~~A taxpayer who fails to file a final return and make~~

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 117 ~~payment may not engage in any business in this state until the~~
 118 ~~final return has been filed and all taxes, interest, or~~
 119 ~~penalties due have been paid.~~ The Department of Legal Affairs
 120 may seek an injunction at the request of the department to
 121 prevent further business activity of a taxpayer who fails to
 122 file a final return and make payment of the taxes associated
 123 with the operation of the business until such ~~taxes tax,~~
 124 ~~interest, or penalties~~ are paid. A temporary injunction
 125 enjoining further business activity shall may be granted by a
 126 circuit court if the department has provided at least 20 days'
 127 prior written notice to the taxpayer without notice.

(3) A taxpayer who is liable for taxes with respect to a
 129 business, interest, or penalties levied under chapter 443 or any
 130 of the chapters specified in s. 213.05, excluding corporate
 131 income tax, who transfers the taxpayer's business, assets of the
 132 business, or stock of goods of the business, must file a final
 133 return and make full payment within 15 days after the date of
 134 transfer.

(4) (a) A transferee, or a group of transferees acting in
 136 concert, of more than 50 percent of a business, assets of a
 137 business, or stock of goods of a business is liable for any
 138 unpaid tax, interest, or penalties owed by the transferor
 139 arising from the operation of that business unless:

1. a. The transferor provides a receipt or certificate of
 141 compliance from the department to the transferee showing that
 142 the transferor has not received a notice of audit and the
 143 transferor has filed all required tax returns and has paid all
 144 tax arising is not liable for taxes, interest, or penalties from
 145 the operation of the business identified on the returns filed;

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 146 and
 147 b. There were no insiders in common between the transferor
 148 and the transferee at the time of the transfer; or
 149 2. The department finds that the transferor is not liable
 150 for taxes, interest, or penalties after an audit of the
 151 transferor's books and records. The audit may be requested by
 152 the transferee or the transferor and, if not done pursuant to
 153 the certified audit program under s. 213.285, must be completed
 154 by the department within 90 days after the records are made
 155 available to the department. The department may charge a fee for
 156 the cost of the audit if it has not issued a notice of intent to
 157 audit by the time the request for the audit is received.

(b) A transferee may withhold a portion of the
 159 consideration for a business, assets of the business, or stock
 160 of goods of the business to pay the ~~tax taxes, interest, or~~
 161 ~~penalties~~ owed to the state by the transferor taxpayer arising
 162 from the operation of the business. The transferee shall pay the
 163 withheld consideration to the state within 30 days after the
 164 date of the transfer. If the consideration withheld is less than
 165 the transferor's liability, the transferor remains liable for
 166 the deficiency.

(c) ~~A transferee who acquires the business or stock of~~
 168 ~~goods and fails to pay the taxes, interest, or penalties due may~~
 169 ~~not engage in any business in the state until the taxes,~~
 170 ~~interest, or penalties are paid.~~ The Department of Legal Affairs
 171 may seek an injunction at the request of the department to
 172 prevent further business activity of a transferee who is liable
 173 for unpaid tax of a transferor and who fails to pay or cause to
 174 be paid the transferee's maximum liability for such tax due

24-00022-12 2012170__

175 until such maximum liability for the tax is, interest, or
 176 ~~penalties are~~ paid. A temporary injunction enjoining further
 177 business activity shall may be granted by a circuit court if:
 178 ~~without notice.~~

179 1. The assessment against the transferee is final and
 180 either:

181 a. The time for filing a contest under s. 72.011 has
 182 expired; or

183 b. Any contest filed pursuant to s. 72.011 resulted in a
 184 final and nonappealable judgment sustaining any part of the
 185 assessment; and

186 2. The department has provided at least 20 days' prior
 187 written notice to the transferee of its intention to seek an
 188 injunction.

189 (5) The transferee, or transferees acting in concert, of
 190 more than 50 percent of a business, assets of the business, or
 191 stock of goods of a business who are liable for any tax pursuant
 192 to this section shall be ~~are~~ jointly and severally liable with
 193 the transferor for the payment of the tax taxes, interest, or
 194 ~~penalties~~ owed to the state from the operation of the business
 195 by the transferor up to the transferee's or transferees' maximum
 196 liability for such tax due.

197 (6) The maximum liability of a transferee pursuant to this
 198 section is equal to the fair market value of the business,
 199 assets of the business, or stock of goods of the business
 200 property transferred to the transferee or the total purchase
 201 price paid by the transferee for the business, assets of the
 202 business, or stock of goods of the business, whichever is
 203 greater.

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204 (a) The fair market value must be determined net of any
 205 liens or liabilities, with the exception of liens or liabilities
 206 owed to insiders.

207 (b) The total purchase price must be determined net of
 208 liens and liabilities against the assets, with the exception of:

209 1. Liens or liabilities owed to insiders.

210 2. Liens or liabilities assumed by the transferee that are
 211 not liens or liabilities owed to insiders.

212 (7) After notice by the department of transferee liability
 213 under this section, the transferee has 60 days within which to
 214 file an action as provided in chapter 72.

215 (8) This section does not impose liability on a transferee
 216 of a business, assets of a business, or stock of goods of a
 217 business when:

218 (a) The transfer is pursuant to an involuntary transfer; or
 219 (b) The transferee is not an insider, and the asset
 220 transferred consists solely of a one- to four-family residential
 221 real property and furnishings and fixtures therein; real
 222 property that has not been improved with any building; or owner-
 223 occupied commercial real property; and, in each case, is not
 224 accompanied by a transfer of other assets of the business.

225 (9) The department may adopt rules necessary to administer
 226 and enforce this section.

227 Section 2. Subsection (17) of section 213.053, Florida
 228 Statutes, is amended to read:

229 213.053 Confidentiality and information sharing.—

230 (17) The department may provide to the person against whom
 231 transferee liability is being asserted pursuant to s. 213.758
 232 ~~212.10(1)~~ information relating to the basis of the claim.

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2012170__

- 233 Section 3. Section 202.31, Florida Statutes, is repealed.
- 234 Section 4. Section 212.10, Florida Statutes, is repealed.
- 235 Section 5. This act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/2012
Meeting Date

Topic TRANSFER OF TAX LIABILITY

Bill Number SB 170
(if applicable)

Name BILL WILEY

Amendment Barcode _____
(if applicable)

Job Title ATTORNEY

Address 3647 LATITIA LANE
Street

Phone 850-574-9438

TALLAHASSEE FL 32312
City State Zip

E-mail wbwiley@billwileylaw.com

Speaking: For Against Information

Representing BUSINESS LAW SECTION, THE FLORIDA BAR

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/12

Meeting Date

Topic TRANSFER OF TAX LIABILITY

Bill Number SB 170
(if applicable)

Name KENNETH PRATT

Amendment Barcode _____
(if applicable)

Job Title VP OF GOVT. AFFAIRS

Address 1001 THOMASVILLE RD., ST. 201

Phone 850-224-2265

Street

TALLAHASSEE FL 32303

City

State

Zip

E-mail kpratt@floridabankers.com

Speaking: For Against Information

Representing FLORIDA BANKERS ASSOCIATION

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/12
Meeting Date

Topic _____

Bill Number 170
(if applicable)

Name Frank Meiners

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO BOX 1633
Street
Tall FL 32501
City State Zip

Phone 850-591-0177

E-mail frank@chgmail.com

Speaking: For Against Information

Representing Assoc. Ind. of FL (AIF)

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/12

Meeting Date

Topic Transfer of Tax Liability Bill Number SB 170
(if applicable)

Name Vicki Weber Amendment Barcode _____
(if applicable)

Job Title Attorney-Hopping Green & Sams

Address 119 South Monroe Suite 300 Phone 850-222-7500

Street

Tallahassee Florida 32301
City State Zip

E-mail vweber@hgslaw.com

Speaking: For Against Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/2012

Meeting Date

Topic _____

Bill Number 170
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

Street

SAINT PETERSBURG FLORIDA 33705

E-mail JUSTICE2JESUS@YAHOO.COM

City

State

Zip

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: CS/CS/SB 502

INTRODUCER: Community Affairs Committee; and Agriculture Committee and Senator Hays

SUBJECT: Public Fairs and Expositions

DATE: December 5, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Weidenbenner</u>	<u>Buford</u>	<u>AG</u>	<u>Fav/CS</u>
2.	<u>Hinton</u>	<u>Yeatman</u>	<u>CA</u>	<u>Fav/CS</u>
3.	<u>Fournier</u>	<u>Diez-Arguelles</u>	<u>BFT</u>	<u>Pre-Meeting</u>
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

CS/CS/SB 502 (the bill) creates or revises definitions in ch. 616, F.S., Public Fairs and Expositions, to clarify the usage of fairground facilities for an annual public fair or for other authorized uses. Chapter 616, F.S., states that, in addition to public service, the primary objective of a fair association is to hold, conduct, and promote public fairs or expositions. It requires an association to pursue those objectives in good faith.

The bill permits a fair association to file its charter and amendments as a Florida Not for Profit Corporation and provides for dissolution by a resolution procedure set forth in the charter. It makes a declaration that authorized uses by a fair association serve an essential government purpose which codifies long standing case law regarding the right to certain tax exemptions. The bill expands the list of activities and functions authorized for a fair association to reflect current practices and it affirms that a fair association is a noncommercial activity provider. It removes language allowing a fair association to charge an admission fee and confirms that the Department of Transportation may contribute land for a fair's use.

The bill changes the waiver from local occupational license to a waiver from local business taxes for a fair association and an operator of an activity at an annual fair to conform to the definition in ch. 205, F.S.

The bill prohibits a fair association from conducting more than one annual public fair. It requires the Department of Agriculture and Consumer Services (DACS) to issue a permit within 10 days after application requirements have been met. It reduces the time for a fair association to apply for a waiver from the required minimum number of exhibits. It allows agricultural and livestock exhibit buildings to be used for any public fair purpose.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 288.1175, 616.001, 616.01, 616.02, 616.03, 616.05, 616.051, 616.07, 616.08, 616.101, 616.11, 616.12, 616.121, 616.14, 616.15, 616.17, 616.185, 616.19, 616.21, 616.23, and 616.24.

II. Present Situation:

The Legislature first passed laws for the purpose of regulating state fair associations and operations by enacting ch. 7388, L.O.F, in 1917. In 1974, the Legislature enacted ch. 74-322, L.O.F., which created the Florida State Fair Authority to deal exclusively with the staging of the annual state fair in Tampa, Florida. The last major changes to the statute occurred when the statute was reviewed in 1993 under provisions of the Regulatory Sunset Act. At that time, it was revised and reenacted by the provisions of ch. 93-168, L.O.F.

Besides the state fair in Tampa, there are approximately fifty other district, regional or county fair associations that stage an annual fair as well as public fairs and expositions. Part I of ch. 616, F.S., sets forth procedures for a fair association to obtain a permit from DACS and provides guidelines for staging these events. Forty nine of the fair associations are members of the Florida Federation of Fairs and Livestock Shows, a Florida Non Profit Corporation, (Federation) whose mission is to increase the overall quality of agricultural fairs, provide members support and guidance to educate youth and fairgoers on agriculture, trade, entertainment, and heritage of Florida.¹ Addressing legislative affairs is a support function provided by the organization for its members. Federation representatives report that actual practices over the years show some minor variances from the language of the statute and have proposed amendments to reflect this and to make other changes.

A fair association is required to record its charter and amendments with the clerk of the county where its principal office is located and to file a copy with DACS. The controlling statute indicates that the association to be formed would be not for profit but is silent as to filing with the Department of State.

Currently operators of an activity at permitted fair and fair associations are exempt from certain license taxes which are now referred to as local business taxes in ch. 205, F.S.

Currently there is no statutory deadline for DACS to issue the annual fair permit after the completed application has been received. Also, a fair association has to request a waiver from the minimum number of exhibits at least 60 days before the annual public fair. Buildings authorized

by ss. 616.21-616.23, F.S., are limited to being used as agricultural or livestock exhibition buildings.

Several sections of Florida Statutes govern taxation of fairs and fair activities conducted by third parties:

Section 212.031(6), F.S., provides that leases and rentals of land, a hall, or other facilities by a fair association to a show promoter or prime operator of a carnival or midway attraction are exempt from the tax on rental or license fee for use of real property; however, the sublease of land or a hall or other facilities by the show promoter or prime operator is not exempt from the provisions of this section.

Section 212.08(7)(gg), F.S., exempts from sales and use tax the sale, use, lease, or grant of a license to use, made directly to or by a fair association, of real or tangible personal property. Any charge made by a fair association, or its agents, for parking, admissions, or for temporary parking of vehicles used for sleeping quarters; rentals, subleases, and sublicenses of real or tangible personal property between the owner of the central amusement attraction and any owner of an amusement ride is also exempt. This exemption does not apply to the sale of tangible personal property made by a fair association through an agent or independent contractor; sales of admissions and tangible personal property by a concessionaire, vendor, exhibitor, or licensee; or rentals and subleases of tangible personal property or real property between the owner of the central amusement attraction and a concessionaire, vendor, exhibitor, or licensee, except for the furnishing of amusement rides, which transactions are exempt.

Section 212.13(6), F.S., requires a fair association to distribute and collect forms from any concessionaire, vendor, exhibitor, or licensee. These forms must request, at a minimum, the name, business address, and telephone number of the concessionaire, vendor, exhibitor, or licensee, its sales tax registration number, and the amount of daily revenue that it receives as a result of activities and sales on the fairgrounds of as a result of the use of assets or other property of the fair association.

III. Effect of Proposed Changes:

Section 1 amends s. 616.001, F.S., to renumber subparagraphs and cross-references thereto as appropriate and to add or revise definitions as follows:

- Defines “Annual public fair” as a community, county, district, regional, or state fair that is held and conducted by a fair association and permitted by DACS pursuant to s. 616.15, F.S.;
- Revises the definition of “Community fair” to specify that it means “an annual public” fair and to make technical language changes;
- Defines “Concession” as used by a fair association or use of a portion of the land by a third party through an arrangement with a fair association for specific uses, or the right to enter upon the land for specific purposes, such as providing rides, games, food, beverage, merchandise for sale, exhibits, projects, activities, events, programs, or other uses authorized in ch. 616, F.S.;
- Revises the definition of “County fair” to specify that it means “an annual public” fair and to make technical language changes;

- Revises the definition of “District fair” to specify that it means “an annual public” fair and to make technical language changes;
- Revises the definition of “Entry” to make technical language changes;
- Revises the definition of “Exhibit” to specify that the term includes parades and displays of articles or a collection of articles by a fair association or a third party such as exhibits of animals, art, housewares, or motor vehicles;
- Revises the definition of “Exhibitor” to specify that the term includes a fair association or a third party contracting with a fair association and to make technical language changes;
- Revises the definition of “Public fair or exposition” to state that the term means a project, activity, event, or program and use by a fair association, including the annual public fair event, which serves the purposes specified in s. 616.08, F.S., and to make technical language changes;
- Revises the definition of “Regional fair” or “interstate fair” to specify that it means “an annual public” fair and to make technical language changes;
- Revises the definition of “Specialized show” to make technical language changes;
- Revises the definition of “State fair” to specify that it means “an annual public” fair and to make technical language changes.

Section 2 amends s. 616.01, F.S., to clarify that certain provisions pertaining to the formation of a charter for a fair association apply to the “annual public” fair and to make technical language changes. It deletes a provision allowing memberships to be for terms of years.

Section 3 amends s. 616.02, F.S., to delete a requirement that subscribers to a proposed charter be of good character and reputation. It adds to the subscribers’ oath an acknowledgment that the objective of a fair association, in addition to public service, is holding, conducting, and promoting public fairs or expositions and a commitment that the association will operate in good faith to carry out its objectives. It also makes technical language changes.

Section 4 amends s. 616.03, F.S., to make technical language changes regarding the procedures for applying for a charter for a fair association. It permits a fair association to file its duly approved charter with the Department of State under the Florida Not For Profit Corporation Act, ch. 617, F.S.

Section 5 amends s. 616.05, F.S., to make technical language changes regarding amendments to a fair association’s charter. It requires an association that has filed its charter with the Department of State to also file amendments to the charter with that department.

Section 6 amends s. 616.051, F.S., to make technical language changes regarding dissolution of a fair association. It permits dissolution by a resolution provided in the charter in addition to the resolution procedure now authorized to be set forth in an association’s bylaws.

Section 7 amends s. 616.07, F.S., to make technical language changes regarding personal liability of members, officers, directors, or trustees of a fair association and exemptions from taxes. It also makes a declaration that acts of a fair association in pursuit of its legitimate purposes serve an essential governmental purpose. It expands the exemption from all forms of taxation that currently applies to “all money and property of the association” to include “any projects, activities, events, programs, and uses authorized by this part.”

Section 8 amends s. 616.08, F.S., to make technical language changes regarding additional powers of the fair associations. It authorizes the fair association to enter into a lease or rent of space for concessions and adds “equine” to the list of authorized exhibits. The bill adds the following types of activities to the list for which facilities may be provided: educational, horticultural, livestock, equestrian, charitable, historical, civic, cultural, scientific, and other resources of the area plus exhibits, concessions, entertainment events, recreational vehicle parking, auctions, trade shows, and concerts. The bill declares that a fair association organized under this chapter is a noncommercial activity provider.

Section 9 amends s. 616.101, F.S., to make technical language changes regarding the annual review of accounts and records of a fair association. It changes the word “fair” to “annual public fair” which makes this section pertain only to a fair association with a permitted annual fair.

Section 10 amends s. 616.11, F.S., to make technical language changes regarding a fair association’s authorization to contract with governmental entities for use of land. It removes language authorizing fair association to receive an admission fee and it specifically adds the Department of Transportation as a governmental entity that may contribute land for use by a fair association.

Section 11 amends s. 616.12, F.S., to make technical language changes regarding licenses and the exemption from local business taxes authorized by ch. 205, F.S., for an operator of an activity at an annual public fair held by a fair association that satisfies the requirements of ch. 616, F.S., Public Fairs and Expositions. It changes the words “public fair” to “annual public fair” and it deletes the word “exposition” which makes this section pertain only to a fair association that has a permitted annual public fair. The bill makes technical language changes regarding the exemption from local business taxes authorized by ch. 205, F.S., for a fair association that has secured the required permit for an annual fair, adding “department” to the list of entities from whose taxes and assessments fair associations are exempt.

Section 12 amends s. 616.121, F.S., to make technical language changes regarding the penalty for making a false application for an annual fair permit. It changes the words “a public fair” to “an annual public fair” and it deletes the word “exposition” which makes this section pertain only to an application for an annual public fair permit.

Section 13 amends s. 616.14, F.S., to prohibit a fair association from conducting more than one annual public fair and it deletes the word “exposition” which makes this section pertain only to a fair association that has a permitted annual public fair.

Section 14 amends s. 616.15, F.S., to make technical language changes regarding procedures a fair association must follow to obtain a permit from DACS. It requires DACS to issue a permit within 10 days after the application requirements have been fulfilled. The bill changes the words “public fair” to “annual public fair” and it deletes the word “exposition” which makes this section pertain only to a fair association seeking a permit for an annual public fair.

Section 15 amends s. 616.17, F.S., to make technical language changes regarding the minimum number of exhibits and changes the word “public fair” to “annual public fair” and it deletes the word “exposition” which makes this section pertain only to a permitted annual public fair. It reduces the

time to 30 days from 60 days before the annual public fair in which a fair association may apply for a waiver from the minimum number of exhibits.

Section 16 amends s. 616.185, F.S., to make technical language changes regarding trespass upon grounds or facilities of public fair associations to clarify that it applies to all grounds or facilities owned or used by any fair association permitted under s. 616.15, F.S.

Section 17 amends s. 616.19, F.S., to make technical language changes regarding designation of fairs to clarify that it applies to all fair associations created pursuant to ch. 616, F.S.

Section 18 amends s. 616.21, F.S., to make technical language changes regarding the expenditure of appropriated funds on agricultural and livestock exhibit buildings.

Section 19 amends s. 616.23, F.S., to remove a limitation that certain buildings were to be used only as agricultural and livestock exhibit buildings which will allow the buildings to be used for any public fair or exhibition purpose.

Section 20 amends s. 616.24, F.S., to make a technical language change regarding the enforcement of ch. 616, F.S., Public Fairs and Expositions.

Section 21 amends s. 288.1175, F.S., to change cross-references.

Section 22 provides that this act shall take effect July 1, 2012.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference has not determined a revenue impact of this bill. Concerns have been raised, however, about the effect of changes in Section 7 of the bill, which expands the tax-exempt status of fair association activities. Also, the addition of "department" to the list of entities' from whose fees or taxes a fair association is exempt (line 490) may call into question the status of transactions that are taxable under s. 212.08(7)(gg), F.S.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on December 5, 2011: The CS makes a technical change.

CS by Agriculture on November 14, 2011: The CS revises the definition of “Public fair or exposition” to cover all functions, including the annual public fair, which serve the purposes of s. 616.08, F.S. It removes language creating an exemption for fair associations from local land use and zoning ordinances from certain enumerated fees and taxes of local governments.

B. Amendments:

None.



904660

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Finance and Tax
(Gardiner) recommended the following:

Senate Amendment (with title amendment)

Delete line 326
and insert:
assessments. This section does not provide an exemption from or
affect any tax imposed under chapter 212.

Delete line 490
and insert:
municipality, political subdivision, or agency, or

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



904660

13 And the title is amended as follows:
14 Delete line 28
15 and insert:
16 therefore, are exempt from taxation; providing that
17 certain exemptions are not applicable to taxes imposed
18 under ch. 212, F.S.; amending s.

By the Committees on Community Affairs; and Agriculture; and
Senator Hays

578-01523-12

2012502c2

1 A bill to be entitled
2 An act relating to public fairs and expositions;
3 amending s. 616.001, F.S.; redefining existing terms
4 and defining the terms "annual public fair" and
5 "concession"; amending s. 616.01, F.S., relating to
6 requirements for the proposed charter of an annual
7 public fair; revising provisions to conform to changes
8 made by the act; amending s. 616.02, F.S.; providing
9 that the primary objective of a fair association is
10 the holding, conducting, and promoting of public fairs
11 or expositions; amending s. 616.03, F.S.; providing
12 that a fair association may file its duly approved
13 charter with the Department of State in addition to
14 the Department of Agriculture and Consumer Services
15 for notice purposes; amending s. 616.05, F.S.;
16 providing the process by which a fair association may
17 amend its charter; requiring a fair association that
18 files its charter with the Department of State to file
19 a copy of amendments to its charter with that
20 department; amending s. 616.051, F.S.; revising
21 provisions regarding the process by which a fair
22 association may dissolve its charter; amending s.
23 616.07, F.S.; revising provisions regarding the
24 distribution of public funds and property when a fair
25 association is dissolved; clarifying that certain
26 authorized projects, activities, events, programs, and
27 uses serve an essential governmental purpose and,
28 therefore, are exempt from taxation; amending s.
29 616.08, F.S.; requiring each fair association to hold

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

578-01523-12

2012502c2

30 an annual public fair; authorizing the fair
31 association to license certain property and to grant,
32 lease, rent, or license space for exhibits and
33 concessions; requiring the fair association to
34 stimulate public interest in the benefit and
35 development of certain resources of the state, any
36 county, or a municipality, including facilities for
37 specified uses; providing that certain fair
38 associations are noncommercial activity providers;
39 amending s. 616.101, F.S.; revising provisions related
40 to the review of association accounts and records;
41 amending s. 616.11, F.S.; clarifying the rights of the
42 association to use certain property for public
43 purposes; adding the Department of Transportation to
44 the list of governmental entities that may make
45 contributions to a fair association to assist it in
46 carrying out its purpose; authorizing state, county,
47 and municipal governments to fund certain projects at
48 or connected with public fairs and expositions;
49 amending s. 616.12, F.S.; revising provisions relating
50 to the exemption from certain license taxes and local
51 business taxes for annual public fairs held by a fair
52 association; amending s. 616.121, F.S., relating to a
53 penalty imposed for making false application for a
54 permit; replacing the term "exhibitions" with the term
55 "annual public fair" to conform to changes made by the
56 act; amending s. 616.14, F.S.; prohibiting a fair
57 association from conducting more than one annual
58 public fair each calendar year; amending ss. 616.15

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

578-01523-12

2012502c2

59 and 616.17, F.S., relating to procedures for obtaining
 60 a permit from the Department of Agriculture and
 61 Consumer Services to conduct a public fair; revising
 62 provisions to conform to changes made by the act;
 63 revising requirements for obtaining a departmental
 64 waiver from minimum exhibit requirements; amending s.
 65 616.185, F.S.; revising provisions prohibiting the
 66 offense of trespass upon the grounds or facilities of
 67 a public fair; amending s. 616.19, F.S.; revising
 68 provisions relating to the designation of fairs;
 69 amending s. 616.21, F.S.; revising provisions related
 70 to the expenditure of appropriated funds; amending s.
 71 616.23, F.S.; removing certain limitations on the use
 72 of buildings by counties, municipalities, or fair
 73 associations; amending s. 616.24, F.S.; revising
 74 provisions related to enforcement; amending s.
 75 288.1175, F.S.; conforming cross-references; providing
 76 an effective date.

77
 78 Be It Enacted by the Legislature of the State of Florida:

79
 80 Section 1. Section 616.001, Florida Statutes, is amended to
 81 read:

82 616.001 Definitions.—As used in this chapter, the term:

83 (1) "Annual public fair" means a community, county,
 84 district, regional, or state fair that is held and conducted by
 85 a fair association and permitted by the department pursuant to
 86 s. 616.15.

87 (2)(1) "Authority" means the Florida State Fair Authority.

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88 ~~(3)(2)~~ "Community fair" means an annual public a fair that
 89 ~~which~~ serves an area of less than an entire county, ~~has and the~~
 90 exhibits ~~that of which~~ are in accordance with s. 616.17, and
 91 ~~gives in which~~ premiums or awards ~~are given to exhibitors of the~~
 92 ~~fair~~. Agricultural products shall be produced in the community
 93 the exhibit represents. The majority of the board of directors
 94 of the fair shall reside, be employed, or operate a business in
 95 the community the fair represents.

96 (4) "Concession" means use by a fair association, or a
 97 grant, lease, or license to a third party, of a portion of the
 98 land under the ownership, custody, or control of a fair
 99 association for specific uses, or the right to enter upon the
 100 land for specific purposes, such as providing rides, games,
 101 food, beverage, merchandise for sale, exhibits, projects,
 102 activities, events, programs, or other uses authorized in this
 103 chapter.

104 ~~(5)(3)~~ "County fair" means an annual public a fair that
 105 ~~which~~ serves an entire county and provides exhibitors with
 106 premiums or awards for the exhibits that of which are in
 107 accordance with s. 616.17 and ~~in which premiums or awards are~~
 108 ~~given to exhibitors of the fair~~. Agricultural products must
 109 ~~shall~~ be typical of those produced in the county the exhibit
 110 represents ~~in meeting minimum exhibit requirements~~. The majority
 111 of the board of directors of the fair shall reside, be employed,
 112 or operate a business in the county that the fair association
 113 represents.

114 ~~(6)(4)~~ "Department" means the Department of Agriculture and
 115 Consumer Services.

116 ~~(7)(5)~~ "District fair" means an annual public a fair that

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117 ~~which~~ serves at least five counties and has the exhibits that
 118 meet the requirements of which are in accordance with s. 616.17.
 119 ~~A district, which~~ fair shall pay at least not less than a
 120 ~~minimum of \$25,000 in cash premiums or awards to exhibitors of~~
 121 ~~the fair.~~ Agricultural products must shall be typical of those
 122 produced in the counties county the exhibit represents.
 123 Livestock may originate from outside the district, but must be
 124 registered in the exhibitor's name at least 30 days before the
 125 opening day of the fair. Each county is shall be encouraged to
 126 have proportionate exhibits, typical of its respective natural
 127 resources. Each county shall have exhibits representing in some
 128 ~~phase of~~ basic resources in agriculture and industry.

129 ~~(8)(6)~~ "Entry" means one item entered for competition or
 130 show. An entry may ~~or may not~~ constitute an exhibit, depending
 131 upon the regulations ~~as~~ stated in the premium book.

132 ~~(9)(7)~~ "Exhibit" means one or more entries entered for
 133 exhibition and constituting a unit. An exhibit may consist of
 134 one or more entries, depending upon the regulations ~~as~~ stated in
 135 the premium book. The term includes parades and displays of
 136 articles or a collection of articles, whether static,
 137 interactive, or dynamic, by a fair association or a third party
 138 contracting with a fair association, such as exhibits of
 139 animals, art, housewares, or motor vehicles.

140 ~~(10)(8)~~ "Exhibitor" means an individual, group of
 141 individuals, or business, including a fair association or third
 142 party contracting with a fair association, which has an exhibit
 143 ~~having an entry or entries in a show or fair.~~

144 ~~(11)(9)~~ "Fair association" or "association" means an
 145 association not for profit incorporated under this chapter for

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146 the purpose of conducting and operating public fairs or
 147 expositions.

148 ~~(12)(10)~~ "Public fair or exposition" means a project,
 149 activity, event, or program and use by a fair association,
 150 including the annual public fair event, which serves the
 151 purposes specified in s. 616.08 and benefits and develops or
 152 ~~exposition not for profit for the purpose of the benefit and~~
 153 ~~development of~~ the educational, agricultural, horticultural,
 154 livestock, charitable, historical, civic, cultural, scientific,
 155 and other resources of this the state, or any county, ~~or~~
 156 ~~counties of the state, or any~~ municipality, or other community
 157 in this of any county of the state.

158 ~~(13)(11)~~ "Regional fair" or "interstate fair" means an
 159 annual public a fair of this state and other several states, one
 160 ~~of which is Florida,~~ in which fair exhibits meet the
 161 requirements of are in accordance with s. 616.17. Agricultural
 162 products must shall be typical of those produced in the area the
 163 exhibit represents.

164 ~~(14)(12)~~ "Specialized show" means a show or exhibition
 165 exhibiting and emphasizing a livestock or poultry ~~show,~~ or a
 166 fruit or vegetable festival, and must shall meet the minimum
 167 exhibit requirements specified as defined in s. 616.17. A
 168 specialized show may qualify under one of the definitions in
 169 subsections ~~(2), (3), (5), (7), and (15) (13).~~

170 ~~(15)(13)~~ "State fair" means an annual public a fair that
 171 ~~which~~ serves the entire state. Exhibits must comply shall be in
 172 ~~accordance with~~ s. 616.17, and cash premiums or awards may be
 173 given to exhibitors ~~of the fair.~~

174 Section 2. Section 616.01, Florida Statutes, is amended to

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175 read:

176 616.01 Number of persons required; requisites of proposed
 177 charter.—Twenty-five or more persons who are residents and
 178 qualified electors of the county in which wherein the annual
 179 public fair is to be located, who wish wishing to form an
 180 association not for profit for the purpose of conducting and
 181 operating public fairs or expositions, may become incorporated
 182 in the following manner. The subscribers They shall submit the
 183 proposed charter to the department for review and approval. If
 184 the proposed charter is approved, the subscribers shall sign and
 185 then present the proposed charter to the judge of the circuit
 186 court for the county in which the principal office of the
 187 association will is to be located. The a proposed charter must
 188 specify signed by the intended incorporators, which shall set
 189 forth:

190 (1) The name of the association and the place where the
 191 principal office is to be located. The name of the association
 192 shall include the word, "Inc."

193 (2) The general nature of the objectives its objects and
 194 powers of the association, including a provision that the
 195 association is incorporated for the sole purpose of conducting
 196 and operating public fairs or expositions.

197 (3) The qualifications and terms of association members and
 198 criteria for the manner of their admission and expulsion.
 199 Provision may be made in the charter for ex officio membership,
 200 and memberships may be for terms of years.

201 (4) The time for which the association it is to exist.

202 (5) The name names and residence residences of each
 203 subscriber the subscribers.

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204 (6) Procedures for the election of and governance by what
 205 officers, who may its affairs are to be managed, and the time at
 206 which the officers will be elected or appointed.

207 (7) The designation names of the officers who will are to
 208 manage the its affairs of the association until the first
 209 election or appointment under the charter.

210 (8) Procedures for the adoption, amendment, or rescission
 211 of By whom its bylaws of the association are to be made,
 212 altered, or rescinded.

213 (9) The highest amount of indebtedness or liability that
 214 may be accrued by the association to which it may at any time
 215 subject itself.

216 Section 3. Section 616.02, Florida Statutes, is amended to
 217 read:

218 616.02 Acknowledgment of charter.—The proposed charter of a
 219 fair association shall be acknowledged by at least three of its
 220 subscribers, each a person of good character and reputation,
 221 before an officer authorized to make acknowledgment of deeds,
 222 which Subscribers shall also make and take subscribe to an oath,
 223 which must to be attached to the proposed charter, stating that
 224 the primary objective object of the association is public
 225 service and holding, conducting, and promoting public fairs or
 226 expositions; that money and other available assets in value
 227 exceeding \$5,000 have there has been provided for the purposes
 228 of the association property, money, and other available assets
 229 in value exceeding \$5,000; and that the association will operate
 230 intends in good faith to carry out the purposes and objectives
 231 objects set forth in its charter.

232 Section 4. Section 616.03, Florida Statutes, is amended to

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233 read:

234 616.03 Notice of application; approval and record of
 235 charter.—A notice of intention to apply to the circuit court
 236 judge for the charter of a fair association must specify,
 237 stating the date that time when the application will be made,
 238 shall be sent to the department for approval, and then shall be
 239 published in a newspaper in the county where the principal
 240 office of the association will is to be located once each week
 241 for 4 consecutive weeks. The notice must, setting forth briefly
 242 summarize the charter and objectives ~~objects~~ of the proposed
 243 association ~~to be formed~~. The proposed charter shall be
 244 submitted to and approved by the board of county commissioners
 245 of the county in which the principal office of the association
 246 will is to be located. After Upon approval by of the department
 247 and the board of county commissioners, the proposed charter and
 248 with proof of ~~both~~ approval and publication shall be submitted
 249 to the circuit judge on the date specified at the time named in
 250 the notice, and If no cause is shown to the contrary and if
 251 the judge finds that the proposed charter is to be in proper
 252 form and will serve so sworn to and for the primary objective
 253 ~~object~~ of public service, the judge shall approve the charter
 254 and issue an order ~~render a decree~~ incorporating the subscribers
 255 under the charter for the objectives ~~objects~~ and purposes
 256 specified in the charter and with the powers therein specified.
 257 The charter and order decree of incorporation shall then be
 258 recorded in the office of the clerk of the circuit court in the
 259 county where the principal office of the association will is to
 260 be located and provided to in the office of the department.
 261 After the order is recorded, ~~Thereafter~~ the subscribers and

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262 their associates are shall be incorporated with the objectives
 263 and powers established in the charter and under by the name
 264 given in the charter and with the objects and powers set forth
 265 therein. During the publication period, the proposed charter,
 266 during the time of publication, shall be on file in the office
 267 of the clerk of the circuit court. This section does not
 268 preclude a fair association from also filing its duly approved
 269 charter with the Department of State pursuant to chapter 617 for
 270 notice purposes.

271 Section 5. Section 616.05, Florida Statutes, is amended to
 272 read:

273 616.05 Amendment of charter.—A Any fair association may
 274 desiring to propose an amendment to of its charter may do so by
 275 resolution as provided in its charter or bylaws.

276 (1) The proposed amendment shall be submitted to the
 277 department for approval.

278 (2) After the department approves the proposed amendment,
 279 it will be incorporated into the original charter When approved,
 280 the proposed amendment, upon:

281 (a) Publication of notice in the same manner as provided in
 282 s. 616.03; and

283 (b) Filing the order of the circuit judge approving the
 284 amendment with Placement on file in the office of the clerk of
 285 the circuit court and in the office of the department, the
 286 rendering of a decree of the circuit judge approving and
 287 allowing the amendment; and

288 (c) Being recorded in the clerk's office, shall be
 289 incorporated into the original charter.

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291 If a fair association has filed its charter with the Department
 292 of State pursuant to chapter 617, a copy of any amendment to the
 293 charter must be filed with the Department of State for notice
 294 purposes.

295 Section 6. Section 616.051, Florida Statutes, is amended to
 296 read:

297 616.051 Dissolving a charter.-~~A~~ Any fair association may
 298 ~~desiring to~~ dissolve its charter ~~may do so~~ by resolution as
 299 provided in its charter or bylaws. The proposal for dissolving
 300 the charter shall be submitted to the department for approval.
 301 Upon approval and ~~upon~~ publication of notice and proof that all
 302 indebtedness has been paid and no claims are outstanding against
 303 the association, the circuit judge may, by decree, dissolve the
 304 association and order its remaining public funds ~~remaining~~ to be
 305 distributed as recommended by the board of directors.

306 Section 7. Section 616.07, Florida Statutes, is amended to
 307 read:

308 616.07 Members not personally liable; property of
 309 association held in trust; exempt from taxation.-

310 (1) ~~A~~ No member, officer, director, or trustee of a fair
 311 association is not ~~shall be~~ personally liable for any of the
 312 debts of the association, ~~and~~ ~~no~~ money or property of a fair
 313 association may not ~~shall~~ be distributed as profits or dividends
 314 among its members, officers, directors, or trustees, ~~but~~

315 (2) All money and property of the association, except that
 316 necessary ~~shall, except~~ for the payment of its just debts and
 317 liabilities, are ~~be and remain~~ perpetually public property,
 318 shall be administered by the association as trustee, and shall
 319 ~~to~~ be used exclusively for the legitimate purpose of the

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320 association. So long as they are used for that purpose, all
 321 money and property of the association are, and shall be, so long
 322 ~~as so used,~~ exempt from all forms of taxation, including special
 323 assessments, and any projects, activities, events, programs, and
 324 uses authorized by this part serve an essential governmental
 325 purpose and, therefore, are not taxable and are not subject to
 326 assessments.

327 (3)(2) Upon order of the circuit judge, any public funds or
 328 property remaining in a fair association when the association is
 329 dissolved shall be distributed by resolution of the board of
 330 directors, ~~upon order of the circuit judge~~ to any county or any
 331 municipality within the county. ~~The board, and~~ may designate
 332 provide in the distribution resolution the public project that
 333 will benefit from ~~on which~~ the funds ~~shall be used~~ or the manner
 334 in which the property will be used. If the use to which the
 335 property shall be put, however, where property has been
 336 contributed by a municipality or county, the property shall be
 337 reconveyed to the municipality or county that gave the property
 338 to the association making the contribution of said property.

339 Section 8. Section 616.08, Florida Statutes, is amended to
 340 read:

341 616.08 Additional powers of association.-~~Each~~ Every fair
 342 association shall ~~have the power to~~ hold, conduct, and operate
 343 public fairs and expositions, including an annual public fair.
 344 ~~annually and~~ For that such purpose, a fair association may to
 345 buy, lease, acquire, and occupy lands, and erect buildings and
 346 improvements of any kind on all kinds ~~thereon, and develop~~ those
 347 lands, ~~buildings, and improvements;~~ ~~to~~ sell, mortgage, lease,
 348 license, or convey any such property or any part thereof, in its

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349 discretion, from time to time for the purpose of public fairs or
 350 expositions; ~~to~~ charge and receive compensation for admission to
 351 those public fairs and expositions, and grant a lease or license
 352 or rent for the sale or renting of space for exhibits,
 353 concessions ~~exhibitions,~~ and ~~for~~ other purposes ~~privileges;~~ ~~to~~
 354 conduct and hold public meetings; ~~to~~ supervise and conduct
 355 lectures and ~~all kinds of~~ demonstration work in connection with
 356 or for the improvement of agriculture, horticulture,
 357 stockraising and poultry raising, and all kinds of farming and
 358 related matters connected therewith; ~~to~~ hold exhibits of
 359 agricultural and horticultural products and livestock, poultry,
 360 equine chickens, and other domestic animals; ~~to~~ give
 361 certificates or diplomas of excellence; ~~to~~ promote the progress
 362 of the geographical area it represents and serves and stimulate
 363 public interest in the advantages and development of that area
 364 by providing facilities for the benefit and development of the
 365 educational, agricultural, horticultural, livestock, equestrian,
 366 charitable, historical, civic, cultural, scientific, and other
 367 resources of the state, any county of the state, or any
 368 municipality or other community of any county of the state,
 369 including facilities for exhibits, concessions, and industrial
 370 exhibitions, public gatherings, cultural activities,
 371 entertainment events, recreational vehicle parking, auctions,
 372 trade shows, concerts, and other functions ~~that~~ ~~which~~ the
 373 association determines will enhance the educational, physical,
 374 economic, and cultural interests of the public; and generally ~~to~~
 375 do, perform, and carry out all matters, acts, and business usual
 376 or proper in connection with public fairs and expositions. ~~but~~
 377 This enumeration of particular powers does ~~shall~~ not diminish ~~be~~

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378 ~~in derogation of~~ or limit any special provisions of the charter
 379 of the association ~~inserted~~ for the regulation of its business,
 380 and the conduct of its affairs of creating, defining, limiting,
 381 and regulating the powers of the association or its officers or
 382 members. ~~provided,~~ The treasurer or similar officer of the
 383 association shall ~~be required to~~ give a good and sufficient bond
 384 with a surety company duly authorized under the laws of the
 385 state, payable to the association and in an amount equal to the
 386 value of the total amount of money and other property in that
 387 officer's possession or custody, in addition to the value of any
 388 money and property of the association which ~~that~~ may reasonably
 389 be expected to come into that officer's possession or custody. A
 390 fair association organized under this chapter is a noncommercial
 391 activity provider.

392 Section 9. Section 616.101, Florida Statutes, is amended to
 393 read:

394 616.101 Annual review of accounts and records. ~~Once each~~
 395 ~~year, a review of~~ The accounts and records of every fair
 396 association whose annual public fair has an annual attendance of
 397 more than 25,000, ~~based on sound accounting practices and~~
 398 ~~procedures,~~ shall be reviewed annually ~~made~~ by a qualified
 399 accountant licensed by the state. A fair association whose
 400 annual public fair has an annual attendance of 25,000 or fewer
 401 ~~less~~ must submit an annual financial statement that has been
 402 signed by an officer of the county. The results of the ~~all such~~
 403 reviews shall be kept in the official records of each
 404 association, available to all directors of the association. A
 405 certified copy of the review shall be filed with ~~in the office~~
 406 ~~of~~ the department:

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407 (1) On request by the department to certify expenditures of
 408 the premiums awarded to exhibitors of a fair state premium or of
 409 building funds when there is evidence of violation of state
 410 laws; or

411 (2) When the association is applying for a fair permit.

412 Section 10. Section 616.11, Florida Statutes, is amended to
 413 read:

414 616.11 Association authorized to contract with
 415 municipality, county, or state for use of land; admission fees;
 416 state, counties, and municipalities authorized to make
 417 contributions.—Any fair association may enter into any contract,
 418 lease, or agreement with any municipality or county in the state
 419 or with the state or agency or subdivision of the state ~~thereof~~
 420 for the donation to or the use and occupation by the association
 421 of any land owned, leased, or held by the county or municipality
 422 or the state or agency or subdivision of the state ~~thereof~~
 423 during a such time and on the such terms approved by ~~as~~ the
 424 county or municipality or the state or agency or subdivision
 425 ~~thereof may authorize~~, with the right ~~on the part~~ of the
 426 association to use the property for public charge and ~~receive an~~
 427 ~~admission fee to the fair or exposition purposes or any part~~
 428 ~~thereof~~. The state, the Department of Transportation and ~~or~~ any
 429 ~~other~~ agency or subdivision of the state ~~thereof~~, the board of
 430 county commissioners of any county within which the fair or
 431 exhibition is held, and the mayor and city council of any
 432 municipality within the county may also make contributions of
 433 money, property, or services to fair associations under ~~as~~
 434 carrying out the purposes of the associations under ~~as~~
 435 authorized by this chapter. The state or any agency or

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436 subdivision of the state, boards of county commissioners of the
 437 various counties of the state, and the mayor and city council of
 438 any municipality within the county may expend ~~in their~~
 439 ~~discretion~~ such sums of money as they deem necessary for the
 440 best interests of their counties and in aiding the development
 441 of the educational, agricultural, horticultural, livestock,
 442 charitable, historical, civic, cultural, scientific, and any
 443 other resources of their counties at and in connection with
 444 public fairs and expositions, including the offering and paying
 445 of premiums for the exhibitions of resources of the state,
 446 county, or municipality ~~their respective counties~~.

447 Section 11. Section 616.12, Florida Statutes, is amended to
 448 read:

449 616.12 Licenses upon certain shows; distribution of fees;
 450 exemptions.—

451 (1) Each ~~Every~~ person who operates ~~may operate under any~~
 452 ~~terms whatsoever, including a lease arrangement,~~ any traveling
 453 show, exhibition, amusement enterprise, carnival, vaudeville,
 454 exhibit, minstrel, rodeo, theatrical, game or test of skill,
 455 riding device, dramatic repertoire, ~~or~~ other show or amusement,
 456 or concession, ~~(including a concession operating in a tent,~~
 457 enclosure, or other temporary structure, ~~whether covered or~~
 458 ~~uncovered)~~ within the grounds of, and in connection with, any
 459 annual public fair ~~or exposition~~ held by a fair association
 460 shall pay the license taxes ~~now or hereafter~~ provided by law. ~~→~~
 461 However, if in the event the association satisfies the
 462 requirements ~~fully qualifies with all other provisions~~ of this
 463 chapter, including securing the required fair permit from the
 464 department, the ~~traveling show, exhibition, amusement~~

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465 ~~enterprise, carnival, vaudeville, minstrel, rodeo, theatrical,~~
 466 ~~game or test of skill, riding device, dramatic repertoire, or~~
 467 ~~other show or amusement (including a concession operating in a~~
 468 ~~tent, enclosure, or other temporary structure, whether covered~~
 469 ~~or uncovered) within the grounds of, and in connection with, any~~
 470 ~~such fair or exposition is not required to pay any such license~~
 471 taxes and local business tax authorized in chapter 205 are
 472 waived and the department shall issue tax, but shall operate
 473 under a tax exemption certificate issued by the department. The
 474 department shall adopt prescribe the proper forms and rules to
 475 administer for carrying out the purpose and intent expressed in
 476 this section, including the necessary tax exemption certificate,
 477 to be signed by the tax collector, showing that the fair
 478 association has met all requirements and that the traveling
 479 show, exhibition, amusement enterprise, carnival, vaudeville,
 480 exhibit, minstrel, rodeo, theatrical, game or test of skill,
 481 riding device, dramatic repertoire, or other show or amusement,
 482 or concession (including a concession operating in a tent,
 483 enclosure, or other temporary structure, whether covered or
 484 uncovered) has met in full all requirements of this chapter and
 485 accordingly is fully exempt.

486 (2) Any fair association securing the required annual fair
 487 permit from the department is exempt from local business tax as
 488 defined by chapter 205 occupational license fees, occupational
 489 permit fees, or any occupational taxes assessed by any county,
 490 municipality, political subdivision, department, or agency, or
 491 instrumentality thereof.

492 Section 12. Section 616.121, Florida Statutes, is amended
 493 to read:

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494 616.121 Making false application.—Any person who, with
 495 fraudulent intent, makes or causes to be made any false
 496 statement in an application for a permit to hold an annual a
 497 public fair ~~or exposition~~ or in an application for distribution
 498 of the amount paid for license taxes under the provisions of
 499 this chapter, ~~with fraudulent intent of obtaining that permit or~~
 500 ~~amount,~~ and by that false statement obtains that permit or
 501 distribution, any part of that amount for himself or herself or
 502 for any firm or corporation in which that person has a financial
 503 interest, or for whom that person is acting, commits a
 504 misdemeanor of the first degree, punishable as provided in s.
 505 775.082 or s. 775.083.

506 Section 13. Section 616.14, Florida Statutes, is amended to
 507 read:

508 616.14 Number of fairs; penalty.—

509 (1) A fair association may not conduct more than one annual
 510 public fair each calendar year. Any fair association that
 511 conducts more than one public fair ~~or exposition~~ during any one
 512 calendar year is subject to revocation of its charter by the
 513 court granting the charter.

514 (2) Any fair association that does not conduct an annual a
 515 public fair ~~or exposition~~ for a period of 3 calendar years
 516 shall, upon the recommendation of the department, have its
 517 charter revoked by the court granting the charter.

518 Section 14. Section 616.15, Florida Statutes, is amended to
 519 read:

520 616.15 Permit from Department of Agriculture and Consumer
 521 Services required.—

522 (1) An annual ~~No~~ public fair ~~or exposition~~ may not be

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523 conducted by a fair association without a permit issued by the
 524 department. ~~The permit shall be issued in the following manner:~~
 525 The association shall present to the department an application
 526 for a ~~the~~ permit, signed by an officer of the association, at
 527 least 3 months before holding the annual public fair. ~~The ex~~
 528 ~~exposition, this~~ application shall be accompanied by a fee in an
 529 amount to be determined by the department ~~not to exceed \$366 or~~
 530 ~~be less than \$183~~ for processing the application and making any
 531 required investigation. The application fee must be at least
 532 \$183 and may not exceed \$366. ~~The~~ Fees collected under this
 533 subsection shall be deposited in the General Inspection Trust
 534 Fund of the State Treasury in a special account to be known as
 535 the "Agricultural and Livestock Fair Account." A copy of the
 536 application must be sent to each fair association located within
 537 50 miles of the site of the proposed annual public fair ~~or~~
 538 ~~exposition~~ at the same time the application is sent to the
 539 department. The department may issue a the permit if the
 540 applicant provides if the application sets forth:

541 (a) The opening and closing dates of the proposed annual
 542 public fair ~~or exposition~~.

543 (b) The name and address of the owner of the central
 544 amusement attraction that will ~~to~~ operate during the annual
 545 public fair ~~or exposition~~.

546 (c) An affidavit properly executed by the president or
 547 ~~other~~ chief executive officer of the applicant association
 548 certifying the existence of a binding contract entered into by
 549 the association ~~or exposition~~ and the owner of the central
 550 amusement attraction covering the period for which the permit
 551 from the department is applied. The contract ~~or contracts~~

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552 between the parties shall be available for inspection by duly
 553 authorized agents of the department in administering this
 554 chapter.

555 (d) A written statement that the main purpose of the
 556 association is to conduct and operate a public ~~the proposed~~ fair
 557 and or exposition, including the annual fair, for the benefit
 558 and development of the educational, agricultural, horticultural,
 559 livestock, charitable, historical, civic, cultural, scientific,
 560 and other resources of the geographical area the fair
 561 association or exposition represents and serves. The statement
 562 must shall be in writing, shall be subscribed, and shall be
 563 acknowledged by an officer of the association before an officer
 564 authorized to take acknowledgments.

565 (e) A premium list of the current annual public fair ~~or~~
 566 ~~exposition~~ to be conducted or a copy of the previous year's
 567 premium list showing all premiums and awards to be offered to
 568 exhibitors in various departments of the annual public fair,
 569 which may include, but are not limited to, such as art
 570 exhibition, beef cattle, county exhibits, dairy cattle,
 571 horticulture, swine, women's department, 4-H Club activities,
 572 Future Farmers of America activities, Future Homemakers of
 573 America activities, poultry and egg exhibits, and community
 574 exhibits, the foregoing being a list of the usual exhibitors of
 575 a fair and not to be construed as limiting the premium list to
 576 these departments. The premium list, which may be submitted
 577 separately from the application, must be submitted at least at
 578 any time not later than 60 days before the holding of the annual
 579 public fair begins operation or exposition, and the department
 580 shall issue the permit as provided in this section within 10

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581 ~~days thereafter if the applicant is properly qualified.~~

582 (f) Proof of liability insurance insuring the association
583 against liability for injury to persons, in an amount of not
584 less than \$300,000 per occurrence.

585 (g) A copy of the most recent review.

586 (h) A list of all current members of the board of directors
587 of the association and their contact information, including home
588 address addresses.

589

590 The department shall issue the permit within 10 days after it
591 receives all the information and the applicant qualifies
592 pursuant to this section.

593 (2) The department shall administer and enforce the
594 provisions of this chapter except as to the regulation of games,
595 which shall be regulated by local law enforcement agencies. The
596 department shall adopt ~~is authorized to make and publish~~ rules
597 to administer, not inconsistent with this chapter, including
598 rules governing ~~as to~~ the form and contents of the application
599 for the permit and any reports that it may deem necessary in
600 enforcing the provisions of this chapter.

601 (3) Notwithstanding any fair association meeting the
602 requirements set forth in subsection (1), the department may
603 order a full investigation to determine if whether or not the
604 fair association meets ~~in full~~ the requirements of s. 616.01,
605 and ~~accordingly~~ may withhold a permit from, deny a permit to, or
606 withdraw a permit once issued to the association. The department
607 shall also consider whether any proposed annual public fair or
608 exposition, as set forth in an application for a permit, will
609 compete with another annual public fair or exposition within 50

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610 miles of the proposed annual public fair or exposition with
611 respect to name, dates of operation, or market. The department
612 may deny, withhold, or withdraw a permit from a fair association
613 if the department determines that such fair association will
614 compete with another association. The department shall give
615 preference to existing fair associations with established dates,
616 locations, and names. The determination by the department is
617 ~~shall be~~ final.

618 Section 15. Subsections (1) and (3) of section 616.17,
619 Florida Statutes, are amended to read:

620 616.17 Minimum exhibits.-

621 (1) An annual ~~No~~ public fair ~~or exposition~~ conducted by a
622 fair association may not be approved by the department for a tax
623 exemption certificate unless the fair association or exposition
624 displays at least the following ~~minimum~~ exhibits, ~~but this~~
625 ~~requirement may not be construed as a limitation on the number~~
626 ~~of exhibits which the fair or exposition may have:~~

627 (a) Three exhibits from 4-H Clubs or Future Farmers of
628 America chapters which are officially approved by those clubs or
629 chapters.

630 (b) Three exhibits of community, individual, or county farm
631 displays.

632 (c) Three exhibits of field crops in at least three
633 different crops.

634 (d) Three exhibits of horticultural products.

635 (e) Three culinary exhibits such as canned fruits, canned
636 vegetables, canned pickles or juices, jams, jellies, cakes,
637 bread, candies, or eggs.

638 (f) Three exhibits of household arts such as homemade

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639 spreads, towels, luncheon sets, rugs, clothing, or baby apparel.

640 (g) Three exhibits of fruit or vegetable crops in at least
641 three different crops.

642 (h) Three exhibits of arts, crafts, photography, or
643 antiques or of scout handiwork.

644 (i) Three exhibits from home demonstration, home economics,
645 educational, religious, or civic groups.

646 (j) Three exhibits of livestock such as dairy cows, beef
647 cattle, hogs, sheep, poultry, horses, or mules.

648 (3) The department may provide a waiver to the minimum
649 exhibit requirements of this section to any fair association
650 that submits an application for the waiver to the department, at
651 least 30 ~~60~~ days before ~~prior to~~ the annual public fair ~~or~~
652 ~~exposition~~ in need of the waiver, and shows good cause why the
653 requirements of this section cannot be met.

654 Section 16. Section 616.185, Florida Statutes, is amended
655 to read:

656 616.185 Trespass upon grounds or facilities of public fair
657 ~~or exposition~~; penalty; arrests.-

658 (1) For the purposes of this chapter, "trespass" upon the
659 grounds of the Florida State Fair Authority or any other ~~public~~
660 fair ~~association or exposition~~ permitted under s. 616.15 means:

661 (a) Entering and remaining upon any grounds or facilities
662 owned, operated, or controlled by the Florida State Fair
663 Authority or any other ~~association public fair or exposition~~
664 permitted under s. 616.15 and committing any act ~~that which~~
665 disrupts the orderly conduct of any authorized activity of the
666 fair ~~association organization~~ in charge, or its lessees,
667 licensees, or the general public on those grounds or facilities;

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668 or

669 (b) Entering and remaining on those grounds or facilities
670 after being directed not to enter or to leave them by the
671 executive director of the authority, chief administrative
672 officer of the fair ~~association or exposition~~, or any employee
673 or agent of the association ~~thereof~~ designated by the executive
674 director or administrator to maintain order on those grounds and
675 facilities, after a determination by the executive director,
676 administrator, employee, or agent that the entering or remaining
677 on those grounds or facilities is in violation of the rules and
678 regulations of the Florida State Fair Authority or permitted
679 ~~public fair association or exposition~~ or is disrupting the
680 orderly conduct of any authorized activity of the fair
681 association organization in charge, or its lessees, licensees,
682 or the general public on those grounds or facilities.

683 (2) Any person ~~found guilty of~~ committing the offense of
684 trespass upon the grounds of the Florida State Fair Authority or
685 any other ~~public fair association or exposition~~ permitted under
686 s. 616.15 commits is guilty of a misdemeanor of the second
687 degree, punishable as provided in s. 775.082 or s. 775.083.

688 (3) A law enforcement ~~peace~~ officer may arrest any person
689 on or off the premises, without a warrant, if the officer has
690 probable cause for believing such person has committed the
691 offense of trespass upon the grounds of the Florida State Fair
692 Authority or any ~~public fair association or exposition~~ permitted
693 under s. 616.15. Such an arrest does ~~shall~~ not render the law
694 enforcement ~~peace~~ officer criminally or civilly liable for false
695 arrest, false imprisonment, or unlawful detention.

696 Section 17. Section 616.19, Florida Statutes, is amended to

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697 read:

698 616.19 Designation of fairs.—Any public fair association ~~or~~
 699 ~~exposition heretofore or hereafter~~ created pursuant to this
 700 chapter shall be designated by the name stated in the permit
 701 required or stated by its fair association and is shall be
 702 recognized by the state as equal in dignity to the Florida State
 703 Fair and as fully recognized as the Florida State Fair.

704 Section 18. Section 616.21, Florida Statutes, is amended to
 705 read:

706 616.21 Agricultural and livestock exhibit buildings;
 707 conditions for expenditures. ~~No part of~~ Appropriated funds may
 708 not be expended except upon approval and with the recommendation
 709 of the department. Further, the no part of such an appropriation
 710 may not be expended for the construction of a building unless
 711 ~~and until a good~~ fee simple title to the land on which the
 712 building is to be constructed is vested in the county,
 713 municipality, or fair association for which the building is to
 714 be constructed.

715 Section 19. Section 616.23, Florida Statutes, is amended to
 716 read:

717 616.23 Use of buildings.—The buildings authorized by ss.
 718 616.21-616.23 may be used by the county, municipality, or fair
 719 association for ~~which the buildings are built as agricultural or~~
 720 ~~livestock exhibition buildings for~~ public fair or exposition
 721 purposes ~~in the promotion of the agricultural and livestock~~
 722 ~~industries~~. These buildings may be used as office space for
 723 agricultural agents; however, no more than 20 percent of the
 724 buildings may be so used.

725 Section 20. Subsection (2) of section 616.24, Florida

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726 Statutes, is amended to read:

727 616.24 Enforcement.—

728 (2) It is the duty of each every state attorney, law
 729 enforcement officer as defined by chapter 943, and other
 730 appropriate county or municipal officer to enforce this chapter
 731 and the rules adopted pursuant thereto and to assist the
 732 department and its inspectors and agents in the enforcement of
 733 this chapter and the rules adopted pursuant thereto.

734 Section 21. Paragraph (a) of subsection (4) and subsection
 735 (6) of section 288.1175, Florida Statutes, are amended to read:

736 288.1175 Agriculture education and promotion facility.—

737 (4) The Department of Agriculture and Consumer Services
 738 shall certify a facility as an agriculture education and
 739 promotion facility if the Department of Agriculture and Consumer
 740 Services determines that:

741 (a) The applicant is a unit of local government as defined
 742 in s. 218.369, or a fair association as defined in s.
 743 616.001(11) ~~616.001(9)~~, which is responsible for the planning,
 744 design, permitting, construction, renovation, management, and
 745 operation of the agriculture education and promotion facility or
 746 holds title to the property on which such facility is to be
 747 developed and located.

748 (6) Funds may not be expended to develop or subsidize
 749 privately owned facilities, except for facilities owned by fair
 750 associations as defined in s. 616.001(11) ~~616.001(9)~~.

751 Section 22. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/2012
Meeting Date

Topic Public Fairs

Bill Number 502
(if applicable)

Name Phil Leary

Amendment Barcode _____
(if applicable)

Job Title _____

Address 1801 Cypress St.
Street

Phone 386-937-7829

Palm Bay, FL 32909
City State Zip

E-mail pleary@learyGAC.com

Speaking: For Against Information

Representing Florida Federation of Fairs

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: CS/SB 582

INTRODUCER: Community Affairs Committee and Senator Simmons

SUBJECT: Neighborhood Improvement Districts

DATE: December 5, 2011 **REVISED:** _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Toman	Yeatman	CA	Fav/CS
2.	Fournier	Diez-Arguelles	FT	Pre-meeting
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

- | | | |
|------------------------------|-------------------------------------|---|
| A. COMMITTEE SUBSTITUTE..... | <input checked="" type="checkbox"/> | Statement of Substantial Changes |
| B. AMENDMENTS..... | <input type="checkbox"/> | Technical amendments were recommended |
| | <input type="checkbox"/> | Amendments were recommended |
| | <input type="checkbox"/> | Significant amendments were recommended |

I. Summary:

This committee substitute (CS) renames the Safe Neighborhoods Act as the “Neighborhood Improvement Act” and revises its focus from safety and crime reduction to neighborhood improvements such as street and sidewalk enhancement, landscaping, mass transit, and stormwater and public utility improvements. This CS also authorizes local government neighborhood improvement districts (NIDs) to borrow money, contract for loans and issue bonds by resolution of the governing body, and if required by the Florida Constitution, obtain the affirmative vote of the district electors. The authority of local government NIDs to levy ad valorem taxes, borrow money, and collect certain special assessments is subject to approval by a referendum of freeholders (property owners) in the local government NID.

The Safe Neighborhoods Program and related grant opportunities, unfunded since 1992, are eliminated by this CS. Many of the Department of Legal Affairs’ administrative duties associated with safety, crime reduction, and community policing efforts are also removed. The CS also allows NIDs to contract with county or municipal government for legal advice, and to plan for certain public improvements.

This CS substantially amends the following sections of the Florida Statutes: 163.2511, 163.2517, 163.3182, 163.3246, 163.387, 163.501, 163.502, 163.503, 163.5035, 163.504, 163.5055, 163.506, 163.508, 163.511, 163.512, 163.514, 163.5151, 163.516, 376.84, 775.083, and 932.7055.

This CS repeals the following sections of the Florida Statutes: 163.513, 163.517, 163.519, 163.521, 163.5215, 163.522, 163.523, 163.524, and 163.526.

II. Present Situation:

Neighborhood Improvement Districts

Purposes and Creation

Part IV of ch. 163, F.S., is known as the “Safe Neighborhoods Act.” The intent of the Act is to:

- Guide and accomplish the coordinated, balanced, and harmonious development of safe neighborhoods;
- Promote the health, safety, and general welfare of these areas and their inhabitants, visitors, property owners, and workers;
- Establish, maintain, and preserve property values and foster the development of attractive neighborhoods and business environments;
- Prevent overcrowding and congestion;
- Improve or redirect traffic and provide pedestrian safety; and
- Reduce crime rates.¹

Section 163.503(1) defines the term “neighborhood improvement district” to mean:

A district located in an area in which more than 75 percent of the land is used for residential purposes, or in an area in which more than 75 percent of the land is used for commercial, office, business, or industrial purposes, excluding the land area used for public facilities, and where there is a plan to reduce crime through the implementation of crime prevention through environmental design, environmental security or defensible space techniques, or through community policing innovations. . . .

The Safe Neighborhoods Act allows county or municipal governing bodies to create NIDs through the adoption of a planning ordinance. Each NID that is established is required to register within 30 days with both the Department of Community Affairs² and the Department of Legal Affairs and provide the name, location, size, type of NID, and such other information that the departments may require.³ Under current law, there are four types of NIDs:

- Local government NIDs,
- Property owners’ association NIDs,
- Special NIDs, and

¹ See s. 163.502, F.S.

² The Department of Community Affairs is now a part of the Department of Economic Opportunity.

³ Section 163.5055, F.S.

- Community redevelopment NIDs.⁴

As of December 2011, there are 29 active NIDs in the state of Florida,⁵ and they are classified as dependent districts. Twenty-six of these are local government NIDs, two are special NIDs and one is a property owners' association NID.

Section 163.5035, F.S., provides that any special district created pursuant to the Safe Neighborhoods Act must comply with ch. 189, F.S., which governs special districts. It specifically provides that if there is a conflict between any provision of the Safe Neighborhoods Act and ch. 189, F.S., the provision in ch. 189, F.S., will prevail.

NID Boards and Revenue Sources

The local governing body is designated as the board of directors for local government NIDs, however, as an alternative, a majority of the local governing body may also appoint a board.⁶ Officers of an incorporated property owners' association serve as the board of directors for property owners' association NIDs.⁷ Special NIDs have appointed boards while community redevelopment NIDs designate the local community redevelopment board of commissioners as the board of directors for their districts.⁸

Local government NIDs are authorized to levy an ad valorem tax on real and personal property of up to 2 mills annually and to impose special assessments. Special NIDs have the same taxing authority, however, this authority is subject to referendum. Special *residential* NID ad valorem taxes are approved by a majority of the district electors voting a referendum. Special *business* NID ad valorem taxes are approved if freeholders representing in excess of 50 percent of the assessed value of the property within the district endorse the referendum.⁹

Local government, property owners' association and special NIDs are also authorized, subject to referendum approval, to make and collect special assessments pursuant to s. 163.514(16), F.S.¹⁰ Such assessments may not exceed \$500 for each individual parcel of land per year and require an affirmative vote by a majority of the registered voters residing in the district. Community redevelopment NIDs utilize community redevelopment trust funds to implement district planning and programming.¹¹

NID Dissolutions

Local government and community redevelopment NIDs may be dissolved by the governing body that established them through the rescindment of the district's creation ordinance.¹² Property owners' association NIDs continue in perpetuity as long as the property owners' associations

⁴ See ss. 163.506-163.512, F.S.

⁵ Florida Department of Economic Opportunity, Division of Community Development, *Official List of Special Districts Online* (November 2011) available at <http://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/criteria.cfm> (last visited November 29, 2011).

⁶ Sections 163.506(1)(e), 163.506(3), F.S.

⁷ Section 163.508(1)(e), F.S.

⁸ Sections 163.511(1)(f), and 163.512(1)(d), F.S., respectively.

⁹ See s. 163.511(3)(g), F.S.

¹⁰ Sections 163.506(1)(d), 163.508(3)(c), and 163.511(1)(c), F.S.

¹¹ Section 163.512(1)(c), F.S.

¹² Sections 163.506(4), 163.512(3), F.S.

created when establishing the NIDs exist.¹³ Special NIDs are dissolved at the end of the tenth fiscal year of operation.¹⁴

NIDs and Bond Authority

Although NIDs have various powers, they do not have bond authority. In 2006, the Florida Attorney General issued Advisory Legal Opinion 2006-49, stating that an NID created by ordinance pursuant to s. 163.511, F.S., does not have the authority to borrow money to carry out the purposes of the district.¹⁵ The Attorney General's Office reasoned that a statutorily created entity is limited to such powers expressly granted by law or reasonably implied to carry out its expressly granted power. The opinion further stated that "[w]hen the Legislature has directed how a thing shall be done, that is in effect a prohibition against its being done any other way."

Duties of the Department of Legal Affairs

Many of the programs in The Safe Neighborhoods Act are administered by the Department of Legal Affairs (DLA) whose duties include, but are not limited to, the authority to:

- Develop program design and criteria for funding NIDs;
- Develop application and review procedures;
- Review and evaluate applications for planning and technical assistance;
- Utilize staff to provide crime prevention through community policing innovations, environmental design, environmental security, and defensible space training; and
- Review and approve or disapprove safe neighborhood improvement plans prior to the adoption by the local governing body.¹⁶

Safe Neighborhoods Program

Section 163.517, F.S., provides for the creation of the Safe Neighborhoods Program. The purpose of this program is to "provide planning grants and technical assistance on a 100-percent matching basis to neighborhood improvement districts." Under this section, planning grants are to be awarded as follows:

- Property owners' association NIDs may receive up to \$20,000.
- Local government NIDs may receive up to \$100,000.
- Special NIDs may receive up to \$50,000.
- Community redevelopment NIDs may receive up to \$50,000.

Grants are awarded to eligible applicants based on evaluation of specified criteria provided in subsections (2) and (3) of s. 163.517, F.S.

¹³ Section 163.508(4), F.S.

¹⁴ Section 163.511(13), F.S. Special NIDs may continue for subsequent 10-year periods if the continuation of the district is approved through referendum.

¹⁵ Op. Atty. Gen. Fla. 2006-49 (2006).

¹⁶ See s. 163.519(1)-(11), F.S.

While the DLA is charged with overseeing the Safe Neighborhoods Program, funding for the program was repealed in 1992.¹⁷ According to the Bureau of Criminal Justice Programs in the Office of the Attorney General, there is currently no staff or funding allocated to manage the program and its grants.¹⁸

Safe Neighborhood Improvement Plan

All NIDs are currently required to prepare a safe neighborhood improvement plan that addresses the statutory criteria provided in s. 163.516, F.S. The safe neighborhood improvement plan must be consistent with the adopted county or municipal comprehensive plan and must be “sufficiently complete to indicate such land acquisition, demolition and removal of structures, street modifications, redevelopment, and rehabilitation as may be proposed to be carried out in the district.”¹⁹ Additionally, the NID must provide some method for and measurement of the reduction of crime within the district.²⁰

According to the Department of Economic Opportunity, because of the lack of funds available for the Safe Neighborhoods Program, it is unknown how many Safe Neighborhood Plans there are or whether they are still being implemented.²¹

Neighborhood Preservation and Enhancement Program

The governing body of a municipality or county may authorize participation in the Neighborhood Preservation and Enhancement Program through the adoption of a local ordinance.²² Neighborhood Preservation and Enhancement Districts shall be created by the residents of a particular neighborhood or through county or municipal initiative by identifying those areas that are in need of enhancement. Neighborhood Preservation and Enhancement plans shall be enforced through an agency created by the local government which may be composed of the local code department or any other agency that will provide adequate enforcement of the plan.

After the boundaries and size of the Neighborhood Preservation and Enhancement District have been defined, the residents therein shall create a Neighborhood Council, consisting of five elected members who shall have the authority to receive grants from the Safe Neighborhoods Program under s. 163.517, F.S. The established Neighborhood Council and local government designated enforcement agency shall have such powers and duties as provided under s. 163.526, F.S. These powers include the special assessments provisions of s. 163.514, F.S.²³

¹⁷ Office of the Attorney General, *Proposed 2012 Legislation*, (Sept. 16, 2011) (on file with the Senate Committee on Community Affairs).

¹⁸ *Id.*

¹⁹ Section 163.516(3), F.S.

²⁰ *Id.*

²¹ Department of Economic Opportunity, *Analysis of HB 191 by Representative Soto* (September 29, 2011) on file with the Senate Committee on Community Affairs. Note: HB 191 is similar to SB 582.

²² *See* s. 163.524, F.S.

²³ Section 163.526(1)(a), F.S.

There are currently no references to Neighborhood Preservation and Enhancement Programs or Councils contained in the reporting documents of the 29 active NIDs registered with the Special Districts Information Program of the Department of Economic Opportunity.²⁴

Neighborhood Improvement Districts inside Enterprise Zones

The local governing body of any municipality or county, in which the boundaries of an enterprise zone, in whole or in part, include a NID, may request the DLA to submit provisions to fund capital improvements within its budget request to the Legislature.²⁵ Local governments must demonstrate the ability to implement the project within two years after the date of appropriation. All requests received for capital improvement functions must be ranked by the Department of Legal Affairs based on the following:

- The necessity of the improvements to overall implementation of the safe neighborhood plan;
- The degree to which the improvements help the plan achieve crime prevention through community policing innovations, environmental design, environmental security, and defensible space objectives;
- The effect of the improvements on residents of low or moderate income; and
- The fiscal inability of a local government to perform the improvements without state assistance.²⁶

Community Organization Involvement

- ❖ Section 163.523, F.S., authorizes local governments to cooperate and seek the involvement of certain community organizations to assist in the creation of safe neighborhood improvement districts. Except for the preparation of safe neighborhood improvement plans, NIDs may contract with such community organizations to carry out any activities therein and may compensate such organizations for the value of their services in an amount not to exceed 1 percent of the total annual budget of the NID.

Other Sources of Funding for Local Government Improvement Efforts

County and municipal governments have authority under current law and their constitutional home rule authority to raise revenue that could be used for many of the purposes identified by the Safe Neighborhoods Act in current law and the Neighborhoods Improvement Act created by this bill.

Section 125.01(1)(q), F.S., provides that counties may establish:

municipal service taxing or benefit units for any part or all of the unincorporated area of the county, within which it may provide fire protection, law enforcement, beach erosion control, recreation service and facilities, water..., streets, sidewalks, street lighting, garbage and trash collection and disposal, waste and sewage collection and disposal, drainage, transportation, indigent health care services, mental health care services, and

²⁴ E-mail from Jack Gaskins, Jr., Special Districts Information Program, Department of Economic Opportunity (Dec. 2, 2011) (on file with the Senate Committee on Community Affairs).

²⁵ Section 163.521, F.S.

²⁶ *Id.*

other essential facilities and municipal services from funds derived from service charges, special assessments, or taxes within such unit only.... This paragraph authorizes all counties to levy additional taxes, within the limits fixed for municipal purposes, within such municipal service taxing units under the authority of the second sentence of s. 9(b), Art. VII of the State Constitution.

Section 125.01(1)(r), F.S., grants counties the power to levy and collect ad valorem taxes, and provides that no referendum is required for the levy by a county of ad valorem taxes for county purposes or for providing municipal services within any municipal service taxing unit. The distinction between a municipal service taxing unit and a municipal service benefit unit is that in a benefit unit the services are funded by a service charge or a special assessment rather than a tax.

Article VII, section 1(a) of the State Constitution preempts all taxes, other than ad valorem taxes, to the state and local governments may levy other taxes only if these taxes are authorized by general law. Not all local government revenue sources are taxes, however, and counties and municipalities may levy fees, assessments, or charges for services under their home rule authority. Special assessments may be used to fund certain services and to construct and maintain capital facilities such as those appropriate for Neighborhood Improvement Districts, if they meet two requirements: (1) the property subject to assessment must derive a special benefit from the service or improvement funded by the assessment, and (2) the assessment must be fairly and reasonably apportioned among the properties that receive the special benefit.²⁷

III. Effect of Proposed Changes:

Section 1 amends s. 163.2511, F.S., relating to urban infill and redevelopment, to make conforming references.

Section 2 amends s. 163.2517, F.S., relating to the designation of urban infill and redevelopment areas, to make conforming references.

Section 3 amends s. 163.3182, F.S., relating to transportation deficiencies, to make conforming references.

Section 4 amends s. 163.3246, F.S., relating to local government comprehensive planning certification, to make conforming references.

Section 5 amends 163.387, F.S., relating to redevelopment trust funds, to make conforming references.

Section 6 amends s. 163.501, F.S., to rename part IV of ch. 163, F.S., as the "Neighborhoods Improvement Act."

Section 7 amends s. 163.502, F.S., related to the legislative findings and purposes for this Act, to include "lack of adequate public improvements such as streets, street lights, street furniture,

²⁷ See *City of Boca Raton v. State*, 595 So. 2d 25 (Fla. 1992)

street landscaping, sidewalks, traffic signals, way-finding signs, mass transit, stormwater systems, and other public utilities and improvements.” References to crime prevention objectives are removed.

Section 8 amends s. 163.503, F.S., to modify the definition for “neighborhood improvement district,” and to delete the definitions for the following crime-related terms: “environmental security,” “crime prevention through environmental design,” “defensible space,” “enterprise zone,” and “community policing innovation.”

Section 9 amends s. 163.5035, F.S., to delete the term “safe” in the title of this section.

Section 10 amends s. 163.504, F.S., to delete provisions relating to the Safe Neighborhoods Program and safe neighborhood improvement plans currently administered by the DLA.

Section 11 amends s. 163.5055, F.S., to provide that neighborhood improvement districts shall be required to notify (rather than register with) the Department of Economic Opportunity and the DLA and to delete obsolete provisions.

Section 12 amends s. 163.506, F.S., to authorize local government neighborhood improvement districts to borrow money, contract loans, and issue bonds, certificates, warrants, notices, or other evidence of indebtedness to finance the undertaking of any capital or other projects for purposes permitted under the Florida Constitution and this part. This section also authorizes the district to pledge the funds, credit, property, and taxing power of the improvement district for payment of such debts and bonds. Bonds issued under this part shall be authorized by a resolution of the governing board of the district, and if so required by the Florida Constitution, by affirmative vote of the electors of the district. The CS provides criteria and governing board authority regarding the issuance, sale, and distribution of bonds and allows for the establishment and administration of sinking funds for the payment, purchase, or redemption of any outstanding bond indebtedness of the district.

The CS also allows the governing body of the district to levy ad valorem taxes upon real and tangible personal property within the district, as it deems necessary to make payment, including principal and interest, upon the general obligation and ad valorem bond indebtedness of the district or into any sinking fund so created.

The CS authorizes a commercial local government NID to make and collect special assessments to pay for capital improvements within the district and for reasonable operating expenses of the district, including those in the district budget. Such special assessments may not exceed \$1,500 for each individual parcel of land per year.

The CS allows the district to charge, collect, and enforce fees and other user charges.

The authority of a local government NID to levy ad valorem taxes and issue bonds, and, for a commercial local government NID to make and collect special assessments, is subject to approval by a referendum of freeholders in the local government NID. The CS specifies requirements for the referendum including notice to freeholders and certification of the referendum results to the governing body of the municipality or county where the local

government NID is located. Ad valorem taxes, bond issuance, and special assessments are authorized if freeholders representing in excess of 50 percent of the assessed property value in the local government NID approve of the referendum.

This section deletes provisions in statute that allow a majority of the local governing body of a city or county to appoint a board of directors as an alternative to designating the local governing body as the board of directors of the local government NID.

This section references differences between residential local government NIDs and commercial local government NIDs, however these differences are not explicitly defined.

Section 13 amends s. 163.508, F.S., to delete provisions relating to the Safe Neighborhoods Program and safe neighborhood improvement plans. This section also allows property owners' association NIDs to request grants from any source and requires the property owners' association in a property owners' association NID to be a not-for-profit corporation.

Section 14 amends s. 163.511, F.S., to make conforming changes and to revise the method of appointing and removing directors of a special NID.

Section 15 amends s. 163.512, F.S., to make conforming changes and delete provisions allowing the use of a community redevelopment trust fund to implement crime prevention plans of a community redevelopment neighborhood district. The trust fund may continue to be used for implementing the community neighborhood improvement district's improvement plan as provided in the section.

Section 16 repeals s. 163.513, F.S., which relates to crime prevention through community policing innovations, environmental design, environmental security, and defensible space functions of neighborhood improvement districts.

Section 17 amends s. 163.514, F.S., to remove powers provided to NIDs to contract with experts on crime prevention through community policing innovations, environmental design, and similar crime deterrence methods. In addition, s. 163.514, F.S., is amended to allow NIDs:

- to contract for the services of planners, engineers, attorneys, and other consultants;
- to contract with county or municipal government for legal advice; and
- to plan, design, construct, operate, provide, and maintain street lighting, parks, streets, drainage, utilities, swales, parking facilities, transit, landscaping, and open areas.

NIDs authorized to make and collect special assessments provided for in s. 163.514(16)(a), F.S., are amended to *only* include residential local NIDs, special NIDs, community redevelopment NIDs, and property owners' association NIDs. The special assessments remain subject to referendum approval by a majority vote of the registered voters residing in the district and may not exceed \$500 per parcel of land, per year. (Special assessments in a commercial local NID are limited to \$1,500 per parcel in section 12 of the bill.)

Section 18 amends s. 163.5151, F.S., to state that each local government and special NID levying an ad valorem tax on real or personal property shall establish its budget pursuant to ch. 200, F.S.

Section 19 amends s. 163.516, F.S., providing that certain information is no longer required to be included in neighborhood improvement plans or amended neighborhood improvement plans.

Section 20 repeals s. 163.517, F.S., relating to the Safe Neighborhoods Program.

Section 21 repeals s. 163.519, F.S., relating to the duties of the Department of Legal Affairs in NIDs.

Section 22 repeals s. 163.521, F.S., addressing NIDs inside enterprise zones and capital improvement projects to promote safe neighborhood and crime prevention programs.

Section 23 repeals s. 163.5215, F.S., which states that the provisions of this part shall not be construed to modify, limit, expand, or supersede any existing laws relating to the closing or abandonment of public roads, the denial of access to areas for public ingress or egress, or the use of public facilities.

Section 24 repeals s. 163.522, F.S., stating that counties or municipalities with enterprise zones or community redevelopment areas are directed to give consideration to the creation of NIDs.

Section 25 repeals s. 163.523, F.S., relating to safe neighborhood districts and the cooperation and involvement of community organizations.

Section 26 repeals s. 163.524, F.S., relating to the Neighborhood Preservation and Enhancement Program.

Section 27 repeals s. 163.526, F.S., relating to neighborhood councils and local government designated agencies and their powers with respect to the Neighborhood Preservation and Enhancement Program.

Section 28 amends s. 376.84, F.S., relating to brownfield redevelopment economic incentives, to make conforming references.

Section 29 amends s. 775.083, F.S., relating to criminal fines, to make conforming references.

Section 30 amends s. 932.7055, F.S., relating to liens and forfeited property, to make conforming references.

Section 31 provides that this act shall take effect July 1, 2012.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

Under current law, local government NIDs are authorized to levy an ad valorem tax on real and personal property of up to 2 mills annually, and to impose special assessments. This bill allows ad valorem taxation and special assessments only if approved by referendum.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

This CS creates a requirement that special assessments (in commercial NIDs), levies of ad valorem taxes upon real and personal property within the district, and borrowing to finance district projects must be approved by a referendum of the freeholders in the district. Special assessments in residential NIDs must be approved by a referendum of the electors in the district.

B. Private Sector Impact:

Individuals residing and business located in NIDs may be subject to special assessments, ad valorem taxes, and user fees only if they are approved by a referendum of the freeholders (or electors in the case of special assessments in residential local government, special, community redevelopment, and property owners' association NIDs.)

C. Government Sector Impact:

This CS allows local government NIDs, subject to referendum approval, to borrow money, issue bonds, collect special assessments, charge fees, and levy ad valorem taxes upon real and tangible personal property within the district. There will be costs associated with conducting a referendum if a local government NID exercises its authority to implement the above.

The CS will also allow NIDs to contract with the county or municipal government for legal advice.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

- A. **Committee Substitute – Statement of Substantial Changes:**
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by Community Affairs on December 5, 2011: Makes clarifying and conforming changes.

- B. **Amendments:**

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



146882

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Finance and Tax (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete lines 383 - 385
and insert:
~~Community Affairs and the Department of Legal Affairs~~ by
providing the department ~~these departments~~ with the district's
name, location, size, and type, and such other information as
the department ~~departments~~

Delete lines 388 - 390
and insert:
dissolution of a district shall notify ~~both~~ the Department of



146882

13 ~~Economic Opportunity Community Affairs and the Department of~~
14 ~~Legal Affairs~~ within 30 days after the dissolution of the

15
16 Delete lines 423 - 424

17 and insert:

18 (h) Requires the district to notify the ~~Department of Legal~~
19 ~~Affairs and the~~ Department of Economic Opportunity Community

20
21 Delete line 472

22 and insert:

23 Such assessments may not exceed \$500 for each individual

24
25 Delete lines 480 - 484

26 and insert:

27 municipality or county enacts an ordinance calling a referendum
28 pursuant to this subsection, the city clerk or the supervisor of
29 elections, whichever is appropriate, shall certify such
30 ordinance and compile a list of the names and last known

31
32 Delete lines 507 - 508

33 and insert:

34 of the ordinance calling for the referendum.

35
36 Delete lines 564 - 566

37 and insert:

38 freeholders owning in excess of 50 percent of the assessed value
39 of the properties represented by ballots cast.

40
41 ===== T I T L E A M E N D M E N T =====



146882

42 And the title is amended as follows:

43 Delete lines 19 - 21

44 and insert:

45 to notify the Department of Economic Opportunity of
46 its existence rather than to register with the
47 Department of Community Affairs and the Department of
48 Legal Affairs; removing the requirement that the
49 neighborhood improvement district notify the
50 Department of Community Affairs and the Department of
51 Legal Affairs;



441642

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Finance and Tax (Altman) recommended the following:

Senate Amendment

Delete line 545
and insert:
of not greater than \$500 for each individual parcel of land

By the Committee on Community Affairs; and Senator Simmons

578-01519-12

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1 A bill to be entitled
 2 An act relating to neighborhood improvement districts;
 3 amending ss. 163.2511, 163.2517, 163.3182, 163.3246,
 4 and 163.387, F.S.; conforming provisions to changes
 5 made by the act; amending s. 163.501, F.S.; renaming
 6 the "Safe Neighborhoods Act" as the "Neighborhoods
 7 Improvement Act"; amending s. 163.502, F.S.; revising
 8 legislative findings and purpose; amending s. 163.503,
 9 F.S.; revising and deleting definitions; amending s.
 10 163.5035, F.S.; conforming provisions to changes made
 11 by the act; amending s. 163.504, F.S.; authorizing the
 12 governing body of any municipality or county to form a
 13 neighborhood improvement district through the adoption
 14 of an ordinance rather than by a planning ordinance;
 15 removing provisions pertaining to the creation and
 16 funding of safe neighborhood improvement districts;
 17 amending s. 163.5055, F.S.; requiring each
 18 neighborhood improvement district authorized under law
 19 to notify the Department of Economic Opportunity and
 20 the Department of Legal Affairs of its existence
 21 rather than to register with such departments;
 22 amending s. 163.506, F.S.; revising provisions
 23 authorizing a local governing body to create a local
 24 government neighborhood improvement district;
 25 specifying that the ordinance may authorize the
 26 improvement district to borrow money, contract loans,
 27 and issue bonds; authorizing the governing body of the
 28 improvement district to levy ad valorem taxes upon
 29 real and tangible personal property within the

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30 district; authorizing the district to make and collect
 31 special assessments; conditioning the exercise of
 32 power by the local government neighborhood improvement
 33 district to borrow money, contract loans, issue bonds,
 34 charge, collect, and enforce fees, make and collect
 35 special assessments, and levy ad valorem taxes upon
 36 real and tangible personal property within the
 37 district upon the approval of a referendum by the
 38 freeholders of the district; providing ballot
 39 requirements; removing provisions allowing an
 40 alternative organization for the board of directors;
 41 amending s. 163.508, F.S., relating to property
 42 owners' association neighborhood improvement
 43 districts; revising the requirements for creating a
 44 property owners' association neighborhood improvement
 45 district by the enactment of a separate ordinance for
 46 each district; authorizing the governing body to
 47 request grants from the state; amending s. 163.511,
 48 F.S., relating to special neighborhood improvement
 49 districts; revising provisions to conform to changes
 50 made by the act; revising the method of appointing and
 51 removing directors of the district; amending s.
 52 163.512, F.S.; revising provisions authorizing a
 53 municipality or county to create a community
 54 redevelopment neighborhood improvement district;
 55 authorizing the district to receive grants and other
 56 funding; providing that the local governing body may
 57 dissolve the district under certain circumstances;
 58 repealing s. 163.513, F.S., relating to crime

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59 prevention through community policing innovations;
 60 amending s. 163.514, F.S.; revising the powers of
 61 neighborhood improvement districts; allowing the
 62 district to contract with legal counsel and other
 63 needed professionals; authorizing the district to
 64 collect special assessments under certain
 65 circumstances and following designated procedures;
 66 amending s. 163.5151, F.S.; requiring a local
 67 government and a special neighborhood improvement
 68 district to prepare its budget in a specified manner
 69 if levying an ad valorem tax on real or personal
 70 property; amending s. 163.516, F.S.; requiring
 71 neighborhood improvement plans to be created for each
 72 improvement district; revising the contents of the
 73 neighborhood improvement district's plan; repealing s.
 74 163.517, F.S., relating to the Safe Neighborhoods
 75 Program; repealing s. 163.519, F.S., relating to the
 76 duties of the Department of Legal Affairs relating to
 77 neighborhood improvement districts; repealing s.
 78 163.521, F.S., relating to funding for a neighborhood
 79 improvement district inside an enterprise zone;
 80 repealing s. 163.5215, F.S., relating to the effect
 81 and construction of existing laws relating to
 82 neighborhood improvement districts; repealing s.
 83 163.522, F.S., relating to state redevelopment
 84 programs; repealing s. 163.523, F.S., relating to
 85 cooperation and involvement of community organizations
 86 in the creation of safe neighborhood improvement
 87 districts; repealing s. 163.524, F.S., relating to

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88 participation in the Neighborhood Preservation and
 89 Enhancement Program; repealing s. 163.526, F.S.,
 90 relating to powers and duties of the Neighborhood
 91 Councils and the designated agency of the local
 92 government; amending ss. 376.84, 775.083, and
 93 932.7055, F.S.; conforming provisions to changes made
 94 by the act; providing an effective date.
 95
 96 Be It Enacted by the Legislature of the State of Florida:
 97
 98 Section 1. Paragraph (d) of subsection (2) of section
 99 163.2511, Florida Statutes, is amended to read:
 100 163.2511 Urban infill and redevelopment.—
 101 (2) It is declared that:
 102 (d) State urban policies should guide the state, regional
 103 agencies, local governments, and the private sector in
 104 preserving and redeveloping existing urban cores and promoting
 105 the adequate provision of infrastructure, human services,
 106 neighborhood improvement ~~safe neighborhoods~~, educational
 107 facilities, and economic development to sustain these cores into
 108 the future.
 109 Section 2. Paragraph (c) of subsection (3) of section
 110 163.2517, Florida Statutes, is amended to read:
 111 163.2517 Designation of urban infill and redevelopment
 112 area.—
 113 (3) A local government seeking to designate a geographic
 114 area within its jurisdiction as an urban infill and
 115 redevelopment area shall prepare a plan that describes the
 116 infill and redevelopment objectives of the local government

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117 within the proposed area. In lieu of preparing a new plan, the
 118 local government may demonstrate that an existing plan or
 119 combination of plans associated with a community redevelopment
 120 area, Florida Main Street program, Front Porch Florida
 121 Community, sustainable community, enterprise zone, or
 122 neighborhood improvement district includes the factors listed in
 123 paragraphs (a)-(n), including a collaborative and holistic
 124 community participation process, or amend such existing plans to
 125 include these factors. The plan shall demonstrate the local
 126 government and community's commitment to comprehensively address
 127 the urban problems within the urban infill and redevelopment
 128 area and identify activities and programs to accomplish locally
 129 identified goals such as code enforcement; improved educational
 130 opportunities; reduction in crime; neighborhood revitalization
 131 and preservation; provision of infrastructure needs, including
 132 mass transit and multimodal linkages; and mixed-use planning to
 133 promote multifunctional redevelopment to improve both the
 134 residential and commercial quality of life in the area. The plan
 135 shall also:

136 (c) Identify and map existing enterprise zones, community
 137 redevelopment areas, community development corporations,
 138 brownfield areas, downtown redevelopment districts, ~~safe~~
 139 neighborhood improvement districts, historic preservation
 140 districts, and empowerment zones or enterprise communities
 141 located within the area proposed for designation as an urban
 142 infill and redevelopment area and provide a framework for
 143 coordinating infill and redevelopment programs within the urban
 144 core.

145 Section 3. Paragraph (a) of subsection (6) of section

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146 163.3182, Florida Statutes, is amended to read:

147 163.3182 Transportation deficiencies.—

148 (6) EXEMPTIONS.—

149 (a) The following public bodies or taxing authorities are
 150 exempt from this section:

151 1. A special district that levies ad valorem taxes on
 152 taxable real property in more than one county.

153 2. A special district for which the sole available source
 154 of revenue is the authority to levy ad valorem taxes at the time
 155 an ordinance is adopted under this section. However, revenues or
 156 aid that may be dispensed or appropriated to a district as
 157 defined in s. 388.011 at the discretion of an entity other than
 158 such district are not deemed available.

159 3. A library district.

160 4. A neighborhood improvement district created under the
 161 ~~Safe~~ Neighborhoods Improvement Act.

162 5. A metropolitan transportation authority.

163 6. A water management district created under s. 373.069.

164 7. A community redevelopment agency.

165 Section 4. Paragraph (e) of subsection (2) of section
 166 163.3246, Florida Statutes, is amended to read:

167 163.3246 Local government comprehensive planning
 168 certification program.—

169 (2) In order to be eligible for certification under the
 170 program, the local government must:

171 (e) Demonstrate that it has adopted programs in its local
 172 comprehensive plan and land development regulations which:

173 1. Promote infill development and redevelopment, including
 174 prioritized and timely permitting processes in which

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175 applications for local development permits within the
 176 certification area are acted upon expeditiously for proposed
 177 development that is consistent with the local comprehensive
 178 plan.

179 2. Promote the development of housing for low-income and
 180 very-low-income households or specialized housing to assist
 181 elderly and disabled persons to remain at home or in independent
 182 living arrangements.

183 3. Achieve effective intergovernmental coordination and
 184 address the extrajurisdictional effects of development within
 185 the certified area.

186 4. Promote economic diversity and growth while encouraging
 187 the retention of rural character, where rural areas exist, and
 188 the protection and restoration of the environment.

189 5. Provide and maintain public urban and rural open space
 190 and recreational opportunities.

191 6. Manage transportation and land uses to support public
 192 transit and promote opportunities for pedestrian and
 193 nonmotorized transportation.

194 7. Use design principles to foster individual community
 195 identity, create a sense of place, and promote pedestrian-
 196 oriented ~~safe~~ neighborhoods and town centers.

197 8. Redevelop blighted areas.

198 9. Adopt a local mitigation strategy and have programs to
 199 improve disaster preparedness and the ability to protect lives
 200 and property, especially in coastal high-hazard areas.

201 10. Encourage clustered, mixed-use development that
 202 incorporates greenspace and residential development within
 203 walking distance of commercial development.

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204 11. Encourage urban infill at appropriate densities and
 205 intensities and separate urban and rural uses and discourage
 206 urban sprawl while preserving public open space and planning for
 207 buffer-type land uses and rural development consistent with
 208 their respective character along and outside the certification
 209 area.

210 12. Assure protection of key natural areas and agricultural
 211 lands that are identified using state and local inventories of
 212 natural areas. Key natural areas include, but are not limited
 213 to:

214 a. Wildlife corridors.

215 b. Lands with high native biological diversity, important
 216 areas for threatened and endangered species, species of special
 217 concern, migratory bird habitat, and intact natural communities.

218 c. Significant surface waters and springs, aquatic
 219 preserves, wetlands, and outstanding Florida waters.

220 d. Water resources suitable for preservation of natural
 221 systems and for water resource development.

222 e. Representative and rare native Florida natural systems.

223 13. Ensure the cost-efficient provision of public
 224 infrastructure and services.

225 Section 5. Paragraph (c) of subsection (2) of section
 226 163.387, Florida Statutes, is amended to read:

227 163.387 Redevelopment trust fund.—

228 (2)

229 (c) The following public bodies or taxing authorities are
 230 exempt from paragraph (a):

231 1. A special district that levies ad valorem taxes on
 232 taxable real property in more than one county.

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233 2. A special district for which the sole available source
 234 of revenue the district has the authority to levy is ad valorem
 235 taxes at the time an ordinance is adopted under this section.
 236 However, revenues or aid that may be dispensed or appropriated
 237 to a district as defined in s. 388.011 at the discretion of an
 238 entity other than such district shall not be deemed available.

239 3. A library district, except a library district in a
 240 jurisdiction where the community redevelopment agency had
 241 validated bonds as of April 30, 1984.

242 4. A neighborhood improvement district created under the
 243 Safe Neighborhoods Improvement Act.

244 5. A metropolitan transportation authority.

245 6. A water management district created under s. 373.069.

246 Section 6. Section 163.501, Florida Statutes, is amended to
 247 read:

248 163.501 Short title.—This part may be cited as the "Safe
 249 Neighborhoods Improvement Act."

250 Section 7. Section 163.502, Florida Statutes, is amended to
 251 read:

252 163.502 Safe Neighborhoods improvement; legislative
 253 findings and purpose.—

254 (1) The Legislature ~~hereby~~ finds and declares that among
 255 the many causes of deterioration in the business and residential
 256 neighborhoods of the state are the following: proliferation of
 257 crime, automobile traffic flow strangled by outmoded street
 258 patterns, unsuitable topography, faulty lot layouts,
 259 fragmentation of land uses and parking areas necessitating
 260 frequent automobile movement, lack of separation of pedestrian
 261 areas from automobile traffic, lack of separation of vehicle

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262 traffic lanes and railroad traffic, ~~and~~ excessive noise levels
 263 from automobile traffic, ~~and~~ lack of adequate public
 264 improvements such as streets, street lights, street furniture,
 265 street landscaping, sidewalks, traffic signals, way-finding
 266 signs, mass transit, stormwater systems, and other public
 267 utilities and improvements.

268 (2) The Legislature further finds and declares that healthy
 269 and vibrant ~~safe~~ neighborhoods are the product of planning and
 270 implementation of appropriate environmental design concepts,
 271 comprehensive planning crime prevention programs, land use
 272 recommendations, and beautification techniques.

273 (3) The Legislature further finds and declares that the
 274 provisions of this part and the powers granted to local
 275 governments, property owners' associations, special dependent
 276 districts, and community redevelopment neighborhood improvement
 277 districts are desirable to guide and accomplish the coordinated,
 278 balanced, and harmonious development of healthy and vibrant ~~safe~~
 279 neighborhoods; to promote the health, ~~safety,~~ and general
 280 welfare of these areas and their inhabitants, visitors, property
 281 owners, and workers; to establish, maintain, and preserve
 282 property values and preserve and foster the development of
 283 attractive neighborhood and business environments; to prevent
 284 ~~overcrowding and~~ congestion; ~~and~~ to improve or redirect
 285 automobile traffic and provide pedestrian safety; ~~to reduce~~
 286 ~~crime rates and the opportunities for the commission of crime,~~
 287 ~~and to provide improvements in neighborhoods so they are~~
 288 ~~defensible against crime.~~

289 (4) It is the intent of the Legislature to assist local
 290 governments in implementing plans that improve the ~~employ~~ ~~crime~~

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291 ~~prevention through community policing innovations, environmental~~
 292 ~~design, environmental security, and defensible space techniques~~
 293 ~~to establish safe neighborhoods of this state.~~ The Legislature,
 294 therefore, declares that the development, redevelopment,
 295 preservation, and revitalization of neighborhoods in this state,
 296 and all the purposes of this part, are public purposes for which
 297 public money may be borrowed, expended, loaned, and granted.

298 Section 8. Section 163.503, Florida Statutes, is amended to
 299 read:

300 163.503 ~~Safe neighborhoods~~; Definitions.-

301 (1) "Safe Neighborhood improvement district," "district,"
 302 or "neighborhood improvement district" means a district located
 303 in an area in which more than 75 percent of the land is used for
 304 residential purposes, or in an area in which more than 75
 305 percent of the land is used for commercial, office, business, or
 306 industrial purposes, excluding the land area used for public
 307 facilities, ~~and where there is a plan to reduce crime through~~
 308 ~~the implementation of crime prevention through environmental~~
 309 ~~design, environmental security, or defensible space techniques,~~
 310 ~~or through community policing innovations.~~ Nothing in This
 311 section ~~does not shall~~ preclude the inclusion of public land in
 312 a neighborhood improvement district although the amount of land
 313 used for public facilities is excluded from the land use acreage
 314 calculations.

315 (2) "Association" means a property owners' association
 316 which is incorporated for the purpose of creating and operating
 317 a neighborhood improvement district.

318 (3) "Department" means the Department of Legal Affairs.

319 (4) "Board" means the board of directors of a neighborhood

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320 improvement district, which may be the governing body of a
 321 municipality or county or the officers of a property owners'
 322 association or the board of directors of a special neighborhood
 323 improvement district or community redevelopment neighborhood
 324 improvement district.

325 ~~(5) "Environmental security" means an urban planning and~~
 326 ~~design process which integrates crime prevention with~~
 327 ~~neighborhood design and community development.~~

328 ~~(6) "Crime prevention through environmental design" means~~
 329 ~~the planned use of environmental design concepts such as natural~~
 330 ~~access control, natural surveillance, and territorial~~
 331 ~~reinforcement in a neighborhood or community setting which is~~
 332 ~~designed to reduce criminal opportunity and foster positive~~
 333 ~~social interaction among the legitimate users of that setting.~~

334 ~~(7) "Defensible space" means an architectural perspective~~
 335 ~~on crime prevention through physical design of the environment~~
 336 ~~to create the ability to monitor and control the environment~~
 337 ~~along individual perceived zones of territorial influence that~~
 338 ~~result in a proprietary interest and a felt responsibility.~~

339 ~~(8) "Enterprise zone" means an area designated pursuant to~~
 340 ~~s. 290.0065.~~

341 ~~(9) "Community policing innovation" means techniques or~~
 342 ~~strategies as defined by s. 163.340.~~

343 Section 9. Section 163.5035, Florida Statutes, is amended
 344 to read:

345 163.5035 ~~Safe~~ Neighborhood improvement districts;
 346 compliance with special district provisions.-Any special
 347 district created pursuant to this part shall comply with all
 348 applicable provisions contained in chapter 189. In cases where a

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349 provision contained in this part conflicts with a provision in
350 chapter 189, the provision in chapter 189 shall prevail.

351 Section 10. Section 163.504, Florida Statutes, is amended
352 to read:

353 163.504 ~~Safe Neighborhood improvement districts; planning~~
354 ~~funds.-~~

355 ~~(1)~~ The governing body of any municipality or county may
356 authorize the formation of ~~safe~~ neighborhood improvement
357 districts through the adoption of ~~an a~~ planning ordinance that
358 which specifies that such districts may be created by one or
359 more of the methods established in ss. 163.506, 163.508,
360 163.511, and 163.512. ~~A~~ No district may not overlap the
361 jurisdictional boundaries of a municipality and the
362 unincorporated area of a county, unless approved ~~except~~ by
363 interlocal agreement.

364 ~~(2) If the governing body of a municipality or county~~
365 ~~elects to create a safe neighborhood improvement district, it~~
366 ~~shall be eligible to request a grant from the Safe Neighborhoods~~
367 ~~Program, created pursuant to s. 163.517 and administered by the~~
368 ~~Department of Legal Affairs, to prepare a safe neighborhood~~
369 ~~improvement plan for the district.~~

370 ~~(3) Municipalities and counties may implement the~~
371 ~~provisions of this section without planning funds from the~~
372 ~~Department of Legal Affairs. However, nothing in this section~~
373 ~~shall be construed to exempt any district from the requirements~~
374 ~~of providing a safe neighborhood improvement plan pursuant to s.~~
375 ~~163.516.~~

376 Section 11. Section 163.5055, Florida Statutes, is amended
377 to read:

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378 163.5055 Notice Registration of district establishment;
379 notice of dissolution.-

380 (1) ~~(a)~~ Each neighborhood improvement district authorized
381 and established under this part shall within 30 days thereof
382 notify register with both the Department of Economic Opportunity
383 ~~Community Affairs~~ and the Department of Legal Affairs by
384 providing these departments with the district's name, location,
385 size, and type, and such other information as the departments
386 may request ~~require~~.

387 ~~(2) (b)~~ Each local governing body that ~~which~~ authorizes the
388 dissolution of a district shall notify both the Department of
389 Economic Opportunity ~~Community Affairs~~ and the Department of
390 Legal Affairs within 30 days after the dissolution of the
391 district.

392 ~~(2) This section shall apply to all neighborhood~~
393 ~~improvement districts established on or after July 1, 1987.~~

394 Section 12. Section 163.506, Florida Statutes, is amended
395 to read:

396 163.506 Local government neighborhood improvement
397 districts; creation; advisory council; dissolution.-

398 (1) After an ~~a~~ local planning ordinance has been adopted
399 authorizing the creation of local government neighborhood
400 improvement districts, the local governing body of a
401 municipality or county may create local government neighborhood
402 improvement districts by the enactment of a separate ordinance
403 for each district, which ordinance:
404

404 (a) Specifies the boundaries, size, and name of the
405 district.

406 (b) Authorizes the district to receive grants ~~a planning~~

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407 ~~grant from the department.~~

408 (c) Authorizes the local government neighborhood
409 improvement district to levy an ad valorem tax on real and
410 personal property of up to 2 mills annually.

411 (d) Authorizes the use of special assessments to support
412 planning and implementation of district improvements pursuant to
413 the provisions of s. 163.514(16), if the district is a
414 residential local government neighborhood improvement district
415 including community policing innovations.

416 (e) Designates the local governing body as the board of
417 directors of the district.

418 (f) Establishes an advisory council to the board of
419 directors comprised of property owners, representatives of
420 property owners, business owners, or residents of the district.

421 (g) May prohibit the use of any district power authorized
422 by s. 163.514.

423 (h) Requires the district to notify the Department of Legal
424 Affairs and the Department of Economic Opportunity Community
425 Affairs in writing of its establishment within 30 days thereof
426 pursuant to s. 163.5055.

427 (i) Authorizes the district to borrow money, contract
428 loans, and issue bonds, certificates, warrants, notes, or other
429 evidence of indebtedness from time to time to finance the
430 undertaking of any capital or other project for the purposes
431 permitted by the State Constitution and this part and pledge the
432 funds, credit, property, and taxing power of the improvement
433 district for the payment of such debts and bonds.

434 1. Bonds issued under this part shall be authorized by
435 resolution of the governing board of the district and, if

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436 required by the State Constitution, by affirmative vote of the
437 electors of the district. Such bonds may be issued in one or
438 more series and shall bear such date or dates, be payable upon
439 demand or mature at such time or times, bear interest at such
440 rate or rates, be in such denomination or denominations, be in
441 such form, registered or not, with or without coupon, carry such
442 conversion or registration privileges, have such rank or
443 priority, be executed in such manner, be payable in such medium
444 of payment, at such place or places, and subject to such terms
445 of redemption, with or without premium, be secured in such
446 manner, and have such other characteristics as may be provided
447 by such resolution or trust indenture or mortgage issued
448 pursuant thereto.

449 2. The governing body of the district shall determine the
450 terms and manner of sale and distribution or other disposition
451 of any and all bonds it may issue, consistent with s. 218.385,
452 and shall have any and all powers necessary and convenient to
453 such disposition.

454 3. The governing body of the district may establish and
455 administer such sinking funds as it deems necessary or
456 convenient for the payment, purchase, or redemption of any
457 outstanding bonded indebtedness of the district.

458 4. The governing body of the improvement district may levy
459 ad valorem taxes upon real and tangible personal property within
460 the district as it deems necessary to make payment, including
461 principal and interest, upon the general obligation and ad
462 valorem bonded indebtedness of the district or into any sinking
463 fund created pursuant to this part.

464 5. This part shall be full authority for the issuance of

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465 bonds authorized herein.

466 (j) Authorizes the district to make and collect special
 467 assessments pursuant to ss. 197.3632 and 197.3635 to pay for
 468 capital improvements within the district and for reasonable
 469 expenses of operating the district, including the payment of
 470 expenses included in the district's budget, if the district is a
 471 commercial local government neighborhood improvement district.
 472 Such assessments may not exceed \$1,500 for each individual
 473 parcel of land per year.

474 (k) Authorizes the district to charge, collect, and enforce
 475 fees and other user charges.

476 (l) Conditions the exercise of the powers provided in
 477 paragraphs (c), (i), and (j) on approval pursuant to a
 478 referendum as described in this paragraph:

479 1. Within 45 days after the date the governing body of the
 480 municipality or county enacts an ordinance pursuant to this
 481 subsection defining the boundaries of the proposed improvement
 482 district, the city clerk or the supervisor of elections,
 483 whichever is appropriate, shall certify such ordinance or
 484 petition and compile a list of the names and last known
 485 addresses of the freeholders in the proposed local government
 486 neighborhood improvement district from the tax assessment roll
 487 of the county applicable as of December 31 in the year preceding
 488 the year in which the ordinance was enacted. Except as otherwise
 489 provided in this paragraph, the list shall constitute the
 490 registration list for the purposes of the freeholders'
 491 referendum required under this paragraph.

492 2. Within 45 days after compilation of the freeholders'
 493 registration list pursuant to subparagraph 1., the city clerk or

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494 the supervisor of elections shall notify each such freeholder of
 495 the general provisions of this paragraph, including the taxing
 496 authority and the date of the upcoming referendum, and the
 497 method provided for submitting corrections to the registration
 498 list if the status of the freeholder has changed since the
 499 compilation of the tax rolls. Notification shall be by first-
 500 class United States mail and, in addition thereto, by
 501 publication one time in a newspaper of general circulation in
 502 the county or municipality in which the district is located.

503 3. Any freeholder whose name does not appear on the tax
 504 rolls compiled pursuant to subparagraph 1. may register to vote
 505 with the city clerk or the supervisor of elections. The
 506 registration list shall remain open for 75 days after enactment
 507 of the ordinance defining the local government neighborhood
 508 improvement district.

509 4. Within 15 days after the closing of the registration
 510 list, the city clerk or the supervisor of elections shall send a
 511 ballot to each registered freeholder at his or her last known
 512 mailing address by first-class United States mail. The ballot
 513 shall include:

514 a. A description of the general provisions of this
 515 paragraph applicable to local government neighborhood
 516 improvement districts;

517 b. The assessed value of the freeholder's property;

518 c. The percent of the freeholder's interest in such
 519 property; and

520 d. Immediately following the information required in sub-
 521 paragraphs a.-c., the following:

522

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523 "Do you favor authorizing the ... Local Government
 524 Neighborhood Improvement District to levy up to 2 mills of ad
 525 valorem taxes by such proposed district?"

526
 527 ...Yes, for authorizing the levy of up to 2 mills of ad
 528 valorem taxes by such proposed district.

529
 530 ...No, against authorizing the levy of up to 2 mills of ad
 531 valorem taxes by such proposed district."

532
 533 "Do you favor authorizing the ... Local Government
 534 Neighborhood Improvement District to borrow money, including the
 535 issuance of bonds, as provided by s. 163.506(1) (i)?"

536
 537 ...Yes, for authorizing the borrowing of money for
 538 district purposes.

539
 540 ...No, against authorizing the borrowing of money for
 541 district purposes."

542
 543 "Do you favor authorizing the ... Local Government
 544 Neighborhood Improvement District to impose a special assessment
 545 of not greater than \$1,500 for each individual parcel of land
 546 per year to pay for the expenses of operating the neighborhood
 547 improvement district and for approved capital improvements?"

548
 549 ...Yes, for the special assessment.

550
 551 ...No, against the special assessment."

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552
 553 5. Ballots shall be returned by first-class United States
 554 mail or by personal delivery.

555 6. All ballots received within 120 days after enactment of
 556 the ordinance shall be tabulated by the city clerk or the
 557 supervisor of elections, who shall certify the results thereof
 558 to the city council or county commission no later than 5 days
 559 after the 120-day period.

560 7. The freeholders shall be deemed to have approved of the
 561 provisions of this paragraph at such time as the city clerk or
 562 the supervisor of elections certifies to the governing body of
 563 the municipality or county that approval has been given by
 564 freeholders representing in excess of 50 percent of the assessed
 565 value of the property within the local government neighborhood
 566 improvement district.

567 8. The city clerk or the supervisor of elections, whichever
 568 is appropriate, shall enclose with each ballot sent pursuant to
 569 this paragraph two envelopes: a secrecy envelope, into which the
 570 freeholder shall enclose the marked ballot; and a mailing
 571 envelope, into which the freeholder shall then place the secrecy
 572 envelope, which shall be addressed to the city clerk or the
 573 supervisor of elections. The back side of the mailing envelope
 574 shall bear a certificate in substantially the following form:

575
 576 NOTE: PLEASE READ INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT
 577 AND COMPLETING VOTER'S CERTIFICATE.

578
 579 VOTER'S CERTIFICATE

580

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581 I, ..., am a duly qualified and registered freeholder of
 582 the proposed ...(name)... local government neighborhood
 583 improvement district; and I am entitled to vote this ballot. I
 584 do solemnly swear or affirm that I have not and will not vote
 585 more than one ballot in this election. I understand that failure
 586 to sign this certificate and have my signature witnessed will
 587 invalidate my ballot.

588
 589 ...(Voter's Signature)...

590
 591 NOTE: YOUR SIGNATURE MUST BE WITNESSED BY ONE WITNESS 18
 592 YEARS OF AGE OR OLDER AS PROVIDED IN THE INSTRUCTION SHEET.

593 I swear or affirm that the elector signed this voter's
 594 certificate in my presence.

595
 596 ...(Signature of Witness)...

597 ...(Address)...(City/State)...

598
 599 9. The certificate shall be arranged on the back of the
 600 mailing envelope so that the lines for the signatures of the
 601 freeholder and the attesting witness are across the seal of the
 602 envelope; however, no statement shall appear on the envelope
 603 which indicates that a signature of the freeholder or witness
 604 must cross the seal of the envelope. The freeholder and the
 605 attesting witness shall execute the certificate on the envelope.

606 10. The city clerk or the supervisor of elections shall
 607 enclose with each ballot sent to a freeholder pursuant to this
 608 paragraph separate printed instructions in substantially the
 609 following form:

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610
 611 READ THESE INSTRUCTIONS CAREFULLY BEFORE MARKING BALLOT.

612
 613 a. VERY IMPORTANT. In order to ensure that your ballot will
 614 be counted, it should be completed and returned as soon as
 615 possible so that it can reach the city clerk or the supervisor
 616 of elections no later than 7 p.m. on the (final day of the 120-
 617 day period given here).

618 b. Mark your ballot in secret as instructed on the ballot.

619 c. Place your marked ballot in the enclosed secrecy
 620 envelope.

621 d. Insert the secrecy envelope into the enclosed mailing
 622 envelope, which is addressed to the city clerk or the supervisor
 623 of elections.

624 e. Seal the mailing envelope and completely fill out the
 625 Voter's Certificate on the back of the mailing envelope.

626 f. VERY IMPORTANT. Sign your name on the line provided for
 627 "(Voter's Signature)."

628 g. VERY IMPORTANT. In order for your ballot to be counted,
 629 it must include the signature and address of a witness 18 years
 630 of age or older affixed to the Voter's Certificate.

631 h. Mail, deliver, or have delivered the completed mailing
 632 envelope. Be sure there is sufficient postage if mailed.

633 (2) The advisory council shall perform such duties as may
 634 be prescribed by the governing body and shall submit within the
 635 time period specified by the governing body, acting as the board
 636 of directors, a report on the district's activities and a
 637 proposed budget to accomplish its objectives. In formulating a
 638 plan for services or improvements the advisory board shall

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639 consult in public session with the appropriate staff or
640 consultants of the local governing body ~~responsible for the~~
641 ~~district's plan.~~

642 ~~(3) As an alternative to designating the local governing~~
643 ~~body as the board of directors, a majority of the local~~
644 ~~governing body of a city or county may appoint a board of three~~
645 ~~to seven directors for the district who shall be residents of~~
646 ~~the proposed area and who are subject to ad valorem taxation in~~
647 ~~the residential neighborhood improvement district or who are~~
648 ~~property owners in a commercial neighborhood improvement~~
649 ~~district. The directors shall be appointed for staggered terms~~
650 ~~of 3 years. The initial appointments shall be as follows: one~~
651 ~~director for a 1-year term; one director for a 2-year term; and~~
652 ~~one director for a 3-year term. If more than three directors are~~
653 ~~to be appointed, the additional members shall initially be~~
654 ~~appointed for 3-year terms. Vacancies shall be filled for the~~
655 ~~unexpired portion of a term in the same manner as the initial~~
656 ~~appointments were made. Each director shall hold office until~~
657 ~~his or her successor is appointed and qualified unless the~~
658 ~~director ceases to be qualified or is removed from office. Upon~~
659 ~~appointment and qualification and in January of each year, the~~
660 ~~directors shall organize by electing from their number a chair~~
661 ~~and a secretary.~~

662 (3)(4) A district may be dissolved by the governing body by
663 rescinding the ordinance creating the district. The governing
664 body may rescind ~~shall consider rescinding~~ the ordinance if
665 presented with a petition requesting that it be rescinded.
666 Petitions related to a residential neighborhood improvement
667 district must contain ~~containing~~ the signatures of 60 percent of

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668 the residents. Petitions related to a commercial neighborhood
669 improvement district must contain signatures representing owners
670 of 60 percent of the land area of the ~~of a~~ district.

671 Section 13. Section 163.508, Florida Statutes, is amended
672 to read:

673 163.508 Property owners' association neighborhood
674 improvement districts; creation; powers and duties; duration.—

675 (1) After an a local planning ordinance has been adopted
676 authorizing the creation of property owners' association
677 neighborhood improvement districts, the local governing body of
678 a municipality or county may create property owners' association
679 neighborhood improvement districts by the enactment of a
680 separate ordinance for each district, ~~which ordinance:~~

681 (a) Establishes that an incorporated property owners'
682 association representing 75 percent of all owners of property
683 within a proposed district meeting the requirements of this
684 section has petitioned the governing body of the municipality or
685 county for creation of a district for the area encompassed by
686 the property owned by members of the association.

687 (b) Specifies the boundaries, size, and name of the
688 district.

689 (c) Authorizes the governing body through mutual agreement
690 with the property owners' association to:

691 1. Request grants ~~a matching grant from the state's Safe~~
692 ~~Neighborhoods Program to prepare the first year's safe~~
693 ~~neighborhood improvement plan. The provider of the local match~~
694 ~~for the state grant shall be mutually agreed upon between the~~
695 ~~governing body and the property owners' association. The~~
696 ~~governing body may agree to provide the match as a no-interest-~~

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697 ~~bearing loan to be paid back from assessments imposed by the~~
 698 ~~association on its members or shareholders.~~

699 2. Provide staff and other technical assistance to the
 700 property owners' association on a mutually agreed-upon basis,
 701 contractual or otherwise.

702 ~~3. Prepare the first year's safe neighborhood improvement~~
 703 ~~plan, which shall comply with and be consistent with the~~
 704 ~~governing body's adopted comprehensive plan.~~

705 (d) Provides for an audit of the property owners'
 706 association.

707 (e) Designates the officers of the incorporated property
 708 owners' association as the board of directors of the district.

709 (f) May prohibit the use of any district power authorized
 710 by s. 163.514.

711 (g) Requires the district to notify the Department of Legal
 712 Affairs and the Department of Economic Opportunity Community
 713 ~~Affairs~~ in writing of its establishment within 30 days thereof
 714 pursuant to s. 163.5055.

715 (2) In order to qualify for the creation of a neighborhood
 716 improvement district, the property owners shall form an
 717 association in compliance with this section, or use an existing
 718 property owners' association in compliance with this section,
 719 which shall be a corporation, ~~for profit or~~ not for profit. At
 720 ~~least, and of which not less than~~ 75 percent of all property
 721 owners within the proposed area must consent ~~have consented~~ in
 722 writing to become members ~~or shareholders~~. Upon such consent by
 723 75 percent of the property owners in the proposed district, all
 724 consenting property owners and their successors shall become
 725 members of the association and shall be bound by the provisions

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726 of the articles of incorporation, the bylaws of the association,
 727 the covenants, the deed restrictions, the indentures, and any
 728 other properly promulgated restrictions. The association shall
 729 have no member ~~or shareholder~~ who is not a bona fide owner of
 730 property within the proposed district. Upon receipt of its
 731 certificate of incorporation, the property owners' association
 732 shall notify the clerk of the city or county court, whichever is
 733 appropriate, in writing, of such incorporation and shall list
 734 the names and addresses of the officers of the association.

735 (3) Any incorporated property owners' association operating
 736 pursuant to this part has ~~shall have~~ the power:

737 (a) To negotiate with the governing body of a municipality
 738 or county for closing, privatizing, or modifying the rights-of-
 739 way, and appurtenances thereto, within the district.

740 (b) To use ~~utilize~~ various legal instruments such as
 741 covenants, deed restrictions, and indentures to preserve and
 742 maintain the integrity of property, land, and rights-of-way
 743 owned and conveyed to it within the district.

744 (c) To make and collect assessments against all property
 745 within the boundaries of the district pursuant to the provisions
 746 of s. 163.514(16) and to lease, maintain, repair, and
 747 reconstruct any privatized street, land, or common area within
 748 the district upon dedication thereof to the association.

749 (d) Without the joinder of any property owner, to modify,
 750 move, or create any easement for ingress and egress or for the
 751 purpose of utilities, if such easement constitutes part of or
 752 crosses district property. However, this does ~~shall~~ not
 753 authorize the association to modify or move any easement that
 754 ~~which~~ is created in whole or in part for the use or benefit of

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755 anyone other than association members, or ~~that which~~ crosses the
 756 property of anyone other than association members, without the
 757 consent or approval of such person as required by law or by the
 758 instrument creating the easement. Nothing in this paragraph
 759 shall affect the rights of ingress or egress of any member of
 760 the association.

761 (4) A property owners' association neighborhood improvement
 762 district shall continue in perpetuity as long as the property
 763 owners' association created pursuant to this section exists
 764 under the applicable laws of the state.

765 Section 14. Subsections (1), (7), (8), and (10) of section
 766 163.511, Florida Statutes, are amended to read:

767 163.511 Special neighborhood improvement districts;
 768 creation; referendum; board of directors; duration; extension.-

769 (1) After ~~an a local planning~~ ordinance has been adopted
 770 authorizing the creation of special neighborhood improvement
 771 districts, the governing body of a municipality or county may
 772 declare the need for and create special residential or business
 773 neighborhood improvement districts by the enactment of a
 774 separate ordinance for each district, ~~which ordinance:~~

775 (a) Conditions the implementation of the ordinance on the
 776 approval of a referendum as provided in subsection (2).

777 (b) Authorizes the special neighborhood improvement
 778 district to levy an ad valorem tax on real and personal property
 779 of up to 2 mills annually.

780 (c) Authorizes the use of special assessments to support
 781 planning and implementation of district improvements pursuant to
 782 the provisions of s. 163.514(16), ~~including community policing~~
 783 ~~innovations.~~

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784 (d) Specifies the boundaries, size, and name of the
 785 district.

786 (e) Authorizes the district to receive a planning grant
 787 from the department.

788 (f) Provides for the appointment of a 3-member board of
 789 directors for the district.

790 (g) May authorize a special neighborhood improvement
 791 district to exercise the power of eminent domain pursuant to
 792 chapters 73 and 74. Any property identified for eminent domain
 793 by the district shall be subject to the approval of the local
 794 governing body before eminent domain procedures are exercised.

795 (h) May prohibit the use of any district power authorized
 796 by s. 163.514.

797 (i) Requires the district to notify the Department of Legal
 798 Affairs and the Department of Economic Opportunity Community
 799 ~~Affairs~~ in writing of its establishment within 30 days thereof
 800 pursuant to s. 163.5055.

801 (j) May authorize a special neighborhood improvement
 802 district to develop and implement community policing innovations
 803 in consultation with the local law enforcement agency having
 804 jurisdiction within the district boundaries.

805 (7) The business and affairs of a special neighborhood
 806 improvement district shall be conducted and administered by a
 807 board of three directors who shall be residents of or property
 808 owners within the proposed area and who are subject to ad
 809 valorem taxation in the district. Upon their initial appointment
 810 and qualification and in January of each year thereafter, the
 811 directors shall organize by electing from their number a chair
 812 and a secretary, and may also employ staff and legal

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813 representatives as deemed appropriate, who shall serve at the
814 pleasure of the board and may receive such compensation as shall
815 be fixed by the board. The secretary shall keep a record of the
816 proceedings of the district and shall be custodian of all books
817 and records of the district. The directors ~~may shall~~ not receive
818 any compensation for their services, nor may they be employed by
819 the district.

820 (8) Within 30 days of the approval of the creation of a
821 special neighborhood improvement district, if the district is in
822 a municipality, ~~a majority of~~ the governing body of the
823 municipality, or if the district is in the unincorporated area
824 of the county, ~~a majority of~~ the county commission, shall
825 appoint the three directors provided for herein for staggered
826 terms of 3 years. The initial appointments shall be as follows:
827 one for a 1-year term, one for a 2-year term, and one for a 3-
828 year term. Each director shall hold office until his or her
829 successor is appointed and qualified unless the director ceases
830 to be qualified to act as a director or is removed from office.
831 Vacancies on the board shall be filled for the unexpired portion
832 of a term in the same manner as the initial appointments were
833 made.

834 (10) The governing body of a municipality or county may
835 remove a director for inefficiency, neglect of duty, or
836 misconduct in office ~~only after a hearing and only if he or she~~
837 ~~has been given a copy of the charges at least 10 days prior to~~
838 ~~such hearing and has had an opportunity to be heard in person or~~
839 ~~by counsel~~. A vacancy so created shall be filled as provided
840 herein.

841 Section 15. Section 163.512, Florida Statutes, is amended

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842 to read:

843 163.512 Community redevelopment neighborhood improvement
844 districts; creation; advisory council; dissolution.—

845 (1) Upon the recommendation of the community redevelopment
846 agency and after ~~an a local planning~~ ordinance has been adopted
847 authorizing the creation of community redevelopment neighborhood
848 improvement districts, the local governing body of a
849 municipality or county may create community redevelopment
850 neighborhood improvement districts by the enactment of a
851 separate ordinance for each district, ~~which ordinance:~~

852 (a) Specifies the boundaries, size, and name of the
853 district.

854 (b) Authorizes the district to receive grants ~~a planning~~
855 ~~grant from the department~~.

856 (c) Authorizes the use of the community redevelopment trust
857 fund created pursuant to s. 163.387 for the purposes of
858 implementing the district's safe neighborhood improvement plan
859 ~~and furthering crime prevention through community policing~~
860 ~~innovations, environmental design, environmental security, and~~
861 ~~defensible space techniques, if the expenditures from the~~
862 ~~community redevelopment trust fund~~ are consistent with the
863 community redevelopment plan created pursuant to s. 163.360.

864 (d) Designates the community redevelopment board of
865 commissioners established pursuant to s. 163.356 or s. 163.357
866 as the board of directors for the district.

867 (e) Establishes an advisory council to the board of
868 directors comprised of property owners or residents of the
869 district.

870 (f) May prohibit the use of any district power authorized

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871 by s. 163.514.

872 (g) Requires that the district's safe neighborhood
 873 improvement plan be consistent with the community redevelopment
 874 plan created pursuant to s. 163.360, and permits the ~~safe~~
 875 neighborhood improvement plan to be included in the community
 876 redevelopment plan as an optional element.

877 (h) Requires that the boundaries of the community
 878 redevelopment district be contained in whole within the
 879 community redevelopment area established pursuant to ss. 163.355
 880 and 163.356.

881 (i) Requires the district to notify the Department of Legal
 882 Affairs and the Department of Economic Opportunity Community
 883 ~~Affairs~~ in writing of its establishment within 30 days thereof
 884 pursuant to s. 163.5055.

885 (2) The advisory council shall perform such duties as may
 886 be prescribed by the community redevelopment board established
 887 pursuant to s. 163.356 and shall submit within the time period
 888 specified by the board of directors a report on the district's
 889 activities and a proposed budget to accomplish its objectives.
 890 In formulating a plan for services or improvements, the advisory
 891 council shall consult in public session with the appropriate
 892 staff or consultants of the community redevelopment board
 893 ~~responsible for the district's plan.~~

894 (3) A district may be dissolved by the local governing body
 895 by rescinding the ordinance creating the district. The governing
 896 body may rescind ~~shall consider rescinding~~ the ordinance if
 897 presented with a petition containing the signatures of 60
 898 percent of the residents of a district.

899 Section 16. Section 163.513, Florida Statutes, is repealed.

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900 Section 17. Section 163.514, Florida Statutes, is amended
 901 to read:

902 163.514 Powers of neighborhood improvement districts.-
 903 Unless prohibited by ordinance, the board of any district is
 904 ~~shall be~~ empowered to:

905 (1) Enter into contracts and agreements and sue and be sued
 906 as a body corporate.

907 (2) Have and use a corporate seal.

908 (3) Acquire, own, convey, or otherwise dispose of, lease as
 909 lessor or lessee, construct, maintain, improve, enlarge, raze,
 910 relocate, operate, and manage property and facilities of
 911 whatever type to which it holds title and grant and acquire
 912 licenses, easements, and options with respect thereto.

913 (4) Accept grants and donations of any type of property,
 914 labor, or other thing of value from any public or private
 915 source.

916 (5) Have exclusive control of funds legally available to
 917 it, subject to limitations imposed by law or by any agreement
 918 validly entered into by it.

919 (6) Cooperate and contract with other governmental agencies
 920 or other public bodies.

921 (7) Contract for services of planners, engineers,
 922 attorneys, and other planning consultants, ~~experts on crime~~
 923 ~~prevention through community policing innovations, environmental~~
 924 ~~design, environmental security, or defensible space, or other~~
 925 ~~experts~~ in areas pertaining to the operations of the board of
 926 directors or the district.

927 (8) Contract with the county or municipal government for
 928 planning assistance, legal advice, and ~~for~~ increased levels of

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929 law enforcement protection and security, including additional
930 personnel.

931 (9) Promote and advertise the commercial advantages of the
932 district so as to attract new businesses and encourage the
933 expansion of existing businesses.

934 (10) Promote and advertise the district to the public and
935 engage in cooperative advertising programs with businesses
936 located in the district.

937 (11) Improve, plan, design, construct, operate, provide,
938 and maintain street lighting, parks, streets, drainage,
939 utilities, swales, parking facilities, transit facilities,
940 landscaping, and open areas, and provide ~~safe~~ access to mass
941 transportation facilities in the district.

942 (12) Undertake innovative approaches to securing
943 neighborhoods from crime, such as crime prevention through
944 community policing innovations, environmental design,
945 environmental security, and defensible space.

946 (13) Privatize, close, vacate, plan, or replan streets,
947 roads, sidewalks, and alleys, subject to the concurrence of the
948 local governing body and, if required, the state Department of
949 Transportation.

950 (14) Prepare, adopt, implement, and modify a ~~safe~~
951 neighborhood improvement plan for the district.

952 (15) Identify areas with blighted influences, including,
953 but not limited to, areas where unlawful urban dumping or
954 graffiti are prevalent, and develop programs for eradication
955 thereof.

956 (16) (a) Subject to referendum approval, and for residential
957 local government, special, community redevelopment, and property

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958 owners' association neighborhood improvement districts only,
959 make and collect special assessments pursuant to ss. 197.3632
960 and 197.3635 to pay for improvements to the district and for
961 reasonable expenses of operating the district, including the
962 payment of expenses included in the district's budget, subject
963 to an affirmative vote by a majority of the registered voters
964 residing in the district. Such assessments shall not exceed \$500
965 for each individual parcel of land per year. Notwithstanding the
966 provisions of s. 101.6102, the referendum to approve the special
967 assessment shall be by mail ballot.

968 (b) In order to implement this subsection, the city clerk
969 or the supervisor of elections, whichever is appropriate, shall
970 compile a list of the names and last known addresses of the
971 electors in the neighborhood improvement district from the list
972 of registered voters of the county as of the last day of the
973 preceding month. The same shall constitute the registration list
974 for the purposes of a referendum. Within 45 days after
975 compilation of the voter registration list, the city clerk or
976 the supervisor of elections shall notify each elector of the
977 general provisions of this section, including the taxing
978 authority and the date of the upcoming referendum. Notification
979 shall be by United States mail and, in addition thereto, by
980 publication one time in a newspaper of general circulation in
981 the county or municipality in which the district is located.

982 (c) Any resident of the district whose name does not appear
983 on the list compiled pursuant to paragraph (b) may register to
984 vote as provided by law. The registration list shall remain open
985 for 75 days after the notification required in paragraph (b).

986 (d) Within 15 days after the closing of registration, the

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987 city clerk or the supervisor of elections shall send a ballot to
988 each elector at his or her last known mailing address by first-
989 class United States mail. The ballot shall include:

990 1. A description of the general provisions of this section
991 applicable to the neighborhood improvement district; and

992 2. Immediately following said information, the following:

993

994 "Do you favor the imposition of a special assessment of not
995 greater than \$500 for each individual parcel of land per year to
996 pay for the expenses of operating the neighborhood improvement
997 district?

998

999Yes, for the special assessment.

1000

1001No, against the special assessment."

1002

1003 (e) Ballots shall be returned by United States mail or by
1004 personal delivery.

1005 (f) All ballots received within 60 days after the closing
1006 of registration shall be tabulated by the city clerk or the
1007 supervisor of elections, who shall certify the results thereof
1008 to the city governing body or county commission no later than 5
1009 days after said 60-day period.

1010 (17) Exercise all lawful powers incidental to the effective
1011 and expedient exercise of the foregoing powers.

1012 Section 18. Subsections (3) and (4) of section 163.5151,
1013 Florida Statutes, are amended to read:

1014 163.5151 Fiscal management; budget preparation.-

1015 (3) Each local government and special neighborhood

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1016 improvement district levying an ad valorem tax on real or
1017 personal property shall establish its budget pursuant to the
1018 provisions of chapter 200. ~~Before adopting~~ ~~Prior to adoption of~~
1019 the final budget and setting of the millage rate to be levied by
1020 the board, the board shall submit a tentative budget and
1021 proposed millage rate of the district to the governing body of
1022 the municipality in which the district is located, or to the
1023 county if the district is located in the unincorporated portion
1024 of the county, for approval or disapproval. Such governing body
1025 shall have the power to modify the budget or millage submitted
1026 by the board. Subsequent to approval, the board shall adopt its
1027 final budget and millage rate in accordance with the
1028 requirements of chapter 200.

1029 (4) At the option of the county property appraiser for the
1030 county within which the neighborhood improvement district is
1031 located, ~~the~~ assessments levied by the district may ~~shall~~ be
1032 collected in the same manner as all ad valorem taxes if so
1033 requested by the local governing body pursuant to s. 197.363.

1034 Section 19. Section 163.516, Florida Statutes, is amended
1035 to read:

1036 163.516 ~~Safe~~ Neighborhood improvement plans.-

1037 (1) A ~~safe~~ neighborhood improvement plan is mandated for
1038 all neighborhood improvement districts. The plan must ~~shall~~
1039 contain at least the following elements:

1040 (a) Demographics of the district.

1041 ~~(b) Crime activity data and analysis.~~

1042 ~~(c)~~ Land use, zoning, housing, and traffic analysis.

1043 ~~(d) Determination of the problems of the crime-to-~~
1044 ~~environment relationship and the stability of the neighborhood~~

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1045 ~~improvement district.~~
 1046 (c)(e) Statement of the district's goal and objectives.
 1047 ~~(f) Assessment of crime prevention through community~~
 1048 ~~policing innovations, environmental design, environmental~~
 1049 ~~security, and defensible space strategies and tactics that will~~
 1050 ~~be applied to the crime-to-environment relationship problems.~~
 1051 ~~(g) Cost estimates and the methods of financing.~~
 1052 ~~(h) Outline of program participants and their functions and~~
 1053 ~~responsibilities.~~
 1054 ~~(i) Schedule for executing program activities.~~
 1055 ~~(j) Evaluation guidelines.~~
 1056 (2) Every safe neighborhood improvement plan must shall
 1057 show, by diagram and by general explanation:
 1058 (a) Such property as is intended for use as public parks,
 1059 recreation areas, streets, public utilities, and public
 1060 improvements of any nature.
 1061 (b) Specific identification of any publicly funded capital
 1062 improvement projects to be undertaken within the district.
 1063 ~~(c) Adequate assurances that the improvements will be~~
 1064 ~~carried out pursuant to the plan.~~
 1065 ~~(d) Provision for the retention of controls and the~~
 1066 ~~establishment of any restrictions or covenants running with land~~
 1067 ~~sold or leased for private use for such periods of time and~~
 1068 ~~under such conditions as the governing body of the municipality~~
 1069 ~~in which the district is located, or the county if the district~~
 1070 ~~is located in the unincorporated portion of the county, deems~~
 1071 ~~necessary to effectuate the purposes of this part.~~
 1072 (c)(e) Projected costs of improvements, including the
 1073 amount to be expended on publicly funded capital improvement

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1074 projects in the district and any indebtedness of the district,
 1075 the county, or the municipality proposed to be incurred if such
 1076 indebtedness is to be repaid with district revenues.
 1077 ~~(f) Promotion of advertising programs to be undertaken by~~
 1078 ~~the district or in conjunction with businesses in the district.~~
 1079 ~~(g) Suggested physical improvements necessary for the~~
 1080 ~~safety of residents in or visitors to the district.~~
 1081 ~~(h) Law enforcement and security plans for the district.~~
 1082 (3) The safe neighborhood improvement plan must shall:
 1083 (a) Be consistent with the adopted comprehensive plan for
 1084 the county or municipality pursuant to the Community Planning
 1085 Act. No district plan shall be implemented unless the local
 1086 governing body has determined said plan is consistent.
 1087 (b) Be sufficiently complete to indicate such land
 1088 acquisition, demolition and removal of structures, street
 1089 modifications, redevelopment, and rehabilitation as may be
 1090 proposed to be carried out in the district.
 1091 ~~(c) Provide some method for and measurement of the~~
 1092 ~~reduction of crime within the district.~~
 1093 ~~(4) The county, municipality, or district may prepare or~~
 1094 ~~cause to be prepared a safe neighborhood improvement plan, or~~
 1095 ~~any person or agency, public or private, may submit such a plan~~
 1096 ~~to a district. Prior to its consideration of a safe neighborhood~~
 1097 ~~improvement plan, the district shall submit such plan to the~~
 1098 ~~local governing body for review and written approval as to its~~
 1099 ~~consistency with the local government comprehensive plan. The~~
 1100 ~~district must be notified of approval or disapproval within 60~~
 1101 ~~days after receipt of the plan for review, and a revised version~~
 1102 ~~of the plan may be submitted to satisfy any inconsistencies. The~~

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1103 ~~district may not proceed with the safe neighborhood improvement~~
 1104 ~~plan until final approval is given by the local governing body.~~

1105 ~~(4)(5)~~ Prior to adoption of the safe neighborhood
 1106 improvement plan, the board shall hold a public hearing on the
 1107 plan after public notice thereof by publication in a newspaper
 1108 of general circulation in the county or municipality in which
 1109 the district is located. The notice shall describe the time,
 1110 date, place, and purpose of the hearing; identify the boundaries
 1111 of the district; and outline the general scope of the plan.

1112 ~~(5)(6)~~ The board, after the public hearing, may approve the
 1113 safe neighborhood improvement plan if it finds:

1114 (a) The plan has been approved as consistent with the local
 1115 comprehensive plan by the local governing body; and

1116 (b) The plan will improve the promotion, appearance,
 1117 ~~safety, security,~~ and public amenities of the neighborhood
 1118 improvement district as stipulated in s. 163.502.

1119 ~~(6)(7)~~ If, at any time after approval of the safe
 1120 neighborhood improvement plan, it becomes desirable to amend or
 1121 modify the plan, the board may do so. Prior to any such
 1122 amendment or modification, the board shall obtain written
 1123 approval of the local governing body concerning conformity to
 1124 the local government comprehensive plan and hold a public
 1125 hearing on the proposed amendment or modification after public
 1126 notice thereof by publication in a newspaper of general
 1127 circulation in the county or municipality in which the district
 1128 is located. The notice shall describe the time, place, and
 1129 purpose of the hearing and generally describe the proposed
 1130 amendment or modification.

1131 ~~(8)~~ Pursuant to s. 163.3184, the governing body of a

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1132 ~~municipality or county shall hold two public hearings to~~
 1133 ~~consider the board-adopted safe neighborhood improvement plan as~~
 1134 ~~an amendment or modification to the municipality's or county's~~
 1135 ~~adopted local comprehensive plan.~~

1136 ~~(9)~~ A safe neighborhood improvement plan for each district
 1137 shall be prepared and adopted by the municipality or county
 1138 prior to the levy and expenditure of any of the proceeds of any
 1139 tax assessment or fee authorized to such districts other than
 1140 for the preparation of the safe community or business
 1141 improvement plan.

1142 Section 20. Section 163.517, Florida Statutes, is repealed.

1143 Section 21. Section 163.519, Florida Statutes, is repealed.

1144 Section 22. Section 163.521, Florida Statutes, is repealed.

1145 Section 23. Section 163.5215, Florida Statutes, is
 1146 repealed.

1147 Section 24. Section 163.522, Florida Statutes, is repealed.

1148 Section 25. Section 163.523, Florida Statutes, is repealed.

1149 Section 26. Section 163.524, Florida Statutes, is repealed.

1150 Section 27. Section 163.526, Florida Statutes, is repealed.

1151 Section 28. Paragraph (c) of subsection (1) of section
 1152 376.84, Florida Statutes, is amended to read:

1153 376.84 Brownfield redevelopment economic incentives.—It is
 1154 the intent of the Legislature that brownfield redevelopment
 1155 activities be viewed as opportunities to significantly improve
 1156 the utilization, general condition, and appearance of these
 1157 sites. Different standards than those in place for new
 1158 development, as allowed under current state and local laws,
 1159 should be used to the fullest extent to encourage the
 1160 redevelopment of a brownfield. State and local governments are

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1161 encouraged to offer redevelopment incentives for this purpose,
 1162 as an ongoing public investment in infrastructure and services,
 1163 to help eliminate the public health and environmental hazards,
 1164 and to promote the creation of jobs in these areas. Such
 1165 incentives may include financial, regulatory, and technical
 1166 assistance to persons and businesses involved in the
 1167 redevelopment of the brownfield pursuant to this act.

1168 (1) Financial incentives and local incentives for
 1169 redevelopment may include, but not be limited to:

1170 (c) ~~Safe~~ Neighborhood improvement districts as provided in
 1171 part IV of chapter 163 ss. 163.501-163.523.

1172 Section 29. Subsection (2) of section 775.083, Florida
 1173 Statutes, is amended to read:

1174 775.083 Fines.—

1175 (2) In addition to the fines set forth in subsection (1),
 1176 court costs shall be assessed and collected in each instance a
 1177 defendant pleads nolo contendere to, or is convicted of, or
 1178 adjudicated delinquent for, a felony, a misdemeanor, or a
 1179 criminal traffic offense under state law, or a violation of any
 1180 municipal or county ordinance if the violation constitutes a
 1181 misdemeanor under state law. The court costs imposed by this
 1182 section shall be \$50 for a felony and \$20 for any other offense
 1183 and shall be deposited by the clerk of the court into an
 1184 appropriate county account for disbursement for the purposes
 1185 provided in this subsection. A county shall account for the
 1186 funds separately from other county funds as crime prevention
 1187 funds. The county, in consultation with the sheriff, must expend
 1188 such funds for crime prevention programs in the county,
 1189 including ~~safe~~ neighborhood improvement programs under part IV

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1190 of chapter 163 ss. 163.501-163.523.

1191 Section 30. Paragraphs (a) and (c) of subsection (5) of
 1192 section 932.7055, Florida Statutes, are amended to read:

1193 932.7055 Disposition of liens and forfeited property.—

1194 (5) (a) If the seizing agency is a county or municipal
 1195 agency, the remaining proceeds shall be deposited in a special
 1196 law enforcement trust fund established by the board of county
 1197 commissioners or the governing body of the municipality. Such
 1198 proceeds and interest earned therefrom shall be used for school
 1199 resource officer, crime prevention, ~~safe~~ neighborhood
 1200 improvement, drug abuse education and prevention programs, or
 1201 for other law enforcement purposes, which include defraying the
 1202 cost of protracted or complex investigations, providing
 1203 additional equipment or expertise, purchasing automated external
 1204 defibrillators for use in law enforcement vehicles, and
 1205 providing matching funds to obtain federal grants. The proceeds
 1206 and interest may not be used to meet normal operating expenses
 1207 of the law enforcement agency.

1208 (c) An agency or organization, other than the seizing
 1209 agency, that wishes to receive such funds shall apply to the
 1210 sheriff or chief of police for an appropriation and its
 1211 application shall be accompanied by a written certification that
 1212 the moneys will be used for an authorized purpose. Such requests
 1213 for expenditures shall include a statement describing
 1214 anticipated recurring costs for the agency for subsequent fiscal
 1215 years. An agency or organization that receives money pursuant to
 1216 this subsection shall provide an accounting for such moneys and
 1217 shall furnish the same reports as an agency of the county or
 1218 municipality that receives public funds. Such funds may be

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1219 expended in accordance with the following procedures:

1220 1. Such funds may be used only for school resource officer,
 1221 crime prevention, ~~safe~~ neighborhood improvement, drug abuse
 1222 education, or drug prevention programs or such other law
 1223 enforcement purposes as the board of county commissioners or
 1224 governing body of the municipality deems appropriate.

1225 2. Such funds shall not be a source of revenue to meet
 1226 normal operating needs of the law enforcement agency.

1227 3. After July 1, 1992, and during every fiscal year
 1228 thereafter, any local law enforcement agency that acquires at
 1229 least \$15,000 pursuant to the Florida Contraband Forfeiture Act
 1230 within a fiscal year must expend or donate no less than 15
 1231 percent of such proceeds for the support or operation of any
 1232 drug treatment, drug abuse education, drug prevention, crime
 1233 prevention, ~~safe~~ neighborhood improvement, or school resource
 1234 officer program ~~program(s)~~. The local law enforcement agency has
 1235 the discretion to determine which program or programs ~~program(s)~~
 1236 will receive the designated proceeds.

1237
 1238 Notwithstanding the drug abuse education, drug treatment, drug
 1239 prevention, crime prevention, ~~safe~~ neighborhood improvement, or
 1240 school resource officer minimum expenditures or donations, the
 1241 sheriff and the board of county commissioners or the chief of
 1242 police and the governing body of the municipality may agree to
 1243 expend or donate such funds over a period of years if the
 1244 expenditure or donation of such minimum amount in any given
 1245 fiscal year would exceed the needs of the county or municipality
 1246 for such program or programs ~~program(s)~~. Nothing in this section
 1247 precludes the expenditure or donation of forfeiture proceeds in

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1248 excess of the minimum amounts established herein.

1249 Section 31. This act shall take effect July 1, 2012.

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THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-12
Meeting Date

Topic Neighborhood Improvement Act

Bill Number 582
(if applicable)

Name Pam Donovan

Amendment Barcode _____
(if applicable)

Job Title Mayor City of Margate

Address 5790 Margate Blvd

Phone 954 972-6454

Margate FL 33063
City State Zip

E-mail Pdonovan@MargateFL.com

Speaking: For Against Information

Representing City of Margate

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date

Topic Neighborhood Improvement Districts

Bill Number 592
(if applicable)

Name David Cruz

Amendment Barcode _____
(if applicable)

Job Title Legislative Advocate

Address P.O. Box 1757

Phone 701-3676

Street

Tallahassee FL 32302

City

State

Zip

E-mail DCruz@FLCities.com

Speaking: For Against Information

Representing Florida League of Cities

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

11/24/2012

Meeting Date

Topic _____

Bill Number 582
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH
Street

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

Meeting Date _____

Topic Neighborhood Improvement Act Bill Number 582
Name Kyle Shephard Amendment Barcode _____
Job Title Assistant City Attorney, City of Orlando (if applicable)
Address 400 S. Orange Ave Phone 407-246-3475
Street City State Zip
Orlando FL 32801 E-mail Kyle.Shephard@cityof
Orlando.net
Speaking: For Against Information

Representing City of Orlando

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: SB 800

INTRODUCER: Senator Negrón

SUBJECT: County Boundary Lines

DATE: December 8, 2011 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	<u>Toman</u>	<u>Yeatman</u>	<u>CA</u>	Favorable
2.	<u>Fournier</u>	<u>Diez-Arguelles</u>	<u>FT</u>	Pre-Meeting
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

I. Summary:

This bill moves a 129-acre area from the jurisdiction of St. Lucie County to Martin County. The bill substantially amends sections 7.43 and 7.59 of the Florida Statutes.

II. Present Situation:

History of Counties in Florida

While the provisional government and territorial councils provided for county forms of government in Florida, counties did not receive constitutional status until 1861. The Constitution of 1885 first recognized counties as legal subdivisions of the state. In addition, the Legislature was granted the power to create new counties and alter county boundaries.¹ Gilchrist County was created in 1925 as the last of Florida's current 67 counties.²

The revised State Constitution of 1968 amended the provision in the 1885 Constitution relating to county formation. Section 1(a), Art. VIII of the State Constitution of 1968, states:

¹ Economic Affairs Committee, The Florida House of Representatives, *Local Government Formation Manual, 2010-2011*, <http://www.myfloridahouse.gov/Sections/Documents/loaddoc.aspx?PublicationType=Committees&CommitteeId=2605&Session=2011&DocumentType=General%20Publications&FileName=Local%20Government%20Formation%20Manual%202010%20-%20202011.pdf>.

² See *id.* citing Allen Morris, *The Florida Handbook 1993-1994*, (Tallahassee, Florida: The Peninsular Publishing Company, 1993), pp. 416-418.

The state shall be divided by law into political subdivisions called counties. Counties may be created, abolished or changed by law, with provision for payment and apportionment of the public debt.

Chapter 7, F.S., provides the boundary lines for Florida's 67 counties. Chapter 125, F.S., outlines the powers and duties of counties.

County boundary changes of the past 25 years include those involving:

- Franklin and Wakulla counties in 1986,³
- Escambia and Santa Rosa counties in 1991,⁴
- Citrus and Levy counties in 1994,⁵ and
- Broward and Palm Beach counties in 2007⁶

Beau Rivage

The 129 acres that are the subject of this bill are known as Beau Rivage which abuts the north fork of the St. Lucie River in St. Lucie County. The area currently features 223 single family homes and 27 vacant lots and is divided into six subdivisions.⁷ Although part of St. Lucie County physically, the area is not directly connected to the rest of the county by a county-owned or maintained right-of-way. Access is via Britt Road from U.S. 1 in Martin County. Beau Rivage's 550-plus residents all have Stuart, Florida, addresses.

By interlocal agreement between the St. Lucie County School Board and the Martin County School Board, students residing in Beau Rivage may attend schools located in Martin County. There is also a mutual aid agreement in place between the St. Lucie County Fire District and Martin County Fire Rescue. All properties within Beau Rivage are served by septic tanks and wells.

III. Effect of Proposed Changes:

Section 1 amends s. 7.43, F.S., to expand the boundary lines of Martin County to include an additional 129 acres.

Section 2 amends s. 7.59, F.S., to contract the boundary lines of St. Lucie County to remove 129 acres.

Section 3 provides that this act shall take effect July 1, 2012.

³ Chapter 86-288, Laws of Fla.

⁴ Chapter 91-310, Laws of Fla.

⁵ Chapter 94-313, Laws of Fla.

⁶ Chapter 2007-222, Laws of Fla.

⁷ E-mail from Audrey Jackson, Governmental Affairs Manager, St. Lucie County Property Appraiser's Office, (Dec. 20, 2011) (on file with the Senate Committee on Community Affairs). The six subdivisions are Bay Colony, Beau Rivage, Blair, Eventide, Howard Creek Estates, and The Plantations.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

None.

B. Private Sector Impact:

Residents in the Beau Rivage area may experience changes in emergency response times. These residents would be subject to Martin County taxing authorities rather than St. Lucie County taxing authorities.

C. Government Sector Impact:

Martin County and St. Lucie County will experience corresponding increases or decreases to their tax bases. According to the St. Lucie County Property Appraiser's Office, the 2011 taxable value of the Beau Rivage area is \$59,549,039.⁸

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

⁸ On file with the Senate Committee on Community Affairs.

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



408900

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Finance and Tax (Altman) recommended the following:

Senate Amendment (with title amendment)

Delete line 133
and insert:

Section 3. All public roads, and the public rights-of-way associated therewith, lying within the limits of the lands being incorporated into Martin County as described in sections 1 and 2 are transferred from the jurisdiction of St. Lucie County to the jurisdiction of Martin County on the effective date of the change in county boundaries pursuant to this act.

Section 4. The governing bodies of St. Lucie County and



408900

13 Martin County shall enter into an interlocal agreement by
14 October 1, 2012, which must include a feasible plan to transfer
15 from St. Lucie County to Martin County the county services,
16 buildings, infrastructure, waterways, and employees. The
17 interlocal agreement must also include a gradual transfer of
18 revenue generated from the area being incorporated into Martin
19 County from St. Lucie County, which must be completed within 5
20 years after the agreement is signed. Any loss of revenue to St.
21 Lucie County may not exceed 20 percent per year of the revenues
22 that would have been raised from the land transferred to Martin
23 County in section 1 of this act.

24 Section 5. This act shall take effect only upon its
25 approval by a majority vote of those qualified electors residing
26 in the area being transferred from St. Lucie County to Martin
27 County as described in section 1 voting in a referendum to be
28 held by the Board of County Commissioners and conducted by the
29 Supervisor of Elections of St. Lucie County in conjunction with
30 the next general, special, or other election to be held in St.
31 Lucie County, in accordance with the provisions of law relating
32 to elections currently in force, except that this section shall
33 take effect upon becoming a law.

34
35 ===== T I T L E A M E N D M E N T =====

36 And the title is amended as follows:

37 Delete line 7

38 and insert:

39 conform; transferring certain roads and associated
40 rights-of-way; requiring that St. Lucie County and
41 Martin County enter into an interlocal agreement that



408900

42 provides for a feasible plan for the transfer of
43 county services, buildings, infrastructure waterways,
44 and employees and for the transfer of income generated
45 from the area transferred by a time certain; limiting
46 the annual loss of revenue from the transferred land;
47 providing that the transfer is contingent upon
48 approval of a referendum by the qualified electors
49 residing in the area being transferred from St. Lucie
50 County to Martin County; providing effective dates.

By Senator Negrón

28-00385C-12

2012800__

A bill to be entitled

An act relating to county boundary lines; amending s. 7.43, F.S.; incorporating a portion of St. Lucie County into Martin County; revising the legal description of Martin County; amending s. 7.59, F.S.; revising the legal description of St. Lucie County, to conform; providing an effective date.

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

Section 1. Section 7.43, Florida Statutes, is amended to read:

7.43 Martin County.—The boundary lines of Martin County are as follows: Beginning at the northwest corner of township thirty-eight south, range thirty-seven east; thence east, concurrent with the south boundary line of St. Lucie County, to the southwest corner of section thirty-one, township thirty-seven south, range forty-one east; thence north on the west line of said section thirty-one and section thirty, township thirty-seven south, range forty-one east, 6,459 feet to a point lying within the water body of the north fork of the St. Lucie River; thence departing said line within the north fork of the St. Lucie River a bearing direction of 41 degrees north, 4 minutes west, a distance of 6,155 feet, more or less, to a point lying within the water body of the north fork of the St. Lucie River; thence departing said point a bearing direction of 45 degrees north, 16 minutes east, a distance of 2,355 feet, more or less, to a point intersecting with the south shore of the north fork of the St. Lucie River and the west edge of the Howard Creek as

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28-00385C-12

2012800__

concurrent with the City of Port St. Lucie municipal boundary limits; thence departing said intersecting shore and edge lines following along the City of Port St. Lucie municipal boundary line north along the west edge of Howard Creek to the south line of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence east along said south line of the northeast quarter to the intersection of the east 924.15 feet of section twenty-four, township thirty-seven south, range forty east; thence north along said east 924.15-foot line of section twenty-four, township thirty-seven south, range forty east, to the intersection of the north line of the south 508.15 feet of the northeast quarter of section twenty-four, township thirty-seven south, range forty east; thence east along said south 508.15-foot line of the northeast quarter of said section twenty-four, township thirty-seven south, range forty east, to an intersection with the west line of township thirty-seven south, range forty-one east, also being the existing Martin County boundary line; thence north concurrent with the Martin County boundary line, along the west line of sections nineteen and eighteen, township thirty-seven south, range forty-one east, ~~other sections~~ to the northwest corner of section eighteen, township thirty-seven south, range forty-one east; thence east on the north line of said section eighteen and other sections to the waters of the Atlantic Ocean; thence easterly to the eastern boundary of the State of Florida; thence southward along the coast, including the waters of the Atlantic Ocean within the jurisdiction of the State of Florida, to the south line of section twenty, township forty south, range forty-three east, produced easterly; thence west on the south line of

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28-00385C-12 2012800__
 59 said section twenty, and other sections, to the southwest corner
 60 of section twenty-two, township forty south, range forty-two
 61 east; thence south on the east line of section twenty-eight,
 62 township forty south, range forty-two east, to the southeast
 63 corner of said section twenty-eight; thence west on the south
 64 line of said section twenty-eight and other sections to the east
 65 shore of Lake Okeechobee; thence continue west in a straight
 66 course to the northeast corner of section thirty-six, township
 67 forty south, range thirty-four east, being the southwest corner
 68 of section thirty, township forty south, range thirty-five east;
 69 thence northeasterly in a straight course to the line of normal
 70 water level on the boundary of Lake Okeechobee at its
 71 intersection with the line dividing ranges thirty-six and
 72 thirty-seven east, township thirty-eight south; thence north on
 73 said range line to the place of beginning.

74 Section 2. Section 7.59, Florida Statutes, is amended to
 75 read:

76 7.59 St. Lucie County.—The boundary lines of St. Lucie
 77 County are as follows: Beginning on the eastern boundary of the
 78 State of Florida at a point where the north section line of
 79 section thirteen, township thirty-seven south, range forty-one
 80 east, produced easterly, would intersect the same; thence
 81 westerly on the north line of said section and other sections to
 82 the northwest corner of section eighteen, township thirty-seven
 83 south, range forty-one east; thence south along the range line
 84 between ranges forty east and forty-one east which is concurrent
 85 with the St. Lucie County and Martin County boundary lines to
 86 the intersection with the north line of the south 508.15 feet of
 87 the northeast quarter of section twenty-four, township thirty-

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 88 seven south, range forty east; thence west along the south
 89 508.15-foot line of the northeast quarter of section twenty-
 90 four, township thirty-seven south, range forty east and
 91 concurrent with the municipal boundary line of the City of Port
 92 St. Lucie to the intersection of the east 924.15-foot line of
 93 section twenty-four, township thirty-seven south, range forty
 94 east; thence south along the east 924.15-foot line of section
 95 twenty-four, township thirty-seven south, range forty east and
 96 continuing along the municipal boundary line of the City of Port
 97 St. Lucie, to the intersection of the south line of the
 98 northeast quarter of section twenty-four, township thirty-seven
 99 south, range forty east; thence west along the south line of the
 100 northeast quarter of section twenty-four, township thirty-seven
 101 south, range forty east to the intersection with the west edge
 102 of Howard Creek; thence southerly and along with the west edge
 103 of Howard Creek being concurrent with the municipal boundary
 104 line of the City of Port St. Lucie to the intersection of the
 105 south shore of the north fork of the St. Lucie River and the
 106 west edge of Howard Creek as concurrent with the City of Port
 107 St. Lucie municipal boundary; thence departing said south shore
 108 of the north fork of the St. Lucie River and the municipal
 109 boundary line of the City of Port St. Lucie, south 45 degrees,
 110 16 minutes west, 2,355 feet more or less, to a point within the
 111 body of water of the north fork of the St. Lucie River; thence
 112 departing said point south 41 degrees, 4 minutes east, 6,155
 113 feet more or less to a point located in the body of the north
 114 fork of the St. Lucie River which intersects with the west line
 115 of section thirty, township thirty-seven south, range forty-one
 116 east; thence south 6,459 feet along the west line of sections

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117 thirty and thirty-one, township thirty-seven south, range forty-
118 one east, to the intersection with ~~on the range line between~~
119 ~~ranges forty and forty-one east,~~ to the township line between
120 townships thirty-seven and thirty-eight south; also being the
121 southwest corner of section thirty-one, township thirty-seven,
122 range forty-one east; thence west on the said township line to
123 the range line dividing ranges thirty-six and thirty-seven east;
124 thence north on said range line, concurrent with the east
125 boundary of Okeechobee County, to the northwest corner of
126 township thirty-four south, range thirty-seven east; thence east
127 on the township line dividing townships thirty-three and thirty-
128 four south, to the Atlantic Ocean; thence continuing easterly to
129 the eastern boundary of the State of Florida; thence southerly
130 along said east boundary, including the waters of the Atlantic
131 Ocean within the jurisdiction of the State of Florida, to the
132 place of beginning.

133 Section 3. This act shall take effect July 1, 2012.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: CS/ SB 962

INTRODUCER: Education Pre-K - 12 Committee and Senator Benacquisto

SUBJECT: Florida Tax Credit Scholarship Program

DATE: January 9, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	deMarsh-Mathues	deMarsh-Mathues	ED	Fav/CS
2.	Fournier	Diez-Arguelles	FT	Favorable
3.	_____	_____	_____	_____
4.	_____	_____	_____	_____
5.	_____	_____	_____	_____
6.	_____	_____	_____	_____

Please see Section VIII. for Additional Information:

A. COMMITTEE SUBSTITUTE..... Statement of Substantial Changes

B. AMENDMENTS..... Technical amendments were recommended

Amendments were recommended

Significant amendments were recommended

I. Summary:

For the Florida Tax Credit Scholarship Program, the bill increases the \$218,750,000 maximum tax credit available in FY 2012-13 by \$31,250,000 to \$250 million. In fiscal year 2013-2014 and thereafter, the cap will continue to increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year.

The Revenue Estimating Conference estimated that the additional tax credits authorized by the bill will reduce receipts to the General Revenue Fund by \$31.3 million in fiscal year 2012-13 with a recurring reduction in General Revenue Fund receipts of \$76.3 million. The bill is also expected to result in increased savings as fewer students will require funding with the FEFP.

This bill substantially amends section 1002.395 of the Florida Statutes.

II. Present Situation:

Florida Tax Credit Scholarship Program (FTC program)

Under the FTC program, tax credit scholarships were created to encourage private, voluntary contributions from corporate donors to nonprofit scholarship-funding organizations.¹ A corporation can receive a dollar for dollar tax credit against its state corporate income tax, insurance premium tax, severance taxes on oil and gas production, self-accrued sales tax liabilities of direct pay permit holders, and alcoholic beverage tax on beer, wine, and spirits for donations to private nonprofit scholarship-funding organizations (SFOs).

Eligible Private Schools and Students

Private schools participating in the FTC program must provide documentation of financial stability and comply with federal antidiscrimination law and all state laws regulating private schools.² To be eligible for participation in the FTC program, a private school must demonstrate fiscal soundness and accountability.³

Under the program, SFOs provide a scholarships to students who qualifies for free or reduced-price school lunches under the National School Lunch Act⁴ or who qualifies for the Supplemental Nutrition Assistance Program (SNAP), the Temporary Assistance to Needy Families Program (TANF), or the Food Distribution Program on Indian Reservations (FDPIR)⁵ and:

- Was counted as a full-time equivalent student during the previous state fiscal year for purposes of state per-student funding;
- Is eligible to enter kindergarten or the first grade;
- Received a scholarship under the FTC program or from the state the previous school year; or
- Is placed, or during the previous state fiscal year was placed, in foster care.

A student does not lose his or her scholarship due to a change in the economic status of the student's parents unless the parent's economic status exceeds 230 percent of the federal poverty guidelines.⁶ A sibling of a scholarship student who continues to participate in the program and resides in the same household as the student is considered to be a first-time FTC scholarship recipient, as long as the student's and the sibling's household income level does not exceed 230 percent of the federal poverty level.⁷

¹ Sections 1002.395(1) and 1002.421, F.S. In 2010, the program was transferred from s. 220.187, F.S., to s. 1002.395, F.S., by ch. 2010-24, L.O.F.

² Sections 1002.395(8) and 1002.421, F.S.

³ Section 1002.421, F.S.

⁴ Section 1002.395(3)(b), F.S. The eligibility guidelines are available at:

<http://www.fns.usda.gov/cnd/governance/notices/iegs/IEGs10-11.htm>.

⁵ Children from households that receive benefits under SNAP (formerly the Food Stamp Program), TANF, or the FDPIR, are deemed "categorically eligible" for free school meals, thereby eliminating the need for households to submit an application for meal benefits. *Direct Certification in the National School Lunch Program: State Progress in Implementation, Report to Congress – Summary*, U.S. Department of Agriculture (USDA), October 2011, available at:

<http://www.fns.usda.gov/ora/menu/published/CNP/FILES/DirectCert2011.pdf>.

⁶ Section 1002.395(3)(b)2., F.S.

⁷ Section 1002.395(3)(b)3., F.S. The student must also meet one or more of the eligibility criteria.

Eligibility is contingent upon available funds.⁸ The amount of the scholarship provided to any child for any single school year by any eligible SFO may not exceed the following limits:⁹

- For FY 2011-2012, the maximum scholarship amount is 64 percent of the Florida Education Finance Program (FEFP) unweighted full-time equivalent (FTE) amount for the fiscal year, for a scholarship awarded to a student for tuition and fees;¹⁰ or
- \$500 for a scholarship awarded to a student for transportation to a Florida public school that is located outside the district in which the student resides.

Scholarship Funding Organizations

An SFO must be a charitable organization exempt from federal income tax pursuant to s. 501(c)(3) of the Internal Revenue Code.¹¹ Scholarships must be provided for eligible students on a first-come, first-served basis, unless the student qualifies for priority consideration.¹² An SFO may not restrict or reserve scholarships for use at a particular private school or for the child of an operator or owner of a private school or SFO. A taxpayer making the contribution may not designate a specific child or group of children as the beneficiaries of the scholarship.¹³ If the SFO has been in operation for three years and does not have any negative financial findings, the SFO may retain up to three percent of the taxpayer's contributions for reasonable and necessary administrative expenses.¹⁴

The Legislature initially capped the scholarship program at \$50 million in tax credits per state fiscal year,¹⁵ but subsequently expanded the cap to \$88 million in 2003.¹⁶ Beginning with FY 2008-2009, the cap was increased by \$30 million to \$118 million.¹⁷ Until 2009, tax credits under the scholarship program were only available against the state's corporate income tax.

In 2009, the Legislature expanded the revenue sources against which tax credits can be claimed for donations to an SFO to include the premium tax under s. 624.509, F.S., which is imposed on insurance premiums written in Florida and paid by insurance companies to the Department of Revenue (DOR).¹⁸

⁸ Section 1002.395(3)(b), F.S.

⁹ Section 1002.395(12)(a), F.S. Beginning in FY 2011-2012, the percentage used to determine the maximum scholarship award increases by four percent in any fiscal year when the tax credit cap also increases, until it reaches a maximum of 80 percent. In that fiscal year and thereafter, the scholarship limit will be equal to 80 percent of the per FTE funding amount.

¹⁰ Section 1002.395(12)(a)1.a.III, F.S. E-mail, DOE, January 6, 2012, on file with the Senate Committee on Education Pre-K – 12.

¹¹ Section 1002.395(2)(f), F.S.

¹² Sections 1002.395(6)(e) and (f), F.S.

¹³ Section 1002.395(2)(e), F.S.

¹⁴ Section 1002.395(6)(i), F.S.

¹⁵ Chapter 2001-225, L.O.F.

¹⁶ Section 9, ch. 2003-391, L.O.F.

¹⁷ Chapter 2008-241, L.O.F.

¹⁸ Section 624.51055, F.S., allows insurance companies to receive a credit of 100 percent of an eligible contribution to an eligible SFO against any tax due for a taxable year under the provisions of the insurance premium tax. However, the credit may not exceed 75 percent of the tax due.

In 2010, the Legislature added three new revenue sources by allowing taxpayers to receive credits for eligible contributions against: severance taxes on oil and gas production;¹⁹ self-accrued sales tax liabilities of direct pay permit holders;²⁰ and alcoholic beverage taxes on beer, wine, and spirits.²¹ The 2010-2011 fiscal year cap on tax credits authorized under the FTC program was \$140 million.²² In fiscal year 2011-2012 and thereafter, the cap will increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year. The tax credit cap amount is \$175 million for the 2011-2012 state fiscal year and \$218,750,000 for the 2012-2013 state fiscal year.²³

The following summarizes information related to the tax credits approved by the DOR:²⁴

Tax Year	Number of Approved Tax Credit Allocation Applications	Number of Taxpayers	Total Amount of Tax Credit Allocations Approved for All Taxpayers	Number of Small Businesses Approved for Tax Credit Allocations	Total Amount of Tax Credit Allocations Approved for Small Businesses ²⁵
2002-03	77	48	\$47,686,000	4	\$186,000
2003-04	114	56	\$47,579,000	3	\$79,000
2004-05	102	58	\$47,560,000	2	\$60,000
2005-06	126	79	\$80,323,071	2	\$4,000
2006-07	94	65	\$87,123,000	1	\$3,000
2007-08 ²⁶	106	62	\$85,611,140	0	\$0
2008-09	125	75	\$97,415,847	0	\$0
2009-10	121	83	\$111,773,617 ²⁷	0	\$0
2010-11	128	100	\$136,321,200	0	\$0
2011-12	124	110	\$173,757,000	0	\$0

The credit allocation process for the 2012-2013 fiscal year does not begin until January 1, 2012.²⁸

¹⁹ Section 211.0251, F.S., authorizes a credit of 100 percent of an eligible contribution to an SFO against any tax due under ss. 211.02 or 211.025, F.S., for oil or gas production. However, the credit may not exceed 50 percent of the tax due on the return the credit is taken.

²⁰ Section 212.1831, F.S., authorizes a credit of 100 percent of an eligible contribution against any state sales tax due from a direct pay permit holder (e.g., dealers who annually make purchases in excess of \$10 million per year in any county and dealers who purchase promotional materials whose ultimate use is unknown at purchase) as a result of the direct pay permit held. See s. 212.183, F.S., and Rule 12A-1.0911, F.A.C.

²¹ Section 561.1211, F.S., authorizes a credit of 100 percent of an eligible contribution to an SFO against tax due under ss. 563.05, 564.06, or 565.12, F.S., except for taxes imposed on domestic wine production. Further, the credit is limited to 90 percent of the tax due on the return on which the credit is taken.

²² Section 1, ch. 2010-24, L.O.F., codified in s. 1002.395(5), F.S.

²³ E-mail, DOR, December 12 and December 27, 2011, on file with the Senate Committee on Education Pre-K - 12. *Taxpayer Information Publication 11ADM-03*. See https://taxlaw.state.fl.us/wordfiles/CIT_TIP_11ADM-03.pdf.

²⁴ E-mail, DOR, March 28, 2011, on file with the Senate Committee on Education Pre-K - 12.

²⁵ Until 2006, s. 220.187(3)(a), F.S., provided that five percent of the tax credit was reserved for small businesses as defined under s. 288.703(1), F.S. Chapter 2006-75, L.O.F., reduced the small business cap to one percent. The cap was subsequently repealed by ch. 2008-241, L.O.F.

²⁶ Effective for tax years beginning January 1, 2006, s. 220.187(5)(d), F.S., (currently s. 1002.395(5)(e), F.S.) permits a taxpayer to rescind all or part of its previously allocated tax credit. When approved, the rescinded allocation can be allocated to another taxpayer.

²⁷ Of the total amount of the allocation of tax credits, \$15,130,000 was allocated to insurance companies based on 18 approved applications.

²⁸ E-mail, DOR, December 12, 2011, on file with the Senate Committee on Education Pre-K - 12.

The following reflects the credit allocations per SFO for 2007-2008, 2008-2009, 2009-2010, 2010-2011,²⁹ 2011-2012, and 2012-2013:

Credit Allocations per SFO 2007-2008³⁰	
SFO	TOTAL
Academy Prep Foundation, Inc.	\$0
Children First Central Florida ³¹	\$38,178,882
Florida School Choice Fund ³² (Florida P.R.I.D.E.)	\$41,663,140
The Carrie Meek Foundation, Inc.	\$1,875,000
Credit Carry Forward	\$3,894,118
Total Allocations	\$85,611,140
Credit Allocations per SFO 2008-2009³³	
SFO	TOTAL
The Children's Cause, Inc. ³⁴	\$0
Children First Florida (Children First Central Florida)	\$42,317,008
Florida P.R.I.D.E.	\$35,930,000
The Carrie Meek Foundation, Inc.	\$3,010,000
Step Up for Students ³⁵	\$7,001,750
Credit Carry Forward	\$9,157,089
Total Allocations	\$97,415,847
Credit Allocations per SFO 2009-2010³⁶	
SFO	TOTAL
Children First Florida ³⁷	\$14,406,666
Florida P.R.I.D.E. ³⁸	\$7,431,666
The Carrie Meek Foundation, Inc.	\$2,734,318
Step Up for Students	\$64,909,850
Credit Carry Forward	\$22,291,117
Total Allocations	\$111,773,617
Credit Allocations per SFO 2011-2012³⁹	
SFO	TOTAL
Step Up for Students	\$173,757,000
Total Allocations	\$173,757,000

²⁹ Data for applications for credit allocations current through February, 2010. The 2008-09 and 2009-10 applications are still open as of that date.

³⁰ E-mail, DOR, March 28, 2011, on file with the Senate Committee on Education Pre-K – 12, for tax years beginning in 2007. The allocation began January 1, 2007, for tax years beginning in calendar year 2007. The allocation is closed.

³¹ Children First Central Florida was subsequently known as Children First Florida.

³² Florida School Choice Fund was subsequently known as Florida P.R.I.D.E.

³³ DOR, March 1, 2010, for tax years beginning in 2008. The allocation began January 1, 2008, for tax years beginning in calendar year 2008. This allocation is closed.

³⁴ The Children's Cause was approved by the DOE for 2008-2009.

³⁵ The Florida School Choice Fund, Inc., d/b/a Step Up for Students, was approved effective July 1, 2009. The assets of Florida PRIDE and Children First Florida were transferred to Florida School Choice Fund, Inc.

³⁶ E-mail, DOR, March 28, 2011, on file with the Committee on Education Pre-K – 12, for tax years beginning in 2009. The allocation began January 1, 2009, for tax years beginning in calendar year 2009. This allocation is closed.

³⁷ Children First Florida ceased to exist on July 1, 2009. The assets of Children First Florida were transferred to Step Up for Students.

³⁸ Florida PRIDE ceased to exist on July 1, 2009. The assets of Florida PRIDE have been transferred to Step Up for Students.

³⁹ E-mail, DOR, December 12 and December 27, 2011, on file with the Committee on Education Pre-K – 12, for tax years beginning in 2011. The allocation began January 1, 2011, for tax years beginning in calendar year 2011. The allocation is open.

Currently, there are 1,181 participating private schools and 37,578 students receiving scholarships.⁴⁰ Step Up for Students is the only approved SFO for 2011-2012.⁴¹

III. Effect of Proposed Changes:

For the Florida Tax Credit Scholarship Program, the bill increases the \$218,750,000 maximum tax credit available in FY 2012-13 by \$ 31,250,000 to \$250 million. In fiscal year 2013-2014 and thereafter, the cap will continue to increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The Revenue Estimating Conference estimated the additional tax credits authorized by the bill will reduce receipts to the General Revenue Fund by \$31.3m in fiscal year 2012-13 with a recurring reduction in General Revenue Fund receipts of \$76.3m. The estimate assumes that, over the forecast horizon, 100% of the available tax credits will be approved each fiscal year. The increase in the amount of credits will reduce the General Revenue distributions from alcoholic and beverage taxes, sales taxes and insurance premium taxes. No impacts on the corporate income tax are expected. The following table sets forth the year-by-year estimated impacts broken out by revenue source.

REC Impacts SB 962	FY 2012-13 Cash	FY 2012-13 Annualized	FY 2013-14 Cash	FY 2014-15 Cash	FY 15-16 Cash
Beverage Excise Tax GR	(24.7)	(60.4)	(30.9)	(38.6)	(48.3)
Sales and Use Tax GR	(2.2)	(5.3)	(2.7)	(3.4)	(4.2)
Insurance Premium Tax GR	(4.4)	(10.6)	(5.5)	(6.8)	(8.5)
Total GR	(31.3)	(76.3)	(39.1)	(48.8)	(61.0)

⁴⁰ *Corporate Tax Credit Scholarship Program Quarterly Report*, Florida Department of Education, November 2011. Of the participating private schools, 77 percent are religious schools and 23 percent are non-religious schools. See https://www.floridaschoolchoice.org/Information/CTC/quarterly_reports/ftc_report_nov2011.pdf.

⁴¹ E-mail, DOE, December 22, 2011, on file with the Senate Committee on Education Pre-K – 12.

B. Private Sector Impact:

The bill increases the maximum tax credit available to taxpayers under the FTC program.

C. Government Sector Impact:

The bill is expected to result in increased savings as fewer students will require funding within the FEFP as the FTC program is expanded. On January 13, 2012, the REC adopted an official estimate of the revenue impacts under the bill. At the REC impact conference, the Office of Economic and Demographic Research presented an estimate of FEFP savings based on the higher annual tax credit cap. The following table compares anticipated savings with the estimate revenue impacts.

Comparison of Potential FEFP Savings with Revenue Impact				
\$Millions	2012-13	2013-14	2014-15	2015-16
FEFP Savings	\$38.8	\$48.8	\$57.8	\$68.7
Revenue Impact	(\$31.3)	(\$39.1)	(\$48.8)	(\$61.0)
Net Savings	\$7.6	\$9.7	\$9.0	\$7.6

The DOR notes that there is an insignificant fiscal impact on the department’s operations.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
 (Summarizing differences between the Committee Substitute and the prior version of the bill.)

CS by the Committee on Pre-K – 12 on January 9, 2012:

The committee substitute corrects a scrivener’s error in the date applicable to changes to the tax credit cap.

B. Amendments:

None.

By the Committee on Education Pre-K - 12; and Senators Benacquisto, Haridopolos, Garcia, Bogdanoff, Bennett, Flores, Negron, Thrasher, Fasano, Wise, Hays, Norman, Siplin, Richter, Alexander, Storms, Altman, Gardiner, Simmons, and Evers

581-01737-12

2012962c1

1 A bill to be entitled
2 An act relating to the Florida Tax Credit Scholarship
3 Program; amending s. 1002.395, F.S.; increasing the
4 tax credit cap amount applicable to the program;
5 providing an effective date.
6
7 Be It Enacted by the Legislature of the State of Florida:
8
9 Section 1. Paragraph (a) of subsection (5) of section
10 1002.395, Florida Statutes, is amended to read:
11 1002.395 Florida Tax Credit Scholarship Program.—
12 (5) SCHOLARSHIP FUNDING TAX CREDITS; LIMITATIONS.—
13 (a)1. The tax credit cap amount is \$250 ~~\$140~~ million in the
14 2012-2013 ~~2010-2011~~ state fiscal year.
15 2. In the 2013-2014 ~~2011-2012~~ state fiscal year and each
16 state fiscal year thereafter, the tax credit cap amount is the
17 tax credit cap amount in the prior state fiscal year. However,
18 in any state fiscal year when the annual tax credit amount for
19 the prior state fiscal year is equal to or greater than 90
20 percent of the tax credit cap amount applicable to that state
21 fiscal year, the tax credit cap amount shall increase by 25
22 percent. The department shall publish on its website information
23 identifying the tax credit cap amount when it is increased
24 pursuant to this subparagraph.
25 Section 2. This act shall take effect July 1, 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/2012

Meeting Date

Topic _____

Bill Number 962
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH
Street

Phone 727/897-9291

SAINT PETERSBURG FLORIDA 33705
City State Zip

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/2012
Meeting Date

Topic Tax Credit Scholarships

Bill Number 962
(if applicable)

Name Ryan West

Amendment Barcode
(if applicable)

Job Title Policy Director

Address 134 South Bronough Street
Street

Phone 850 521-1200

Tallahassee FL 32301
City State Zip

E-mail rwest@flchamber.com

Speaking: For Against Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

Did

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24/2012

Meeting Date

Topic Tax Credit Scholarship

Bill Number 962
(if applicable)

Name DENISE LASTER

Amendment Barcode _____
(if applicable)

Job Title _____

Address PO Box 1440

Phone 813 240 4567

Street Walt Rd

E-mail lasterinc@

City FL State FL Zip 33559

gmail.com

Speaking: For Against Information

Representing Florida School Choice Fund

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE

APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/12
Meeting Date

Topic Tax Credit Scholarship Bill Number 962
(if applicable)

Name Lynda Russell Amendment Barcode _____
(if applicable)

Job Title _____

Address 213 S. Adams St. Phone _____
Street
Tallahassee FL 32301 E-mail _____
City State Zip

Speaking: For Against Information

Representing Florida Education Assn.

Appearing at request of Chair: Yes No Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: SB 1256

INTRODUCER: Budget Subcommittee on Finance and Tax

SUBJECT: Administration of Property Tax

DATE: January 19, 2012 REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Babin	Diez-Arguelles		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

This bill clarifies ambiguous language and deletes obsolete statutory provisions in the property tax statutes. It also amends statutory requirements for scheduling value adjustment board hearings, and reduces the number of reports that must be submitted to the Department of Revenue. The bill allows certain disabled veterans and other disabled persons to apply for property tax exemptions before they have received required documentation from certain agencies of the federal government.

This bill substantially amends, creates, or repeals the following sections of the Florida Statutes: 192.001, 192.0105, 192.117, 193.114, 193.1554, 193.1555, 193.501, 193.503, 193.505, 194.032, 194.034, 195.096, 195.0985, 195.099, 196.031, 196.081, 196.082, 196.091, 196.101, 196.121, 196.202, 196.24, 200.065, 218.12, and 218.125.

II. Present Situation:

Section 195.002, F.S., provides that the Department of Revenue (department) has general supervision of the assessment and valuation of property, tax collection and all other aspects of the administration of property taxes. In its supervisory role, the department from time to time identifies statutory provisions that appear to contain drafting errors, inconsistencies, or inefficiencies. This bill contains recommendations, suggested by the department and approved by the Governor and Cabinet, to address some of these issues.

In 2008, Florida voters approved Amendment 1 to the State Constitution, which increased the homestead exemption, provided portability of the Save Our Home tax limitation, and limited assessment increases for non-homestead property. The Legislature has also made significant

changes to property tax statutes in recent years—imposing limitations on local millage rates, changing the value adjustment board (VAB) process, and changing the burden of proof in assessment challenges. Since these changes have been in effect, it has become apparent that some of the language implementing them contained drafting errors, left certain questions unanswered, or created administrative difficulties. Inconsistencies with other statutory provisions have also been uncovered, creating further challenges in implementing the constitutional and statutory changes.

III. Effect of Proposed Changes:

This bill clarifies ambiguous language and corrects drafting errors that have become apparent since these property tax law changes were implemented. It also amends statutory requirements for scheduling VAB hearings, and reduces the number of reports that must be submitted to the department. It allows certain disabled veterans and other disabled persons to apply for property tax exemptions before they have received required documentation from certain agencies of the federal government, and deletes obsolete statutory provisions. (See section by section analysis below.)

Section 1

Present situation: Section 192.001, F.S., defines terms used in the statutes imposing ad valorem taxes. Some of these definitions have not been amended to conform to other statutory and constitutional changes.

Proposed change: This bill amends the definition of “assessed value of property” to make it consistent with Article VII of the Florida Constitution, as amended in 2008. It also amends the definition of “complete submission of the rolls” to conform to s. 193.114, F.S., as amended in 2008.

Sections 2 and 10

Present situation: Taxpayers are permitted to protest their property tax assessment through hearings before VABs. Section 194.032(2), F.S., provides guidance regarding the scheduling of hearings, including the taxpayer’s ability to reschedule a hearing once for any reason. The statute also includes an obsolete provision requiring taxpayers to wait a minimum of 4 hours for their VAB hearing before being able to file suit in circuit court. Section 192.0105, F.S., provides taxpayers certain rights with regard to the administration of property taxes, which includes the right to be heard within 4 hours of the scheduled hearing time.

Proposed change: This section repeals the obsolete statutory language providing the 4 hour waiting requirement before filing in circuit court, and it limits the waiting time for petitioners to a “reasonable time, not to exceed 2 hours.” Lastly, this section clarifies that if a taxpayer reschedules a hearing after waiting 2 hours, the taxpayer is not considered to have exercised his or her right to reschedule one time for any reason.

Section 3 repeals s. 192.117, F.S., which created the Property Tax Administration Task Force. This task force was dissolved in 2004.

Section 4

Present situation: Subsection 193.114(2), F.S., lists items that must be included on the real property assessment roll. When this section was amended in 2008, some of the changes made at that time used terms that are inconsistent with established practice and terminology, and this has led to confusion for the property appraisers.

Proposed change: Paragraph (n) of this subsection is amended to change the recorded selling price requirement from the two most recently recorded selling prices to the recorded selling prices required by s. 193.114, F.S., and to replace the term “sale price” with “recorded selling price” to clarify that the price submitted must be the amount indicated by the documentary stamps posted on the transfer document. The term “sale” is replaced with “transfer” to clarify that all real property transfers recorded or otherwise discovered during the period beginning 1 year before the assessment date, and up to the date the roll is submitted to the department, must be included on the assessment roll. “Transfer date” is defined as the date on which the transfer document was signed and notarized, and sale qualification decisions must be recorded on the assessment roll within 3 months after the deed or other transfer instrument is recorded or otherwise discovered.

Paragraph (p) is amended to delete the requirement that the assessment roll contain the name and address of a fiduciary responsible for payment of property taxes.

Sections 5 and 6

Present situation: Amendment 1, approved by the voters in 2008, provided that the assessed value of certain property cannot increase by more than 10 percent over the prior year. Sections 193.1554 and 193.1555, F.S., which implement this provision, require that property be assessed at just (full) value the first year the property is “placed on the tax roll.” It is not clear from the statutory language that “placed on the tax roll” is meant to include property that was already on the roll in a different classification, although the fiscal impact estimates provided at the time were based on that assumption.¹ These sections also provide for assessment of combined or divided parcels, but do not specify how to assess parcels that are combined or divided after the assessment date but before the tax bills are sent.

Proposed change: These sections are amended to clarify that property must be assessed at full value when it is subject to a new limitation, and that parcels combined or divided after January 1 are not considered combined or divided for purposes of assessment until the January 1 that the parcels are first assessed as combined or divided, even though they are combined or divided for purposes of the tax notice. These sections of the bill also clarify that increases in value due to dividing property are apportioned to each parcel pro rata based on just value, and increases in value of property when properties are combined are attributable to the combination.

Sections 7, 8 and 9

Present situation: Sections 193.501, 193.503, 193.505, F.S., provide reduced assessments for lands subject to a conservation easement or other development limitation, historic property used

¹ *Sommers v. Orange County Property Appraiser, et.al.*, a recent summary judgment issued by the Ninth Judicial Circuit Court, determined that the Sommers were entitled to the 10% assessment limitation on their previously homesteaded property without first reassessing the home to its full market value. The court based its ruling on constitutional language implemented in section 193.1554(3), F.S. This ruling is being appealed.

for commercial or certain nonprofit purposes, or historically significant property when development rights have been conveyed or historic preservation restrictions have been covenanted, respectively. The statutes require repayment of the reduced tax liabilities if the use is not maintained for the required period, and local tax collectors are required to report this repayment information to the department. These repayments are rare and this information is not needed by the department.

Proposed change: These sections are amended to delete the reporting requirement.

Section 11

Present situation: Section 194.034(2), F.S., requires the VAB clerk to notify taxpayer petitioners, property appraisers, and the department of board decisions.

Proposed changes: This subsection is amended to delete the requirement that the department be notified of every VAB decision. It allows the department to request notification or other information as provided in s. 194.037, F.S.

Sections 12 and 13

Present situation: Sections 195.096 and 195.0985, F.S., require the department to report the results of its in-depth review of the assessment rolls of each county. The findings must be published and copies must be forwarded to legislative staff and county officials. The statutory reporting requirements contain different reporting dates and redundant requirements. Additionally, s. 195.096, F.S., requires that assessment rolls be statistically sampled to ensure a 95 percent level of confidence that the sample is statistically valid. However, in some smaller jurisdictions, there is insufficient data to meet the 95 percent standard.

Proposed change: The bill amends subsections (2) and (3) of s. 195.096 to standardize reporting requirements for the in-depth assessment roll review, and repeals s. 195.0985, F.S., which contains a redundant requirement. In reviewing assessment rolls, the bill requires that generally accepted ratio standards be used when a 95 percent level of confidence cannot be obtained.

Section 14

Present Situation: Section 195.099, F.S., requires the department to review the assessment of new, rebuilt, or expanded businesses in designated enterprise zones or “brownfield” areas.

Proposed change: This section is amended to allow the department to review these assessments as the need arises for such review.

Section 15

Present Situation: Section 196.031, F.S., specifies the order in which various exemptions are applied to homestead property. Under present law, the order of exemptions has the result that some properties are not able to take full advantage of all the exemptions.

Proposed change: This section is amended to require that exemptions be applied in a manner that results in the lowest taxable value.

Sections 16-19 and 21-22

Present situation: Sections 196.081, 196.082, 196.091, and 196.101, 196.202, and 196.24, F.S., provide property tax discounts and exemptions for disabled veterans, other disabled persons, widows, widowers, blind persons, persons permanently and totally disabled, and disabled servicemembers or surviving spouses under certain conditions. In order to qualify, a taxpayer must obtain a disability letter from the United States government, the United States Department of Veterans Affairs or its predecessor, or the Social Security Administration, and the person may not receive a discount or exemption until the letter is obtained. In some instances, taxpayers have lost the ability to claim discounts and exemptions because the documentation was delayed.

Proposed change: The bill amends these sections to allow a taxpayer to apply for the discount or exemption, with approval contingent upon the taxpayer providing the required documentation. Once the documentation is received by the property appraiser, the exemption is granted back to the date of the original application and a refund of excess tax payments is made. The refund is only permitted for years that are within the normal 4 year statute of limitations for refunds.

Section 20

Present situation: Section 196.121, F.S., requires the department to furnish printed homestead exemption forms to the property appraisers. This requirement is obsolete since the forms are provided electronically and funding for printed forms has been eliminated.

Proposed change: The bill amends this section to delete the requirement for printed forms and clarify that the department will provide electronic funds.

Section 23

Present situation: In s. 200.065(5), F.S., the statutory language used to limit local governments' millage rates contains a reference to the prior year's rate. In an apparent drafting error, the phrase "is adopted" was used instead of "was adopted" in referring to that rate, causing uncertainty in the phrase's meaning. Also, s. 200.065(10), F.S., requires notice when a district school board levies additional tax pursuant to s. 1011.71(2), F.S. Since, 2008, districts have also been able to levy additional tax pursuant to s. 1011.71(3), F.S. However, the notice requirements in s. 200.065(1), F.S., do not reference those levies.

Proposed change: Section 200.065(5)(a), F.S., is amended in the bill to change the phrase from "is adopted" to "was adopted," and s. 200.065(10), F.S., is amended to also require notice when school districts levy additional property tax pursuant to s. 1011.71(3), F.S.

Sections 24 and 25

Present situation: Sections 218.12 and 218.125, F.S., provide for distributions to fiscally constrained counties for tax losses due to constitutional changes approved by the voters in 2008. There is no provision in the statute for addressing what happens if a county fails to apply for the distribution. The statute also requires counties to report their maximum millage under ch. 200, F.S., but the citation to that chapter is not correct. Finally, distributions under both sections are calculated by multiplying the current year reduction in taxable value by the prior year's millage rate, rather than the current year's rate.

Proposed change: The bill amends these sections to specify that if a county fails to apply for distribution under these sections its share reverts to the fund from which the appropriation is made. The maximum millage calculation references are corrected, and the calculation of the distribution is based on the current year millage.

Section 26 provides that, except as otherwise provided, this act shall take effect upon becoming a law.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

Article VII, section 18(b), of the Florida Constitution, provides that “[e]xcept upon approval of each house of the legislature by two-thirds of the membership, the legislature may not enact, amend, or repeal any general law if the anticipated effect of doing so would be to reduce the authority that municipalities or counties have to raise revenues in the aggregate, as such authority exists on February 1, 1989.” Since this bill would reduce a county or municipality’s authority to raise revenue in the aggregate, it may require a two-thirds vote of the membership of each house of the Legislature for passage if the magnitude of that reduction is found to be significant for the purposes of this provision.

Article VII, section 18(d) provides an exemption from this prohibition. Laws determined to have an “insignificant fiscal impact,” which means an amount not greater than the average statewide population for the applicable fiscal year times \$0.10 (which is \$1.88 million for FY 2011-12), are exempt.

The Revenue Estimating Conference estimated that the bill currently would have a negative fiscal impact of \$600,000, statewide. Thus, the bill may fall under the “insignificant fiscal impact” exemption.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

Proposed changes to ss. 196.081, 196.082, 196.091, and 196.101, 196.202, and 196.24, F.S., are estimated to reduce local property taxes by \$200,000, statewide.² School taxes comprise \$100,000 of the reduction. These changes would allow qualifying taxpayers to request limited refunds of property taxes that they paid after they applied for a disability-related exemption, but before they received supporting documentation of disability from the government.

The proposed change to s. 196.031, F.S., is estimated to reduce local property taxes by \$400,000, statewide.³ School taxes comprise \$200,000 of the reduction. This change proposes that property tax exemptions be applied in the order that maximizes the use of exemptions by the taxpayer.

In total, the Revenue Estimating Conference has estimated that this bill will reduce local property taxes by \$600,000, statewide. School taxes comprise \$300,000 of the reduction.

B. Private Sector Impact:

This bill has several provisions that clarify the process by which taxpayers apply for various property tax exemptions and other tax preferences.

C. Government Sector Impact:

This bill reduces the role of the Department of Revenue in receiving various reports and approving property tax refunds, and is expected to provide greater efficiency in its oversight of property tax administration. Other statutory corrections and clarifications should also reduce the department's workload with respect to property tax oversight.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

² Office of Economic and Demographic Research, The Florida Legislature, *Revenue Estimating Conference for 2012 Regular Session –Retroactive Application, SB 1256* (December 19, 2011), available at <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2012/pdf/page153-162.pdf> (last visited January 22, 2011).

³ Office of Economic and Demographic Research, The Florida Legislature, *Revenue Estimating Conference for 2012 Regular Session –Order of Exemptions, SB 1256* (December 19, 2011), available at <http://edr.state.fl.us/content/conferences/revenueimpact/archives/2012/pdf/page163-170.pdf> (last visited January 22, 2011).

B. Amendments:

None.

This Senate Bill Analysis does not reflect the intent or official position of the bill's introducer or the Florida Senate.



512326

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Finance and Tax (Altman) recommended the following:

Senate Amendment (with directory and title amendments)

Between lines 212 and 213
insert:

(4) (a) For every change made to the assessed or taxable value of a parcel on an assessment roll subsequent to the mailing of the notice provided for in s. 200.069, the property appraiser shall document the reason for such change in the public records of the office of the property appraiser in a manner acceptable to the executive director or the executive director's designee. For every change made to the assessed or taxable value of a parcel on an assessment roll as the result of



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13 an informal conference under s. 194.011(2), only the department
14 or a designated entity may review whether such change is
15 consistent with the law.

16 (b) For every change that decreases the assessed or taxable
17 value of a parcel on an assessment roll between the time of
18 complete submission of the tax roll pursuant to s. 193.1142(3)
19 and mailing of the notice provided for in s. 200.069, the
20 property appraiser shall document the reason for such change in
21 the public records of the office of the property appraiser in a
22 manner acceptable to the executive director or the executive
23 director's designee.

24 (c) Changes made by the value adjustment board are not
25 subject to the requirements of this subsection.

27 ===== D I R E C T O R Y C L A U S E A M E N D M E N T =====

28 And the directory clause is amended as follows:

30 Delete lines 186 - 187

31 and insert:

33 Section 4. Paragraphs (n) and (p) of subsection (2) and
34 subsection (4) of section 193.114, Florida Statutes, are amended
35 to read:

37 ===== T I T L E A M E N D M E N T =====

38 And the title is amended as follows:

40 Delete line 17

41 and insert:



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assessment roll; limiting the review of changes in the
assessed value of real property resulting from an
informal conference with the taxpayer to a review by
the Department of Revenue or a designated entity;
amending s. 193.1554, F.S.; deleting



529392

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Finance and Tax (Altman) recommended the following:

Senate Amendment (with title amendment)

Between lines 535 and 536
insert:

Section 16. Section 196.061, Florida Statutes, is amended
to read:

196.061 Rental of homestead to constitute abandonment.—The rental of all or substantially all of a ~~an entire~~ dwelling previously claimed to be a homestead for tax purposes shall constitute the abandonment of such ~~said~~ dwelling as a homestead, and the ~~said~~ abandonment shall continue until such dwelling is physically occupied by the owner ~~thereof~~. However, such



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13 abandonment of such homestead after January 1 of any year does
14 ~~shall~~ not affect the homestead exemption for tax purposes for
15 that particular year if ~~so long as~~ this provision is not used
16 for 2 consecutive years. The provisions of this section do ~~shall~~
17 not apply to a member of the Armed Forces of the United States
18 whose service in such forces is the result of a mandatory
19 obligation imposed by the federal Selective Service Act or who
20 volunteers for service as a member of the Armed Forces of the
21 United States. Moreover, valid military orders transferring such
22 member are ~~shall be~~ sufficient to maintain permanent residence,
23 for the purpose of s. 196.015, for the member and his or her
24 spouse.

25
26 ===== T I T L E A M E N D M E N T =====

27 And the title is amended as follows:

28 Delete line 68

29 and insert:

30 results in the lowest taxable value of a homestead;
31 amending s. 196.061, F.S.; clarifying provisions
32 relating to the rental of a homestead dwelling;

By the Committee on Budget Subcommittee on Finance and Tax

593-01584-12

20121256__

1 A bill to be entitled
 2 An act relating to the administration of property
 3 taxes; amending s. 192.001, F.S.; revising the
 4 definitions of the terms "assessed value of property"
 5 and "complete submission of the rolls"; amending s.
 6 192.0105, F.S.; providing that a taxpayer has a right
 7 to have a hearing before the value adjustment board
 8 rescheduled if the hearing is not commenced within a
 9 certain period after the scheduled time; repealing s.
 10 192.117, F.S., relating to the Property Tax
 11 Administration Task Force; amending s. 193.114, F.S.;
 12 revising the information that must be included on a
 13 real property assessment roll relating to the transfer
 14 of ownership of property; defining the term "ownership
 15 transfer date"; deleting a requirement to include
 16 information relating to a fiduciary on a real property
 17 assessment roll; amending s. 193.1554, F.S.; deleting
 18 obsolete provisions; providing for the apportionment
 19 of increases in the value of combined and divided
 20 parcels of nonhomestead residential property;
 21 providing for the application of an assessment
 22 limitation to a combined or divided parcel of
 23 nonhomestead residential property; amending s.
 24 193.1555, F.S.; redefining the term "nonresidential
 25 real property" to conform a cross-reference to the
 26 State Constitution; deleting obsolete provisions;
 27 providing for the apportionment of increases in the
 28 value of combined and divided parcels of property;
 29 providing for the application of an assessment

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30 limitation to a combined or divided parcel of
 31 property; amending ss. 193.501, 193.503, and 193.505,
 32 F.S.; deleting provisions requiring that the tax
 33 collector report amounts of deferred tax liability to
 34 the Department of Revenue; amending s. 194.032, F.S.;
 35 requiring that a hearing before the value adjustment
 36 board be rescheduled if the hearing on the
 37 petitioner's petition is not commenced within a
 38 certain time after the scheduled time; making
 39 technical and grammatical changes; amending s.
 40 194.034, F.S.; deleting an exception to a requirement
 41 that a value adjustment board render a written
 42 decision relating to the petitioner's failure to make
 43 a required payment; deleting a requirement that the
 44 Department of Revenue be notified of decisions by the
 45 value adjustment board; requiring that the clerk
 46 notify the Department of Revenue of a decision of the
 47 value adjustment board or information relating to the
 48 tax impact of the decision upon request; making
 49 technical and grammatical changes; amending s.
 50 195.096, F.S.; authorizing the measures in the
 51 findings resulting from an in-depth review of an
 52 assessment roll of a county to be based on a ratio
 53 that is generally accepted by professional appraisal
 54 organizations in developing a statistically valid
 55 sampling plan under certain circumstances; revising
 56 the requirements for the Department of Revenue to
 57 provide certain information concerning its review of
 58 assessment rolls to the Legislature, the appropriate

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59 property appraiser, and county commissions; requiring
 60 that copies of the review data and findings be
 61 provided upon request; repealing s. 195.0985, F.S.,
 62 relating to a requirement that the department publish
 63 annual ratio studies; amending s. 195.099, F.S.;
 64 allowing the department discretion in determining
 65 whether to review the assessments of certain
 66 businesses; amending s. 196.031, F.S.; requiring that
 67 ad valorem tax exemptions be applied in the order that
 68 results in the lowest taxable value of a homestead;
 69 amending s. 196.081, F.S.; authorizing an applicant
 70 for an ad valorem tax exemption for a disabled veteran
 71 or for a surviving spouse to apply for the exemption
 72 before receiving certain documentation from the
 73 Federal Government; requiring refunds of excess taxes
 74 paid under certain circumstances; amending s. 196.082,
 75 F.S.; authorizing an applicant for an ad valorem tax
 76 discount available to disabled veterans to apply for
 77 the discount before receiving certain documentation
 78 from the Federal Government; requiring refunds of
 79 excess taxes paid under certain circumstances;
 80 amending s. 196.091, F.S.; authorizing an applicant
 81 for an ad valorem tax exemption for disabled veterans
 82 confined to a wheelchair to apply for the exemption
 83 before receiving certain documentation from the
 84 Federal Government; requiring refunds of excess taxes
 85 paid under certain circumstances; amending s. 196.101,
 86 F.S.; authorizing an applicant for an ad valorem tax
 87 exemption for totally and permanently disabled persons

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88 to apply for the exemption before receiving certain
 89 documentation from the Federal Government; requiring
 90 refunds of excess taxes paid under certain
 91 circumstances; amending s. 196.121, F.S.; authorizing
 92 the Department of Revenue to provide certain forms
 93 electronically; deleting a requirement that the
 94 department supply printed forms to property
 95 appraisers; amending s. 196.202, F.S.; authorizing an
 96 applicant for an ad valorem exemption for widows,
 97 widowers, blind persons, or persons who are totally
 98 and permanently disabled to apply for the exemption
 99 before receiving certain documentation from the
 100 Federal Government; requiring refunds of excess taxes
 101 paid under certain circumstances; amending s. 196.24,
 102 F.S.; authorizing an applicant for an ad valorem tax
 103 exemption for disabled ex-servicemembers or a
 104 surviving spouse to apply for the exemption before
 105 receiving certain documentation from the Federal
 106 Government; requiring refunds of excess taxes paid
 107 under certain circumstances; amending s. 200.065,
 108 F.S.; deleting obsolete provisions; revising
 109 provisions relating to the calculation of the rolled-
 110 back rate; correcting cross-references to certain
 111 additional taxes; amending ss. 218.12 and 218.125,
 112 F.S.; deleting obsolete provisions; providing for the
 113 reversion of funds appropriated to offset reductions
 114 in ad valorem tax revenue to a fiscally constrained
 115 county if the county fails to apply for a distribution
 116 of funds; providing effective dates.

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117
118 Be It Enacted by the Legislature of the State of Florida:

119
120 Section 1. Subsections (2) and (18) of section 192.001,
121 Florida Statutes, are amended to read:

122 192.001 Definitions.—All definitions set out in chapters 1
123 and 200 that are applicable to this chapter are included herein.
124 In addition, the following definitions shall apply in the
125 imposition of ad valorem taxes:

126 (2) "Assessed value of property" means an annual
127 determination of:

128 (a) The just or fair market value of an item or property;

129 ~~or~~

130 (b) The value of the homestead property as limited by
131 pursuant to s. 4(d), Art. VII of the State Constitution; or

132 (c) The value of property in a classified use or at a
133 fractional value if the a property is assessed solely on the
134 basis of character or use or at a specified percentage of its
135 value under, pursuant to s. 4(a) or 4(e), Art. VII of the State
136 Constitution, its classified use value or fractional value.

137 (18) "Complete submission of the rolls" includes, but is
138 not necessarily limited to, accurate tabular summaries of
139 valuations as prescribed by department rule; an electronic a
140 computer tape copy of the real property assessment roll
141 including for each parcel total value of improvements, land
142 value, the two most recently recorded selling prices, data
143 required for an assessment roll under s. 193.114, the value of
144 any improvement made to the parcel in the 12 months preceding
145 the valuation date, the type and amount of any exemption

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146 granted, and such other information as may be required by
147 department rule; an accurate tabular summary by property class
148 of any adjustments made to recorded selling prices or fair
149 market value in arriving at assessed value, as prescribed by
150 department rule; an electronic a computer tape copy of the
151 tangible personal property assessment roll, including for each
152 entry a unique account number and such other information as may
153 be required by department rule; and an accurate tabular summary
154 of per-acre land valuations used for each class of agricultural
155 property in preparing the assessment roll, as prescribed by
156 department rule.

157 Section 2. Paragraph (d) of subsection (2) of section
158 192.0105, Florida Statutes, is amended to read:

159 192.0105 Taxpayer rights.—There is created a Florida
160 Taxpayer's Bill of Rights for property taxes and assessments to
161 guarantee that the rights, privacy, and property of the
162 taxpayers of this state are adequately safeguarded and protected
163 during tax levy, assessment, collection, and enforcement
164 processes administered under the revenue laws of this state. The
165 Taxpayer's Bill of Rights compiles, in one document, brief but
166 comprehensive statements that summarize the rights and
167 obligations of the property appraisers, tax collectors, clerks
168 of the court, local governing boards, the Department of Revenue,
169 and taxpayers. Additional rights afforded to payors of taxes and
170 assessments imposed under the revenue laws of this state are
171 provided in s. 213.015. The rights afforded taxpayers to assure
172 that their privacy and property are safeguarded and protected
173 during tax levy, assessment, and collection are available only
174 insofar as they are implemented in other parts of the Florida

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175 Statutes or rules of the Department of Revenue. The rights so
176 guaranteed to state taxpayers in the Florida Statutes and the
177 departmental rules include:

178 (2) THE RIGHT TO DUE PROCESS.-

179 (d) The right to prior notice of the value adjustment
180 board's hearing date, ~~and~~ the right to the hearing at the within
181 4 hours of scheduled time, and the right to have the hearing
182 rescheduled if the hearing is not commenced within a reasonable
183 time, not to exceed 2 hours, after the scheduled time (see s.
184 194.032(2)).

185 Section 3. Section 192.117, Florida Statutes, is repealed.

186 Section 4. Paragraphs (n) and (p) of subsection (2) of
187 section 193.114, Florida Statutes, are amended to read:

188 193.114 Preparation of assessment rolls.-

189 (2) The real property assessment roll shall include:

190 (n) The recorded selling ~~For each sale of the property in~~
191 ~~the previous year, the sale price, ownership transfer sale date,~~
192 ~~and official record book and page number or clerk instrument~~
193 ~~number for each deed or other instrument transferring ownership~~
194 ~~of real property and recorded or otherwise discovered during the~~
195 ~~period beginning 1 year before the assessment date and up to the~~
196 ~~date the assessment roll is submitted to the department. The~~
197 ~~assessment roll shall also include, and the basis for~~
198 ~~qualification or disqualification of a transfer as an arms-~~
199 ~~length transaction. A decision qualifying or disqualifying a~~
200 ~~transfer of property as an arms-length transaction~~ Sale data
201 ~~must be current on all tax rolls submitted to the department,~~
202 ~~and sale qualification decisions must be recorded on the~~
203 ~~assessment tax roll within 3 months after the sale date that the~~

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204 deed or other transfer instrument is recorded or otherwise
205 discovered. Sale or transfer data must be current on all tax
206 rolls submitted to the department. As used in this paragraph,
207 the term "ownership transfer date" means the date that the deed
208 or other transfer instrument is signed and notarized or
209 otherwise executed.

210 (p) The name and address of the owner ~~or fiduciary~~
211 ~~responsible for the payment of taxes on the property and an~~
212 ~~indicator of fiduciary capacity, as appropriate.~~

213 Section 5. Subsections (2), (3), and (7) of section
214 193.1554, Florida Statutes, are amended to read:

215 193.1554 Assessment of nonhomestead residential property.-

216 (2) For all levies other than school district levies,
217 nonhomestead residential property shall be assessed at just
218 value as of January 1 of the year that the property becomes
219 eligible for assessment pursuant to this section, 2008. Property
220 ~~placed on the tax roll after January 1, 2008, shall be assessed~~
221 ~~at just value as of January 1 of the year in which the property~~
222 ~~is placed on the tax roll.~~

223 (3) Beginning in ~~2009, or~~ the year following the year the
224 nonhomestead residential property becomes eligible for
225 assessment pursuant to this section is placed on the tax roll,
226 ~~whichever is later,~~ the property shall be reassessed annually on
227 January 1. Any change resulting from such reassessment may not
228 exceed 10 percent of the assessed value of the property for the
229 prior year.

230 (7) Any increase in the value of property assessed under
231 this section which is attributable to combining or dividing
232 parcels shall be assessed at just value, and the just value

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

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233 shall be apportioned among the parcels created.

234 (a) For divided parcels, the amount by which the sum of the
 235 just values of the divided parcels exceeds what the just value
 236 of the parcel would be if undivided shall be attributable to the
 237 division. This amount shall be apportioned to the parcels pro
 238 rata based on their relative just values.

239 (b) For combined parcels, the amount by which the just
 240 value of the combined parcel exceeds what the sum of the just
 241 values of the component parcels would be if they had not been
 242 combined shall be attributable to the combination.

243 (c) A parcel that is created by combining or dividing a
 244 parcel and that is eligible for assessment pursuant to this
 245 section retains such eligibility and shall be assessed as
 246 provided in this subsection. A parcel that is combined or
 247 divided after January 1 and that is included as a combined or
 248 divided parcel on the tax notice is not considered to be a
 249 combined or divided parcel for purposes of this section until
 250 the January 1 on which it is first assessed as a combined or
 251 divided parcel.

252 Section 6. Subsections (1), (2), (3), and (7) of section
 253 193.1555, Florida Statutes, are amended to read:

254 193.1555 Assessment of certain residential and
 255 nonresidential real property.-

256 (1) As used in this section, the term:

257 (a) "Nonresidential real property" means real property that
 258 is not subject to the assessment limitations set forth in
 259 subsection 4(a), (b), (c), (d), or (g), Art. VII of the State
 260 Constitution s. 4(a), (e), (d), or (g), Art. VII of the State
 261 Constitution.

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262 (b) "Improvement" means an addition or change to land or
 263 buildings which increases their value and is more than a repair
 264 or a replacement.

265 (2) For all levies other than school district levies,
 266 nonresidential real property and residential real property that
 267 is not assessed under s. 193.155 or s. 193.1554 shall be
 268 assessed at just value as of January 1 of the year that the
 269 property becomes eligible for assessment pursuant to this
 270 section, 2008. Property placed on the tax roll after January 1,
 271 2008, shall be assessed at just value as of January 1 of the
 272 year in which the property is placed on the tax roll.

273 (3) Beginning in 2009, ~~or~~ the year following the year the
 274 property becomes eligible for assessment pursuant to this
 275 section is placed on the tax roll, whichever is later, the
 276 property shall be reassessed annually on January 1. Any change
 277 resulting from such reassessment may not exceed 10 percent of
 278 the assessed value of the property for the prior year.

279 (7) Any increase in the value of property assessed under
 280 this section which is attributable to combining or dividing
 281 parcels shall be assessed at just value, and the just value
 282 shall be apportioned among the parcels created.

283 (a) For divided parcels, the amount by which the sum of the
 284 just values of the divided parcels exceeds what the just value
 285 of the parcel would be if undivided shall be attributable to the
 286 division. This amount shall be apportioned to the parcels pro
 287 rata based on their relative just values.

288 (b) For combined parcels, the amount by which the just
 289 value of the combined parcel exceeds what the sum of the just
 290 values of the component parcels would be if they had not been

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291 combined shall be attributable to the combination.

292 (c) A parcel that is created by combining or dividing a
 293 parcel that is eligible for assessment pursuant to this section
 294 retains such eligibility and shall be assessed as provided in
 295 this subsection. A parcel that is combined or divided after
 296 January 1 and that is included as a combined or divided parcel
 297 on the tax notice is not considered to be a combined or divided
 298 parcel for purposes of this section until the January 1 on which
 299 it is first assessed as a combined or divided parcel.

300 Section 7. Subsection (7) of section 193.501, Florida
 301 Statutes, is amended to read:

302 193.501 Assessment of lands subject to a conservation
 303 easement, environmentally endangered lands, or lands used for
 304 outdoor recreational or park purposes when land development
 305 rights have been conveyed or conservation restrictions have been
 306 covenanted.—

307 (7) ~~(a)~~ The property appraiser shall report to the
 308 department showing the just value and the classified use value
 309 of property that is subject to a conservation easement under s.
 310 704.06, property assessed as environmentally endangered land
 311 pursuant to this section, and property assessed as outdoor
 312 recreational or park land.

313 ~~(b) The tax collector shall annually report to the~~
 314 ~~department the amount of deferred tax liability collected~~
 315 ~~pursuant to this section.—~~

316 Section 8. Paragraph (d) of subsection (9) of section
 317 193.503, Florida Statutes, is amended to read:

318 193.503 Classification and assessment of historic property
 319 used for commercial or certain nonprofit purposes.—

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320 (9)

321 ~~(d) The tax collector shall annually report to the~~
 322 ~~department the amount of deferred tax liability collected~~
 323 ~~pursuant to this section.—~~

324 Section 9. Paragraph (c) of subsection (9) of section
 325 193.505, Florida Statutes, is amended to read:

326 193.505 Assessment of historically significant property
 327 when development rights have been conveyed or historic
 328 preservation restrictions have been covenanted.—

329 (9)

330 ~~(c) The tax collector shall annually report to the~~
 331 ~~department the amount of deferred tax liability collected~~
 332 ~~pursuant to this section.—~~

333 Section 10. Subsection (2) of section 194.032, Florida
 334 Statutes, is amended to read:

335 194.032 Hearing purposes; timetable.—

336 (2) (a) The clerk of the governing body of the county shall
 337 prepare a schedule of appearances before the board based on
 338 petitions timely filed with him or her. The clerk shall notify
 339 each petitioner of the scheduled time of his or her appearance
 340 at least no less than 25 calendar days before prior to the day
 341 of the such scheduled appearance. If the petitioner checked the
 342 appropriate box on the petition form to request a copy of the
 343 property record card containing relevant information used in
 344 computing the current assessment, the clerk shall provide the
 345 copy of the card along with the notice. Upon receipt of the
 346 notice this notification, the petitioner may shall have the
 347 right to reschedule the hearing a single time by submitting to
 348 the clerk ~~of the governing body of the county~~ a written request

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349 to reschedule, at least no less than 5 calendar days before the
350 day of the originally scheduled hearing.

351 ~~(b) A copy of the property record card containing relevant~~
352 ~~information used in computing the taxpayer's current assessment~~
353 ~~shall be included with such notice, if said card was requested~~
354 ~~by the taxpayer. Such request shall be made by checking an~~
355 ~~appropriate box on the petition form. No petitioner may not~~
356 ~~shall be required to wait for more than a reasonable time, not~~
357 ~~to exceed 2 4 hours, after from the scheduled time for the~~
358 ~~hearing to commence. and, If the hearing is not commenced~~
359 ~~within his or her petition is not heard in that time, the~~
360 ~~petitioner may inform, at his or her option, report to the~~
361 ~~chairperson of the meeting that he or she intends to leave. and,~~
362 ~~If the petitioner leaves he or she is not heard~~
363 ~~immediately, the clerk shall reschedule the hearing, and the~~
364 ~~rescheduling is not considered to be a request to reschedule as~~
365 ~~provided in paragraph (a) petitioner's administrative remedies~~
366 ~~will be deemed to be exhausted, and he or she may seek further~~
367 ~~relief as he or she deems appropriate.~~

368 (c) Failure on three occasions with respect to any single
369 tax year to convene at the scheduled time of meetings of the
370 board is shall constitute grounds for removal from office by the
371 Governor for neglect of duties.

372 Section 11. Subsection (2) of section 194.034, Florida
373 Statutes, is amended to read:

374 194.034 Hearing procedures; rules.—

375 (2) In each case, except if the when a complaint is
376 withdrawn by the petitioner or if the complaint, is acknowledged
377 as correct by the property appraiser, or is denied pursuant to

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378 ~~s. 194.014(1)(e),~~ the value adjustment board shall render a
379 written decision. All such decisions shall be issued within 20
380 calendar days after ~~of~~ the last day the board is in session
381 under s. 194.032. The decision of the board must shall contain
382 findings of fact and conclusions of law and must shall include
383 reasons for upholding or overturning the determination of the
384 property appraiser. If When a special magistrate has been
385 appointed, the recommendations of the special magistrate shall
386 be considered by the board. The clerk, upon issuance of a
387 decision the decisions, shall, on a form provided by the
388 Department of Revenue, notify by first-class mail each taxpayer
389 and, the property appraiser, and the department of the decision
390 of the board. If requested by the Department of Revenue, the
391 clerk shall provide to the department a copy of the decision or
392 information relating to the tax impact of the findings and
393 results of the board as described in s. 194.037 in the manner
394 and form requested.

395 Section 12. Effective July 1, 2012, paragraph (f) of
396 subsection (2) and subsection (3) of section 195.096, Florida
397 Statutes, are amended to read:

398 195.096 Review of assessment rolls.—

399 (2) The department shall conduct, no less frequently than
400 once every 2 years, an in-depth review of the assessment rolls
401 of each county. The department need not individually study every
402 use-class of property set forth in s. 195.073, but shall at a
403 minimum study the level of assessment in relation to just value
404 of each classification specified in subsection (3). Such in-
405 depth review may include proceedings of the value adjustment
406 board and the audit or review of procedures used by the counties

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407 to appraise property.

408 (f) Within 120 days ~~after following the~~ receipt of a county
 409 assessment roll by the executive director of the department
 410 pursuant to s. 193.1142(1), or within 10 days after approval of
 411 the assessment roll, whichever is later, the department shall
 412 complete the review for that county and publish the department's
 413 ~~forward its findings. The findings must include, including a~~
 414 statement of the confidence interval for the median and such
 415 other measures as may be appropriate for each classification or
 416 subclassification studied and for the roll as a whole, ~~employing~~
 417 ~~a 95 percent level of confidence,~~ and related statistical and
 418 analytical details. The measures in the findings must be based
 419 on:

420 1. A 95 percent level of confidence; or
 421 2. Ratio study standards that are generally accepted by
 422 professional appraisal organizations in developing a
 423 statistically valid sampling plan if a 95 percent level of
 424 confidence is not attainable to the Senate and the House of
 425 ~~Representatives committees with oversight responsibilities for~~
 426 ~~taxation, and the appropriate property appraiser. Upon releasing~~
 427 ~~its findings, the department shall notify the chairperson of the~~
 428 ~~appropriate county commission or the corresponding official~~
 429 ~~under a consolidated charter that the department's findings are~~
 430 ~~available upon request. The department shall, within 90 days~~
 431 ~~after receiving a written request from the chairperson of the~~
 432 ~~appropriate county commission or the corresponding official~~
 433 ~~under a consolidated charter, forward a copy of its findings,~~
 434 ~~including the confidence interval for the median and such other~~
 435 ~~measures of each classification or subclassification studied and~~

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436 ~~for all the roll as a whole, and related statistical and~~
 437 ~~analytical details, to the requesting party.~~

438 (3) (a) Upon completion of review pursuant to paragraph
 439 (2) (f), the department shall publish the results of reviews
 440 conducted under this section. The results must include all
 441 statistical and analytical measures computed under this section
 442 for the real property assessment roll as a whole, the personal
 443 property assessment roll as a whole, and independently for the
 444 following real property classes if ~~whenever~~ the classes
 445 constituted 5 percent or more of the total assessed value of
 446 real property in a county on the previous tax roll:

- 447 1. Residential property that consists of one primary living
 448 unit, including, but not limited to, single-family residences,
 449 condominiums, cooperatives, and mobile homes.
- 450 2. Residential property that consists of two or more
 451 primary living units.
- 452 3. Agricultural, high-water recharge, historic property
 453 used for commercial or certain nonprofit purposes, and other
 454 use-valued property.
- 455 4. Vacant lots.
- 456 5. Nonagricultural acreage and other undeveloped parcels.
- 457 6. Improved commercial and industrial property.
- 458 7. Taxable institutional or governmental, utility, locally
 459 assessed railroad, oil, gas and mineral land, subsurface rights,
 460 and other real property.

461 If ~~When~~ one of the above classes constituted less than 5 percent
 462 of the total assessed value of all real property in a county on
 463 the previous assessment roll, the department may combine it with

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465 one or more other classes of real property for purposes of
 466 assessment ratio studies or use the weighted average of the
 467 other classes for purposes of calculating the level of
 468 assessment for all real property in a county. The department
 469 shall also publish such results for any subclassifications of
 470 the classes or assessment rolls it may have chosen to study.

471 (b) ~~If when~~ necessary for compliance with s. 1011.62, and
 472 for those counties not being studied in the current year, the
 473 department shall project value-weighted mean levels of
 474 assessment for each county. The department shall make its
 475 projection based upon the best information available, using
 476 ~~utilizing~~ professionally accepted methodology, and shall
 477 separately allocate changes in total assessed value to:

- 478 1. New construction, additions, and deletions.
- 479 2. Changes in the value of the dollar.
- 480 3. Changes in the market value of property other than those
- 481 attributable to changes in the value of the dollar.
- 482 4. Changes in the level of assessment.

483
 484 In lieu of the statistical and analytical measures published
 485 pursuant to paragraph (a), the department shall publish details
 486 concerning the computation of estimated assessment levels and
 487 the allocation of changes in assessed value for those counties
 488 not subject to an in-depth review.

489 (c) Upon publication of data and findings as required by
 490 this subsection, the department shall notify the committees of
 491 the Senate and of the House of Representatives having oversight
 492 responsibility for taxation, the appropriate property appraiser,
 493 and the county commission chair or corresponding official under

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494 a consolidated charter. Copies of the data and findings shall be
 495 provided upon request.

496 Section 13. Section 195.0985, Florida Statutes, is
 497 repealed.

498 Section 14. Section 195.099, Florida Statutes, is amended
 499 to read:

500 195.099 Periodic review.—

501 (1) (a) The department ~~may shall periodically~~ review the
 502 assessments of new, rebuilt, and expanded business reported
 503 according to s. 193.077(3), to ensure parity of level of
 504 assessment with other classifications of property.

505 (b) This subsection shall expire on the date specified in
 506 s. 290.016 for the expiration of the Florida Enterprise Zone
 507 Act.

508 (2) The department ~~may shall~~ review the assessments of new
 509 and expanded businesses granted an exemption pursuant to s.
 510 196.1995 to ensure parity of level of assessment with other
 511 classifications of property.

512 Section 15. Subsection (7) of section 196.031, Florida
 513 Statutes, is amended to read:

514 196.031 Exemption of homesteads.—

515 (7) Unless the homestead property is totally exempt from ad
 516 valorem taxation, the exemptions provided in paragraphs (1) (a)
 517 and (b) and other homestead exemptions shall be applied in the
 518 order that results in the lowest taxable value. ~~as follows:~~

519 ~~(a) The exemption in paragraph (1) (a) shall apply to the~~
 520 ~~first \$25,000 of assessed value;~~

521 ~~(b) The second \$25,000 of assessed value shall be taxable~~
 522 ~~unless other exemptions, as listed in paragraph (d), are~~

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523 ~~applicable in the order listed;~~

524 ~~(e) The additional homestead exemption in paragraph (1)(b),~~
 525 ~~for levies other than school district levies, shall be applied~~
 526 ~~to the assessed value greater than \$50,000 before any other~~
 527 ~~exemptions are applied to that assessed value; and~~

528 ~~(d) Other exemptions include and shall be applied in the~~
 529 ~~following order: widows, widowers, blind persons, and disabled~~
 530 ~~persons, as provided in s. 196.202; disabled ex-servicemembers~~
 531 ~~and surviving spouses, as provided in s. 196.24, applicable to~~
 532 ~~all levies; the local option low income senior exemption up to~~
 533 ~~\$50,000, applicable to county levies or municipal levies, as~~
 534 ~~provided in s. 196.075; and the veterans percentage discount, as~~
 535 ~~provided in s. 196.082.~~

536 Section 16. Subsection (5) is added to section 196.081,
 537 Florida Statutes, to read:

538 196.081 Exemption for certain permanently and totally
 539 disabled veterans and for surviving spouses of veterans.-

540 (5) An applicant for the exemption under this section may
 541 apply for the exemption before receiving the necessary
 542 documentation from the United States Government or the United
 543 States Department of Veterans Affairs or its predecessor. Upon
 544 receipt of the documentation, the exemption shall be granted as
 545 of the date of the original application, and the excess taxes
 546 paid shall be refunded. Any refund of excess taxes paid shall be
 547 limited to those paid during the 4-year period of limitation set
 548 forth in s. 197.182(1)(e).

549 Section 17. Subsection (6) is added to section 196.082,
 550 Florida Statutes, to read:

551 196.082 Discounts for disabled veterans.-

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552 (6) An applicant for the discount under this section may
 553 apply for the discount before receiving the necessary
 554 documentation from the United States Department of Veterans
 555 Affairs or its predecessor. Upon receipt of the documentation,
 556 the discount shall be granted as of the date of the original
 557 application, and the excess taxes paid shall be refunded. Any
 558 refund of excess taxes paid shall be limited to those paid
 559 during the 4-year period of limitation set forth in s.
 560 197.182(1)(e).

561 Section 18. Subsection (4) is added to section 196.091,
 562 Florida Statutes, to read:

563 196.091 Exemption for disabled veterans confined to
 564 wheelchairs.-

565 (4) An applicant for the exemption under this section may
 566 apply for the exemption before receiving the necessary
 567 documentation from the United States Government or the United
 568 States Department of Veterans Affairs or its predecessor. Upon
 569 receipt of the documentation, the exemption shall be granted as
 570 of the date of the original application, and the excess taxes
 571 paid shall be refunded. Any refund of excess taxes paid shall be
 572 limited to those paid during the 4-year period of limitation set
 573 forth in s. 197.182(1)(e).

574 Section 19. Subsection (8) is added to section 196.101,
 575 Florida Statutes, to read:

576 196.101 Exemption for totally and permanently disabled
 577 persons.-

578 (8) An applicant for the exemption under this section may
 579 apply for the exemption before receiving the necessary
 580 documentation from the United States Department of Veterans

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 581 Affairs or its predecessor. Upon receipt of the documentation,
 582 the exemption shall be granted as of the date of the original
 583 application, and the excess taxes paid shall be refunded. Any
 584 refund of excess taxes paid shall be limited to those paid
 585 during the 4-year period of limitation set forth in s.
 586 197.182(1)(e).

587 Section 20. Subsection (1) of section 196.121, Florida
 588 Statutes, is amended to read:

589 196.121 Homestead exemptions; forms.—

590 (1) The Department of Revenue shall provide, by electronic
 591 means or other methods designated by the department, furnish to
 592 the property appraiser of each county a sufficient number of
 593 printed forms to be filed by taxpayers claiming to be entitled
 594 to a homestead ~~said~~ exemption and shall prescribe the content of
 595 such forms by rule.

596 Section 21. Section 196.202, Florida Statutes, is amended
 597 to read:

598 196.202 Property of widows, widowers, blind persons, and
 599 persons totally and permanently disabled.—

600 (1) Property to the value of \$500 of every widow, widower,
 601 blind person, or totally and permanently disabled person who is
 602 a bona fide resident of this state is shall be exempt from
 603 taxation. As used in this section, the term “totally and
 604 permanently disabled person” means a person who is currently
 605 certified by a physician licensed in this state, by the United
 606 States Department of Veterans Affairs or its predecessor, or by
 607 the Social Security Administration to be totally and permanently
 608 disabled.

609 (2) An applicant for the exemption under this section may

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 610 apply for the exemption before receiving the necessary
 611 documentation from the United States Department of Veterans
 612 Affairs or its predecessor, or the Social Security
 613 Administration. Upon receipt of the documentation, the exemption
 614 shall be granted as of the date of the original application, and
 615 the excess taxes paid shall be refunded. Any refund of excess
 616 taxes paid shall be limited to those paid during the 4-year
 617 period of limitation set forth in s. 197.182(1)(e).

618 Section 22. Section 196.24, Florida Statutes, is amended to
 619 read:

620 196.24 Exemption for disabled ex-servicemember or surviving
 621 spouse; evidence of disability.—

622 (1) Any ex-servicemember, as defined in s. 196.012, who is
 623 a bona fide resident of the state, who was discharged under
 624 honorable conditions, and who has been disabled to a degree of
 625 10 percent or more by misfortune or while serving during a
 626 period of wartime service as defined in s. 1.01(14), ~~or by~~
 627 misfortune, is entitled to the exemption from taxation provided
 628 for in s. 3(b), Art. VII of the State Constitution as provided
 629 in this section. Property to the value of \$5,000 of such a
 630 person is exempt from taxation. The production by him or her of
 631 a certificate of disability from the United States Government or
 632 the United States Department of Veterans Affairs or its
 633 predecessor before the property appraiser of the county wherein
 634 the ex-servicemember's property lies is prima facie evidence of
 635 the fact that he or she is entitled to the exemption. The
 636 unremarried surviving spouse of such a disabled ex-servicemember
 637 who, on the date of the disabled ex-servicemember's death, had
 638 been married to the disabled ex-servicemember for at least 5

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639 years is also entitled to the exemption.

640 (2) An applicant for the exemption under this section may
 641 apply for the exemption before receiving the necessary
 642 documentation from the United States Government or the United
 643 States Department of Veterans Affairs or its predecessor. Upon
 644 receipt of the documentation, the exemption shall be granted as
 645 of the date of the original application, and the excess taxes
 646 paid shall be refunded. Any refund of excess taxes paid shall be
 647 limited to those paid during the 4-year period of limitation set
 648 forth in s. 197.182(1)(e).

649 Section 23. Effective July 1, 2012, subsection (5) and
 650 paragraph (a) of subsection (10) of section 200.065, Florida
 651 Statutes, are amended to read:

652 200.065 Method of fixing millage.—

653 (5) Beginning in the 2009-2010 fiscal year and In each
 654 fiscal year thereafter:

655 (a) The maximum millage rate that a county, municipality,
 656 special district dependent to a county or municipality,
 657 municipal service taxing unit, or independent special district
 658 may levy is a rolled-back rate based on the amount of taxes
 659 which would have been levied in the prior year if the maximum
 660 millage rate had been applied, adjusted for change in per capita
 661 Florida personal income, unless a higher rate ~~was~~ ~~is~~ adopted, in
 662 which case the maximum is the adopted rate. The maximum millage
 663 rate applicable to a county authorized to levy a county public
 664 hospital surtax under s. 212.055 and which did so in fiscal year
 665 2007 shall exclude the revenues required to be contributed to
 666 the county public general hospital in the current fiscal year
 667 for the purposes of making the maximum millage rate calculation,

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668 but shall be added back to the maximum millage rate allowed
 669 after the roll back has been applied, the total of which shall
 670 be considered the maximum millage rate for such a county for
 671 purposes of this subsection. The revenue required to be
 672 contributed to the county public general hospital for the
 673 upcoming fiscal year shall be calculated as 11.873 percent times
 674 the millage rate levied for countywide purposes in fiscal year
 675 2007 times 95 percent of the preliminary tax roll for the
 676 upcoming fiscal year. A higher rate may be adopted only under
 677 the following conditions:

678 1. A rate of not more than 110 percent of the rolled-back
 679 rate based on the previous year's maximum millage rate, adjusted
 680 for change in per capita Florida personal income, may be adopted
 681 if approved by a two-thirds vote of the membership of the
 682 governing body of the county, municipality, or independent
 683 district; or

684 2. A rate in excess of 110 percent may be adopted if
 685 approved by a unanimous vote of the membership of the governing
 686 body of the county, municipality, or independent district or by
 687 a three-fourths vote of the membership of the governing body if
 688 the governing body has nine or more members, or if the rate is
 689 approved by a referendum.

690 (b) The millage rate of a county or municipality, municipal
 691 service taxing unit of that county, and any special district
 692 dependent to that county or municipality may exceed the maximum
 693 millage rate calculated pursuant to this subsection if the total
 694 county ad valorem taxes levied or total municipal ad valorem
 695 taxes levied do not exceed the maximum total county ad valorem
 696 taxes levied or maximum total municipal ad valorem taxes levied

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697 respectively. Voted millage and taxes levied by a municipality
 698 or independent special district that has levied ad valorem taxes
 699 for less than 5 years are not subject to this limitation. The
 700 millage rate of a county authorized to levy a county public
 701 hospital surtax under s. 212.055 may exceed the maximum millage
 702 rate calculated pursuant to this subsection to the extent
 703 necessary to account for the revenues required to be contributed
 704 to the county public hospital. Total taxes levied may exceed the
 705 maximum calculated pursuant to subsection (6) as a result of an
 706 increase in taxable value above that certified in subsection (1)
 707 if such increase is less than the percentage amounts contained
 708 in subsection (6) or if the administrative adjustment cannot be
 709 made because the value adjustment board is still in session at
 710 the time the tax roll is extended; otherwise, millage rates
 711 subject to this subsection, s. 200.185, or s. 200.186 may be
 712 reduced so that total taxes levied do not exceed the maximum.
 713

714 Any unit of government operating under a home rule charter
 715 adopted pursuant to ss. 10, 11, and 24, Art. VIII of the State
 716 Constitution of 1885, as preserved by s. 6(e), Art. VIII of the
 717 State Constitution of 1968, which is granted the authority in
 718 the State Constitution to exercise all the powers conferred now
 719 or hereafter by general law upon municipalities and which
 720 exercises such powers in the unincorporated area shall be
 721 recognized as a municipality under this subsection. For a
 722 downtown development authority established before the effective
 723 date of the 1968 State Constitution which has a millage that
 724 must be approved by a municipality, the governing body of that
 725 municipality shall be considered the governing body of the

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726 downtown development authority for purposes of this subsection.
 727 (10) (a) In addition to the notice required in subsection
 728 (3), a district school board shall publish a second notice of
 729 intent to levy additional taxes under s. 1011.71(2) or (3). ~~The~~
 730 ~~Such~~ notice shall specify the projects or number of school buses
 731 anticipated to be funded by the such additional taxes and shall
 732 be published in the size, within the time periods, adjacent to,
 733 and in substantial conformity with the advertisement required
 734 under subsection (3). The projects shall be listed in priority
 735 within each category as follows: construction and remodeling;
 736 maintenance, renovation, and repair; motor vehicle purchases;
 737 new and replacement equipment; payments for educational
 738 facilities and sites due under a lease-purchase agreement;
 739 payments for renting and leasing educational facilities and
 740 sites; payments of loans approved pursuant to ss. 1011.14 and
 741 1011.15; payment of costs of compliance with environmental
 742 statutes and regulations; payment of premiums for property and
 743 casualty insurance necessary to insure the educational and
 744 ancillary plants of the school district; payment of costs of
 745 leasing relocatable educational facilities; and payments to
 746 private entities to offset the cost of school buses pursuant to
 747 s. 1011.71(2) (i). The additional notice shall be in the
 748 following form, except that if the district school board is
 749 proposing to levy the same millage under s. 1011.71(2) or (3)
 750 which it levied in the prior year, the words "continue to" shall
 751 be inserted before the word "impose" in the first sentence, and
 752 except that the second sentence of the second paragraph shall be
 753 deleted if the district is advertising pursuant to paragraph
 754 (3) (e):

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756

NOTICE OF TAX FOR SCHOOL

757

CAPITAL OUTLAY

758

759

The ...(name of school district)... will soon consider a measure to impose a ...(number)... mill property tax for the capital outlay projects listed herein.

762

This tax is in addition to the school board's proposed tax of ...(number)... mills for operating expenses and is proposed solely at the discretion of the school board. THE PROPOSED COMBINED SCHOOL BOARD TAX INCREASE FOR BOTH OPERATING EXPENSES AND CAPITAL OUTLAY IS SHOWN IN THE ADJACENT NOTICE.

767

The capital outlay tax will generate approximately \$...(amount)..., to be used for the following projects:

769

...(list of capital outlay projects)...

771

772

All concerned citizens are invited to a public hearing to be held on ...(date and time)... at ...(meeting place)...

774

A DECISION on the proposed CAPITAL OUTLAY TAXES will be made at this hearing.

776

Section 24. Effective July 1, 2012, subsection (2) of section 218.12, Florida Statutes, is amended to read:

778

218.12 Appropriations to offset reductions in ad valorem tax revenue in fiscally constrained counties.—

780

(2) On or before November 15 of each year, ~~beginning in 2008~~, each fiscally constrained county shall apply to the Department of Revenue to participate in the distribution of the appropriation and provide documentation supporting the county's

783

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784

estimated reduction in ad valorem tax revenue in the form and

785

manner prescribed by the Department of Revenue. The

786

documentation must include an estimate of the reduction in

787

taxable value directly attributable to revisions of Art. VII of

788

the State Constitution for all county taxing jurisdictions

789

within the county and shall be prepared by the property

790

appraiser in each fiscally constrained county. The documentation

791

must also include the county millage rates applicable in all

792

such jurisdictions for both the current year and the prior year;

793

rolled-back rates, determined as provided in s. 200.065, for

794

each county taxing jurisdiction; and maximum millage rates that

795

could have been levied by majority vote pursuant to s.

796

200.065(5) s. 200.185. For purposes of this section, each

797

fiscally constrained county's reduction in ad valorem tax

798

revenue shall be calculated as 95 percent of the estimated

799

reduction in taxable value times the lesser of the 2007

800

applicable millage rate or the applicable millage rate for each

801

county taxing jurisdiction in the current ~~prior~~ year. If a

802

fiscally constrained county fails to apply for the distribution,

803

its share shall revert to the fund from which the appropriation

804

was made.

805

Section 25. Effective July 1, 2012, subsection (2) of

806

section 218.125, Florida Statutes, is amended to read:

807

218.125 Offset for tax loss associated with certain

808

constitutional amendments affecting fiscally constrained

809

counties.—

810

(2) On or before November 15 of each year, ~~beginning in~~

811

~~2010~~, each fiscally constrained county shall apply to the

812

Department of Revenue to participate in the distribution of the

593-01584-12

20121256__

813 appropriation and provide documentation supporting the county's
814 estimated reduction in ad valorem tax revenue in the form and
815 manner prescribed by the Department of Revenue. The
816 documentation must include an estimate of the reduction in
817 taxable value directly attributable to revisions of Art. VII of
818 the State Constitution for all county taxing jurisdictions
819 within the county and shall be prepared by the property
820 appraiser in each fiscally constrained county. The documentation
821 must also include the county millage rates applicable in all
822 such jurisdictions for the current year and the prior year,
823 rolled-back rates determined as provided in s. 200.065 for each
824 county taxing jurisdiction, and maximum millage rates that could
825 have been levied by majority vote pursuant to s. 200.065(5)
826 ~~200.195~~. For purposes of this section, each fiscally constrained
827 county's reduction in ad valorem tax revenue shall be calculated
828 as 95 percent of the estimated reduction in taxable value
829 multiplied by the lesser of the 2010 applicable millage rate or
830 the applicable millage rate for each county taxing jurisdiction
831 in the current ~~prior~~ year. If a fiscally constrained county
832 fails to apply for the distribution, its share shall revert to
833 the fund from which the appropriation was made.

834 Section 26. Except as otherwise expressly provided in this
835 act, this act shall take effect upon becoming a law.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

January 24, 2012

Meeting Date

Topic Taxpayers Rights To Due Process - waiting time for Hearings

Bill Number 1256
(if applicable)

Name Sheila Anderson

Amendment Barcode _____
(if applicable)

Job Title Realtor

Address 4931 SW 128 Street

Phone 305-372-9200

Street

Ocala

FL

34473

E-mail cps@floridapropertytaxappeals.com

City

State

Zip

Speaking: For Against Information

Representing Myself

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: SB 1304

INTRODUCER: Budget Subcommittee on Finance and Tax

SUBJECT: Tax Administration

DATE: January 19, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fournier	Diez-Arguelles		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

This bill comprises changes in tax administration that were recommended by the Department of Revenue and approved by the Governor and Cabinet. It clearly establishes the department's authority to require security for certain individuals seeking to register new businesses, bans the sale, purchase, installation, transfer, or possession of automated sales suppression devices, zappers, and phantom-ware, and provides criminal penalties for these actions, allows department staff to verify the identity of business owners by using driver's license photos, provides an incentive for businesses to comply with requests for records for audit purposes, and reduces the interest rate imposed on unemployment tax deficiencies.

This bill substantially amends the following sections of the Florida Statutes: 212.07, 212.12, 212.14, 212.18, 213.13, 213.925, 322.142, 443.131, and 443.141.

II. Present Situation:

The Department of Revenue (department) is charged with ensuring that the taxes it administers are carried out in a fair and equitable manner. Each year the Executive Director seeks approval of proposed legislative concepts by the Governor and Cabinet, in their role as the head of the department. The department's tax administration concepts are proposed to reduce the burden on taxpayers and to ensure that Florida's tax laws are applied in a consistent, cost-effective, and equitable manner.

(See section-by-section analysis below.)

III. Effect of Proposed Changes:

Sections 1, 2 and 4

Present situation: Sections 212.07, 212.12, and 212.18, F.S., contain redundant and potentially confusing language concerning criminal penalties.

Proposed change: These sections are amended to clarify the criminal penalties imposed on a person who:

- Willfully fails to register after receiving notice of the duty to collect a tax or fee.
- Makes a false or fraudulent return with a willful intent to evade payment of taxes or fees.
- Willfully fails to register after the department provides notice of the duty to register.

No new penalties are being created by this language; the language is intended to clarify existing statutory penalties. These sections take effect upon becoming a law.

Section 3

Present situation: Section 212.14(4), F.S., authorizes the Department of Revenue to require a cash deposit, bond, or other security as a condition to a person obtaining or retaining a sales tax dealer's registration. Despite this requirement delinquent sales tax dealers are able to close down their businesses with tax liabilities, and to reopen under a new name, because the current provision does not clearly apply to all of the individuals who were responsible for prior delinquent tax accounts when they seek to register new businesses.

Proposed change: The bill revises s. 212.14(4) to authorize the department to require security for individuals who are responsible for prior delinquent accounts when they seek to register new businesses.

Section 5

Present situation: Ch. 2010-162, L.O.F., changed the remittance date for funds collected by the Clerks of the Court from the 20th day to the 10th day of the month immediately after the month in which the funds are collected. Section 213.13, F.S., which governs the electronic remittance and distribution of funds by the Clerks of the Court, was not amended to conform to the change.

Proposed change: Section 213.13, F.S., is amended to conform to changes made by ch. 2010-162, L.O.F. This section takes effect upon becoming a law.

Section 6

Present situation: Automated sales suppression devices or "zappers" are software programs that falsify the records of electronic cash registers and other point-of-sale systems. These devices alter sales records to reduce the value of sales that are reported for tax purposes in order to evade state and federal taxes. In the case of sales tax the use of these devices results in the theft of taxes that have been collected from a business's customers.

Proposed change: The bill creates s. 213.295, F.S., which makes an automated sales suppression device a contraband article under ss. 932.701-932.706, F.S., and makes it unlawful to willfully and knowingly sell, purchase, install, transfer, or possess in this state any automated sales

suppression device, zapper, or phantom-ware. Any person convicted of violating this law is guilty of a third degree felony and is liable for all taxes, fees, penalties and interest due the state as a result of the use of the device and shall forfeit to the state as an additional penalty all profits associated with the sale or use of the device. The bill provides definitions for “automated sales suppression device,” “zapper,” “electronic cash register,” “phantom-ware,” “transaction data,” and “transaction report.” This section takes effect upon becoming a law.

Section 7

Present situation: The Department of Revenue staff does not have a way to verify the identity of business owners prior to visiting businesses during audits and cannot be sure that the person with whom they are working during field visits is the business owner. Under s. 322.142, F.S., the Department of Highway Safety and Motor Vehicles maintains a file of the digital image and signatures of drivers’ license holders. These records may be shared with the Department of Revenue for child support enforcement purposes but not for other purposes.

Proposed change: The bill amends s. 322.142, F.S., to allow the Department of Revenue to use drivers’ license images to establish positive identification for tax administration purposes.

Section 8

Present situation: Florida law provides a standard unemployment tax rate, and allows many businesses to receive a lower rate if they meet certain criteria, including being in compliance with the law. Section 443.131, F.S., lists the criteria necessary for a business to be in compliance, but it does not explicitly state that a taxpayer must comply with records requests during audits to qualify for the reduced tax rate.

Proposed change: Section 443.131, F.S., is amended to create an additional condition for receiving a lower-than-standard unemployment tax rate. The condition is that the employer has produced records requested by AWI or the department for audit purposes. This section takes effect upon the bill becoming a law.

Section 9

Present situation: Unemployment compensation tax contributions or reimbursements that are unpaid on the due date bear an interest rate of 1 percent per month, an effective annual rate of 12 percent. Other taxes that are administered by the department have an interest rate of prime plus 4 percent, not to exceed an effective rate of 1 percent per month. The interest rate is adjusted twice yearly.

Proposed change: Section 443.141, F.S. is amended to change the interest rate imposed on unemployment compensation tax deficiencies to prime plus 4 percent, not to exceed 1 percent per month, beginning January 1, 2013. This is the rate applied to other taxes administered by the Department of Revenue.

Section 10 provides that except as otherwise expressly provided in this act, and except for this section, which shall take effect upon becoming a law, this act shall take effect July 1, 2012.

IV. Constitutional Issues:**A. Municipality/County Mandates Restrictions:**

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:**A. Tax/Fee Issues:**

The department anticipates that some provisions of this bill will improve enforcement and collection of state tax laws:

- Banning the sale, purchase, installation, transfer, or possession of automated sales suppression devices, zappers, and phantom-ware, and providing criminal penalties for these actions, should improve the department's ability to collect and enforce the sales tax statutes.
-
- Improved compliance with unemployment tax reporting is expected to improve the department's audit capability.

The Revenue Estimating Conference has determined that decreasing the interest rate on unpaid unemployment taxes will reduce state trust fund revenue by \$.1 million in 2012-13 and recurring. Other provisions of the bill are expected to have an indeterminate positive impact on state and local revenue.

B. Private Sector Impact:

This bill has the following effects on the private sector:

- It authorizes the department to require additional persons to provide a cash deposit, bond, or other security as a condition of obtaining or retaining a sales and use tax dealer's certificate of registration.
- It bans the sale, purchase, installation, transfer, or possession of automated sales suppression devices, zappers, and phantom-ware, and provides criminal penalties for these actions.
- It provides that an employer may not qualify for a reduced unemployment tax rate unless the employer has produced all records that were requested by the department or the Agency for Workforce Innovation.
- It reduces the interest rate imposed on unemployment tax deficiencies.

C. Government Sector Impact:

The bill is expected to improve tax administration by banning the sale, purchase, installation, transfer, or possession of automated sales suppression devices, zappers, and phantom-ware, and providing criminal penalties for these actions; by providing a means by which department staff can verify the identity of business owners prior to visiting the business during audits; and by improving compliance with requests for information from employers for unemployment tax purposes.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:**A. Committee Substitute – Statement of Substantial Changes:**

(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.



567906

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Finance and Tax (Altman) recommended the following:

Senate Amendment (with title amendment)

Between lines 51 and 52
insert:

Section 1. Subsection (6) of section 212.03, Florida Statutes, is amended to read:

212.03 Transient rentals tax; rate, procedure, enforcement, exemptions.-

(6) (a) It is the legislative intent that every person is engaging in a taxable privilege who leases or rents parking or storage spaces for motor vehicles in parking lots or garages, including storage facilities for towed vehicles, who leases or



567906

13 rents docking or storage spaces for boats in boat docks or
14 marinas, or who leases or rents tie-down or storage space for
15 aircraft at airports. For the exercise of this privilege, a tax
16 is hereby levied at the rate of 6 percent on the total rental
17 charged.

18 (b) Charges for parking, docking, tie-down, or storage
19 arising from a lawful impoundment by a local, state, or federal
20 law enforcement agency are not taxable.

21
22 ===== T I T L E A M E N D M E N T =====

23 And the title is amended as follows:

24 Delete line 2

25 and insert:

26 An act relating to tax administration; amending s.
27 212.03, F.S.; providing that charges for the storage
28 of towed vehicles are taxable, unless the vehicles are
29 impounded by a local, state, or federal law
30 enforcement agency; amending s.



840698

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
01/24/2012	.	
	.	
	.	
	.	

The Committee on Budget Subcommittee on Finance and Tax (Altman) recommended the following:

Senate Amendment (with title amendment)

Between lines 479 and 480
insert:

Section 7. Paragraph (b) of subsection (1) of section
220.153, Florida Statutes, is amended to read:

220.153 Apportionment by sales factor.—

(1) DEFINITIONS.—As used in this section, the term:

(b) "Qualified capital expenditures" means expenditures in
this state for purposes substantially related to a business's
production or sale of goods or services. The expenditure must
fund the acquisition of additional real property (land,



840698

13 buildings, including appurtenances, fixtures and fixed
14 equipment, structures, etc.), including additions, replacements,
15 major repairs, and renovations to real property which materially
16 extend its useful life or materially improve or change its
17 functional use and the furniture and equipment necessary to
18 furnish and operate a new or improved facility. The term
19 "qualified capital expenditures" does not include an expenditure
20 for a passive investment ~~or for an investment intended for the~~
21 ~~accumulation of reserves or the realization of profit for~~
22 ~~distribution to any person holding an ownership interest in the~~
23 ~~business~~. The term "qualified capital expenditures" does not
24 include expenditures to acquire an existing business or
25 expenditures in excess of \$125 million to acquire land or
26 buildings.

27
28 ===== T I T L E A M E N D M E N T =====

29 And the title is amended as follows:

30 Delete line 34

31 and insert:

32 Contraband Forfeiture Act; amending s. 220.153, F.S.;

33 redefining the term "qualified capital expenditures"

34 for purposes of apportionment by sales factor;

35 amending s. 322.142, F.S.;

By the Committee on Budget Subcommittee on Finance and Tax

593-01583-12

20121304__

1 A bill to be entitled
 2 An act relating to tax administration; amending s.
 3 212.07, F.S.; conforming a cross-reference to changes
 4 made by the act; subjecting a dealer to monetary and
 5 criminal penalties for the willful failure to collect
 6 certain taxes or fees after notice of the duty to
 7 collect the taxes or fees by the Department of
 8 Revenue; amending s. 212.12, F.S.; deleting provisions
 9 relating to the imposition of criminal penalties after
 10 notice by the Department of Revenue of requirements to
 11 register as a dealer or to collect taxes; making
 12 technical and grammatical changes to provisions
 13 specifying penalties for making a false or fraudulent
 14 return with the intent to evade payment of a tax or
 15 fee; amending s. 212.14, F.S.; defining the term
 16 "person"; authorizing the Department of Revenue to
 17 adopt rules relating to requirements for a person to
 18 deposit cash, a bond, or other security with the
 19 department in order to ensure compliance with sales
 20 tax laws; making technical and grammatical changes;
 21 amending s. 212.18, F.S.; subjecting a person to
 22 criminal penalties for willfully failing to register
 23 as a dealer after notice of the duty to register by
 24 the Department of Revenue; making technical and
 25 grammatical changes; amending s. 213.13, F.S.;
 26 revising the due date for funds collected by the
 27 clerks of court to be transmitted to the Department of
 28 Revenue; creating s. 213.295, F.S.; providing
 29 definitions; subjecting a person to criminal penalties

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20121304__

30 and monetary penalties for knowingly selling an
 31 automated sales suppression device, zipper, or
 32 phantom-ware; defining sales suppression devices and
 33 phantom-ware as contraband articles under the Florida
 34 Contraband Forfeiture Act; amending s. 322.142, F.S.;
 35 authorizing the Department of Highway Safety and Motor
 36 Vehicles to release photographs or digital images to
 37 the Department of Revenue in order to identify
 38 individuals for purposes of tax administration;
 39 amending s. 443.131, F.S.; imposing a requirement on
 40 employers to produce records for the Department of
 41 Economic Opportunity or its tax collection service
 42 provider as a prerequisite for a reduction in the rate
 43 of unemployment tax; amending s. 443.141, F.S.;
 44 providing a method to calculate the interest rate for
 45 past due contributions and reimbursements, and
 46 delinquent, erroneous, incomplete, or insufficient
 47 reports; providing for application; providing
 48 effective dates.

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

51
 52 Section 1. Effective upon this act becoming a law,
 53 subsections (1) and (3) of section 212.07, Florida Statutes, are
 54 amended to read:

55 212.07 Sales, storage, use tax; tax added to purchase
 56 price; dealer not to absorb; liability of purchasers who cannot
 57 prove payment of the tax; penalties; general exemptions.-

58 (1) (a) The privilege tax herein levied measured by retail

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59 sales shall be collected by the dealers from the purchaser or
60 consumer.

61 (b) A resale must be in strict compliance with s. 212.18
62 and the rules and regulations, and any dealer who makes a sale
63 for resale which is not in strict compliance with s. 212.18 and
64 the rules and regulations ~~is shall himself or herself be~~ liable
65 for and shall pay the tax. Any dealer who makes a sale for
66 resale shall document the exempt nature of the transaction, as
67 established by rules promulgated by the department, by retaining
68 a copy of the purchaser's resale certificate. In lieu of
69 maintaining a copy of the certificate, a dealer may document,
70 ~~before~~ ~~prior to~~ the time of sale, an authorization number
71 provided telephonically or electronically by the department, or
72 by such other means established by rule of the department. The
73 dealer may rely on a resale certificate issued pursuant to s.
74 212.18(3)(d) ~~s. 212.18(3)(e)~~, valid at the time of receipt from
75 the purchaser, without seeking annual verification of the resale
76 certificate if the dealer makes recurring sales to a purchaser
77 in the normal course of business on a continual basis. As used
78 ~~in~~ ~~For purposes of~~ this paragraph, the term "recurring sales to
79 a purchaser in the normal course of business" refers to a sale
80 in which the dealer extends credit to the purchaser and records
81 the debt as an account receivable, or in which the dealer sells
82 to a purchaser who has an established cash or C.O.D. account,
83 similar to an open credit account. For purposes of this
84 paragraph, purchases are made from a selling dealer on a
85 continual basis if the selling dealer makes, in the normal
86 course of business, sales to the purchaser at least no less
87 ~~frequently than~~ once in every 12-month period. A dealer may,

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88 through the informal protest provided for in s. 213.21 and the
89 rules of the Department of Revenue, provide the department with
90 evidence of the exempt status of a sale. Consumer certificates
91 of exemption executed by those exempt entities that were
92 registered with the department at the time of sale, resale
93 certificates provided by purchasers who were active dealers at
94 the time of sale, and verification by the department of a
95 purchaser's active dealer status at the time of sale in lieu of
96 a resale certificate shall be accepted by the department when
97 submitted during the protest period, but may not be accepted in
98 any proceeding under chapter 120 or any circuit court action
99 instituted under chapter 72.

100 (c) Unless the purchaser of tangible personal property that
101 is incorporated into tangible personal property manufactured,
102 produced, compounded, processed, or fabricated for one's own use
103 and subject to the tax imposed under s. 212.06(1)(b) or is
104 purchased for export under s. 212.06(5)(a)1. extends a
105 certificate in compliance with the rules of the department, the
106 dealer ~~is shall himself or herself be~~ liable for and shall pay
107 the tax.

108 (3) (a) ~~A~~ Any dealer who fails, neglects, or refuses to
109 collect the tax or fees imposed under this chapter herein
110 ~~provided, either~~ by himself or herself or through the dealer's
111 agents or employees, ~~is~~, in addition to the penalty of being
112 liable for and paying the tax ~~himself or herself~~, commits guilty
113 ~~of~~ a misdemeanor of the first degree, punishable as provided in
114 s. 775.082 or s. 775.083.

115 (b) A dealer who willfully fails to collect a tax or fee
116 after the department provides notice of the duty to collect the

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117 tax or fee is liable for a specific penalty of 100 percent of
 118 the uncollected tax or fee. This penalty is in addition to any
 119 other penalty that may be imposed by law. A dealer who willfully
 120 fails to collect taxes or fees totaling:

121 1. Less than \$300:

122 a. For a first offense, commits a misdemeanor of the second
 123 degree, punishable as provided in s. 775.082 or s. 775.083.

124 b. For a second offense, commits a misdemeanor of the first
 125 degree, punishable as provided in s. 775.082 or s. 775.083.

126 c. For a third or subsequent offense, commits a felony of
 127 the third degree, punishable as provided in s. 775.082, s.
 128 775.083, or s. 775.084.

129 2. An amount equal to \$300 or more, but less than \$20,000,
 130 commits a felony of the third degree, punishable as provided in
 131 s. 775.082, s. 775.083, or s. 775.084.

132 3. An amount equal to \$20,000 or more, but less than
 133 \$100,000, commits a felony of the second degree, punishable as
 134 provided in s. 775.082, s. 775.083, or s. 775.084.

135 4. An amount equal to \$100,000 or more, commits a felony of
 136 the first degree, punishable as provided in s. 775.082, s.
 137 775.083, or s. 775.084.

138 (c) The department shall give written notice of the duty to
 139 collect taxes or fees to the dealer by personal service, by
 140 sending notice to the dealer's last known address by registered
 141 mail, or by both personal service and mail.

142 Section 2. Effective upon this act becoming a law,
 143 paragraph (d) of subsection (2) of section 212.12, Florida
 144 Statutes, is amended to read:
 145 212.12 Dealer's credit for collecting tax; penalties for

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146 noncompliance; powers of Department of Revenue in dealing with
 147 delinquents; brackets applicable to taxable transactions;
 148 records required.-

149 (2)

150 (d) A Any person who makes a false or fraudulent return
 151 with a willful intent to evade payment of any tax or fee imposed
 152 under this chapter is; any person who, after the department's
 153 delivery of a written notice to the person's last known address
 154 specifically alerting the person of the requirement to register
 155 the person's business as a dealer, intentionally fails to
 156 register the business; and any person who, after the
 157 department's delivery of a written notice to the person's last
 158 known address specifically alerting the person of the
 159 requirement to collect tax on specific transactions,
 160 intentionally fails to collect such tax, shall, in addition to
 161 the other penalties provided by law, be liable for a specific
 162 penalty of 100 percent of any unreported or any uncollected tax
 163 or fee. This penalty is in addition to any other penalty
 164 provided by law. A person who makes a false or fraudulent return
 165 with a willful intent to evade payment of taxes or fees
 166 totaling:

167 1. Less than \$300:

168 a. For a first offense, commits a misdemeanor of the second
 169 degree, punishable as provided in s. 775.082 or s. 775.083.

170 b. For a second offense, commits a misdemeanor of the first
 171 degree, punishable as provided in s. 775.082 or s. 775.083.

172 c. For a third or subsequent offense, commits a felony of
 173 the third degree, punishable as provided in s. 775.082, s.
 174 775.083, or s. 775.084.

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20121304

175 2. An amount equal to \$300 or more, but less than \$20,000,
 176 commits a felony of the third degree, punishable as provided in
 177 s. 775.082, s. 775.083, or s. 775.084.

178 3. An amount equal to \$20,000 or more, but less than
 179 \$100,000, commits a felony of the second degree, punishable as
 180 provided in s. 775.082, s. 775.083, or s. 775.084.

181 4. An amount equal to \$100,000 or more, commits a felony of
 182 the first degree, punishable and, upon conviction, for fine and
 183 punishment as provided in s. 775.082, s. 775.083, or s. 775.084.
 184 Delivery of written notice may be made by certified mail, or by
 185 the use of such other method as is documented as being necessary
 186 and reasonable under the circumstances. The civil and criminal
 187 penalties imposed herein for failure to comply with a written
 188 notice alerting the person of the requirement to register the
 189 person's business as a dealer or to collect tax on specific
 190 transactions shall not apply if the person timely files a
 191 written challenge to such notice in accordance with procedures
 192 established by the department by rule or the notice fails to
 193 clearly advise that failure to comply with or timely challenge
 194 the notice will result in the imposition of the civil and
 195 criminal penalties imposed herein.

196 ~~1. If the total amount of unreported or uncollected taxes~~
 197 ~~or fees is less than \$300, the first offense resulting in~~
 198 ~~conviction is a misdemeanor of the second degree, the second~~
 199 ~~offense resulting in conviction is a misdemeanor of the first~~
 200 ~~degree, and the third and all subsequent offenses resulting in~~
 201 ~~conviction is a misdemeanor of the first degree, and the third~~
 202 ~~and all subsequent offenses resulting in conviction are felonies~~
 203 ~~of the third degree.~~

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204 ~~2. If the total amount of unreported or uncollected taxes~~
 205 ~~or fees is \$300 or more but less than \$20,000, the offense is a~~
 206 ~~felony of the third degree.~~

207 ~~3. If the total amount of unreported or uncollected taxes~~
 208 ~~or fees is \$20,000 or more but less than \$100,000, the offense~~
 209 ~~is a felony of the second degree.~~

210 ~~4. If the total amount of unreported or uncollected taxes~~
 211 ~~or fees is \$100,000 or more, the offense is a felony of the~~
 212 ~~first degree.~~

213 Section 3. Subsection (4) of section 212.14, Florida
 214 Statutes, is amended to read:

215 212.14 Departmental powers; hearings; distress warrants;
 216 bonds; subpoenas and subpoenas duces tecum.-

217 (4) (a) In all cases where it is necessary to ensure
 218 compliance with the provisions of this chapter, The department
 219 shall require a cash deposit, bond, or other security as a
 220 condition to a person obtaining or retaining a dealer's
 221 certificate of registration under this chapter, if necessary, to
 222 ensure compliance with this chapter. ~~The~~ Such bond must ~~shall~~ be
 223 in the form and such amount as the department deems appropriate
 224 under the particular circumstances. A ~~Every~~ person who fails
 225 failing to produce such cash deposit, bond, or other security as
 226 required in this subsection may ~~provided for herein~~ shall not be
 227 entitled to obtain or retain a dealer's certificate of
 228 registration under this chapter. If requested by the department,
 229 and the Department of Legal Affairs may ~~is hereby~~ authorized to
 230 proceed by injunction, ~~when so requested by the Department of~~
 231 Revenue, to prevent the ~~such~~ person from doing business subject
 232 to the provisions of this chapter until the ~~such~~ cash deposit,

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 233 bond, or other security is posted with the department. ~~The, and~~
 234 ~~any~~ temporary injunction ~~for this purpose~~ may be granted by any
 235 judge or chancellor authorized by law to grant injunctions. The
 236 department may sell any security required to be deposited
 237 pursuant to this section ~~may be sold by the department~~ at public
 238 sale if ~~it becomes necessary so to do~~ in order to recover any
 239 tax, interest, or penalty due. Notice of ~~the such~~ sale may be
 240 served personally or by mail upon the person who deposited ~~the~~
 241 ~~such~~ security. ~~Notice if~~ by mail is sufficient if the, notice is
 242 sent to the last known address of the person as shown the same
 243 ~~appears~~ on the records of the department ~~shall be sufficient for~~
 244 ~~the purpose of this requirement.~~ Upon the such sale, the
 245 department shall return the surplus, if any, above the amount
 246 ~~due under this chapter shall be returned~~ to the person who
 247 deposited the security.

(b) As used in this subsection, the term "person" has the
 same meaning as defined in s. 212.02(12) and also includes:

1. An individual or entity owning a controlling interest in
an entity;

2. An individual or entity who has acquired an ownership
interest or a controlling interest in a business that would be
otherwise liable for posting a cash deposit, bond, or other
security, unless the department has determined that the
individual or entity is not liable for taxes, interest, or
penalties under s. 213.758; or

3. An individual or entity seeking to obtain a dealer's
certificate of registration for a business that will be operated
at the same location as a previous business that otherwise would
have been liable for posting a cash deposit, bond, or other

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 262 security, and the individual or entity does not provide evidence
 263 that the business was acquired for consideration in an arms-
 264 length transaction.

(c) The department may adopt rules to administer this
subsection.

Section 4. Effective upon this act becoming a law,
 subsection (3) of section 212.18, Florida Statutes, is amended
 to read:

212.18 Administration of law; registration of dealers;
 rules.-

(3) (a) Every person desiring to engage in or conduct
 business in this state as a dealer, ~~as defined in this chapter,~~
 or to lease, rent, or let or grant licenses in living quarters
 or sleeping or housekeeping accommodations in hotels, apartment
 houses, roominghouses, or tourist or trailer camps that are
 subject to tax under s. 212.03, or to lease, rent, or let or
 grant licenses in real property, ~~as defined in this chapter,~~ and
 every person who sells or receives anything of value by way of
 admissions, must file with the department an application for a
 certificate of registration for each place of business. The
application must include, showing the names of the persons who
 have interests in ~~the such~~ business and their residences, the
 address of the business, and ~~such~~ other data reasonably required
by ~~as~~ the department ~~may reasonably require.~~ However, owners and
 operators of vending machines or newspaper rack machines are
 required to obtain only one certificate of registration for each
 county in which ~~the such~~ machines are located. The department,
~~by rule,~~ may authorize by rule a dealer that uses independent
 sellers to sell its merchandise to remit tax on the retail sales

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291 price charged to the ultimate consumer in lieu of having the
 292 independent seller register as a dealer and remit the tax. The
 293 department may appoint the county tax collector as the
 294 department's agent to accept applications for registrations. The
 295 application must be made to the department before the person,
 296 firm, copartnership, or corporation engages ~~may engage~~ in such
 297 business, and it must be accompanied by a registration fee of
 298 \$5. However, a registration fee is not required to accompany an
 299 application to engage in or conduct business to make mail order
 300 sales. The department may waive the registration fee for
 301 applications submitted through the department's Internet
 302 registration process.

303 (b) The department, upon receipt of the ~~such~~ application,
 304 shall will grant to the applicant a separate certificate of
 305 registration for each place of business, which certificate may
 306 be canceled by the department or its designated assistants for
 307 any failure by the certificateholder to comply with any of the
 308 provisions of this chapter. The certificate is not assignable
 309 and is valid only for the person, firm, copartnership, or
 310 corporation to which the certificate is issued. The certificate
 311 must be displayed at all times ~~placed~~ in a conspicuous place in
 312 the business or businesses for which it is issued ~~and must be~~
 313 ~~displayed at all times~~. Except as provided in this subsection, a
 314 ~~no~~ person may not shall engage in the business of selling or
 315 leasing tangible personal property or services or as a dealer or
 316 in leasing, renting, or letting of or granting licenses in
 317 living quarters or sleeping or housekeeping accommodations in
 318 hotels, apartment houses, roominghouses, tourist or trailer
 319 camps, or real property, or in selling as hereinbefore defined,

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320 ~~nor shall any person sell or~~ receiving ~~receive~~ anything of value
 321 by way of admissions, without a valid ~~first having obtained such~~
 322 a certificate. ~~A or after such certificate has been canceled, no~~
 323 person may not shall receive a any license from any authority
 324 within the state to engage in any such business without a valid
 325 certificate ~~first having obtained such a certificate or after~~
 326 ~~such certificate has been canceled. The engaging in the business~~
 327 ~~of selling or leasing tangible personal property or services or~~
 328 ~~as a dealer, as defined in this chapter, or the engaging in~~
 329 ~~leasing, renting, or letting of or granting licenses in living~~
 330 ~~quarters or sleeping or housekeeping accommodations in hotels,~~
 331 ~~apartment houses, roominghouses, or tourist or trailer camps~~
 332 ~~that are taxable under this chapter, or real property, or the~~
 333 ~~engaging in the business of selling or receiving anything of~~
 334 ~~value by way of admissions, without such certificate first being~~
 335 ~~obtained or after such certificate has been canceled by the~~
 336 ~~department, is prohibited.~~

337 (c)1. A ~~The failure or refusal of any person who engages in~~
 338 acts requiring a certificate of registration under this
 339 subsection who fails or refuses to register, commits, ~~firm,~~
 340 ~~copartnership, or corporation to so qualify when required~~
 341 ~~hereunder is~~ a misdemeanor of the first degree, punishable as
 342 provided in s. 775.082 or s. 775.083. Such acts are, ~~or~~ subject
 343 to injunctive proceedings as provided by law. A person who
 344 engages in acts requiring a certificate of registration and who
 345 fails or refuses to register is also subject ~~Such failure or~~
 346 ~~refusal also subjects the offender~~ to a \$100 initial
 347 registration fee in lieu of the \$5 registration fee required by
 348 authorized in paragraph (a). However, the department may waive

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349 the increase in the registration fee if it finds is determined
 350 ~~by the department~~ that the failure to register was due to
 351 reasonable cause and not to willful negligence, willful neglect,
 352 or fraud.

353 2. A person who willfully fails to register as a dealer
 354 after the department provides notice of the duty to register
 355 commits a felony of the third degree, punishable as provided in
 356 s. 775.082, s. 775.083, or s. 775.084. The department shall give
 357 written notice of the duty to register to the person by personal
 358 service, by sending notice by registered mail to the person's
 359 last known address, or by both personal service and mail.

360 (d)(e) In addition to the certificate of registration, the
 361 department shall provide to each newly registered dealer an
 362 initial resale certificate that is will be valid for the
 363 remainder of the period of issuance. The department shall
 364 provide each active dealer with an annual resale certificate. As
 365 used in For purposes of this section, the term "active dealer"
 366 means a person who is currently registered with the department
 367 and who is required to file at least once during each applicable
 368 reporting period.

369 (e)(d) The department may revoke a any dealer's certificate
 370 of registration if when the dealer fails to comply with this
 371 chapter. Before the Prior to revocation of a dealer's
 372 certificate of registration, the department must schedule an
 373 informal conference at which the dealer may present evidence
 374 regarding the department's intended revocation or enter into a
 375 compliance agreement with the department. The department must
 376 notify the dealer of its intended action and the time, place,
 377 and date of the scheduled informal conference by written notice

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378 ~~notification~~ sent by United States mail to the dealer's last
 379 known address of record furnished by the dealer on a form
 380 prescribed by the department. The dealer is required to attend
 381 the informal conference and present evidence refuting the
 382 department's intended revocation or enter into a compliance
 383 agreement with the department which resolves the dealer's
 384 failure to comply with this chapter. The department shall issue
 385 an administrative complaint under s. 120.60 if the dealer fails
 386 to attend the department's informal conference, fails to enter
 387 into a compliance agreement with the department resolving the
 388 dealer's noncompliance with this chapter, or fails to comply
 389 with the executed compliance agreement.

390 (f)(e) As used in this paragraph, the term "exhibitor"
 391 means a person who enters into an agreement authorizing the
 392 display of tangible personal property or services at a
 393 convention or a trade show. The following provisions apply to
 394 the registration of exhibitors as dealers under this chapter:

395 1. An exhibitor whose agreement prohibits the sale of
 396 tangible personal property or services subject to the tax
 397 imposed in this chapter is not required to register as a dealer.

398 2. An exhibitor whose agreement provides for the sale at
 399 wholesale only of tangible personal property or services subject
 400 to the tax imposed in this chapter must obtain a resale
 401 certificate from the purchasing dealer but is not required to
 402 register as a dealer.

403 3. An exhibitor whose agreement authorizes the retail sale
 404 of tangible personal property or services subject to the tax
 405 imposed in this chapter must register as a dealer and collect
 406 the tax imposed under this chapter on such sales.

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 407 4. Any exhibitor who makes a mail order sale pursuant to s.
 408 212.0596 must register as a dealer.

409
 410 Any person who conducts a convention or a trade show must make
 411 ~~his or her their~~ exhibitor's agreements available to the
 412 department for inspection and copying.

413 Section 5. Effective upon this act becoming a law,
 414 subsection (5) of section 213.13, Florida Statutes, is amended
 415 to read:

416 213.13 Electronic remittance and distribution of funds
 417 collected by clerks of the court.-

418 (5) All court-related collections, including fees, fines,
 419 reimbursements, court costs, and other court-related funds that
 420 the clerks must remit to the state pursuant to law, must be
 421 transmitted electronically by the 10th ~~20th~~ day of the month
 422 immediately following the month in which the funds are
 423 collected.

424 Section 6. Effective upon this act becoming a law, section
 425 213.295, Florida Statutes, is created to read:

426 213.295 Automated sales suppression devices.-

427 (1) As used in this section, the term:

428 (a) "Automated sales suppression device" or "zapper" means
 429 a software program that falsifies the electronic records of
 430 electronic cash registers or other point-of-sale systems,
 431 including, but not limited to, transaction data and transaction
 432 reports. The term includes the software program, any device that
 433 carries the software program, or an Internet link to the
 434 software program.

435 (b) "Electronic cash register" means a device that keeps a

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 436 register or supporting documents through the use of an
 437 electronic device or computer system designed to record
 438 transaction data for the purpose of computing, compiling, or
 439 processing retail sales transaction data.

440 (c) "Phantom-ware" means a hidden programming option
 441 embedded in the operating system of an electronic cash register
 442 or hardwired into the electronic cash register which can be used
 443 to create a second set of records or to eliminate or manipulate
 444 transaction records, which records may or may not be preserved
 445 in a digital format, in order to represent the true or
 446 manipulated record of a transaction in the electronic cash
 447 register.

448 (d) "Transaction data" includes data identifying an item
 449 purchased by a customer; the price for an item; a taxability
 450 determination for an item; a segregated tax amount for each
 451 taxed item; the amount of cash or credit tendered; the net
 452 amount returned to the customer in change; the date and time of
 453 the purchase; the name, address, and identification number of
 454 the vendor; and the receipt or invoice number of the
 455 transaction.

456 (e) "Transaction report" means:

457 1. A report that contains, but is not limited to,
 458 documentation of the sales, taxes, or fees collected; media
 459 totals; and discount voids at an electronic cash register, and
 460 that is printed on a cash register tape at the end of a day or a
 461 shift; or

462 2. A report that documents every action at an electronic
 463 cash register and that is stored electronically.

464 (2) A person may not knowingly sell, purchase, install,

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465 transfer, possess, utilize, or access any automated sales
466 suppression device, zapper, or phantom-ware.

467 (3) (a) A person who violates this section commits a felony
468 of the third degree, punishable as provided in s. 775.082, s.
469 775.083, or s. 775.084.

470 (b) A person who violates this section is liable for all
471 taxes, fees, penalties, and interest due the state as a result
472 of the use of an automated sales suppression device, zapper, or
473 phantom-ware and shall forfeit to the state as an additional
474 penalty all profits associated with the sale or use of an
475 automated sales suppression device, zapper, or phantom-ware.

476 (4) An automated sales suppression device, zapper, phantom-
477 ware, or any device containing such device or software is a
478 contraband article under ss. 932.701-932.706, the Florida
479 Contraband Forfeiture Act.

480 Section 7. Subsection (4) of section 322.142, Florida
481 Statutes, is amended to read:

482 322.142 Color photographic or digital imaged licenses.-

483 (4) The department may maintain a film negative or print
484 file. The department shall maintain a record of the digital
485 image and signature of the licensees, together with other data
486 required by the department for identification and retrieval.
487 Reproductions from the file or digital record are exempt from
488 ~~the provisions of s. 119.07(1)~~ and shall be made and issued only
489 for departmental administrative purposes; for the issuance of
490 duplicate licenses; in response to law enforcement agency
491 requests; to the Department of Business and Professional
492 Regulation pursuant to an interagency agreement for the purpose
493 of accessing digital images for reproduction of licenses issued

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494 by the Department of Business and Professional Regulation; to
495 the Department of State pursuant to an interagency agreement to
496 facilitate determinations of eligibility of voter registration
497 applicants and registered voters in accordance with ss. 98.045
498 and 98.075; to the Department of Revenue pursuant to an
499 interagency agreement for use in establishing paternity and
500 establishing, modifying, or enforcing support obligations in
501 Title IV-D cases; to the Department of Revenue for use in
502 establishing positive identification for tax administration
503 purposes; to the Department of Children and Family Services
504 pursuant to an interagency agreement to conduct protective
505 investigations under part III of chapter 39 and chapter 415; to
506 the Department of Children and Family Services pursuant to an
507 interagency agreement specifying the number of employees in each
508 of that department's regions to be granted access to the records
509 for use as verification of identity to expedite the
510 determination of eligibility for public assistance and for use
511 in public assistance fraud investigations; or to the Department
512 of Financial Services pursuant to an interagency agreement to
513 facilitate the location of owners of unclaimed property, the
514 validation of unclaimed property claims, and the identification
515 of fraudulent or false claims.

516 Section 8. Effective upon this act becoming a law,
517 paragraph (h) of subsection (3) of section 443.131, Florida
518 Statutes, is amended to read:

519 443.131 Contributions.-

520 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
521 EXPERIENCE.-

522 (h) *Additional conditions for variation from the standard*

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523 rate.—An employer's contribution rate may not be reduced below
524 the standard rate under this section unless:

525 1. All contributions, reimbursements, interest, and
526 penalties incurred by the employer for wages paid by him or her
527 in all previous calendar quarters, except the 4 calendar
528 quarters immediately preceding the calendar quarter or calendar
529 year for which the benefit ratio is computed, are paid; ~~and~~

530 2. The employer has produced for inspection and copying all
531 work records in his or her possession, custody, or control which
532 were requested by the Department of Economic Opportunity or its
533 tax collection service provider pursuant to s. 443.171(5); and

534 ~~3.2-~~ The employer has ~~entitled to a rate reduction must~~
535 ~~have~~ at least one annual payroll as defined in subparagraph
536 (b)1. unless the employer is eligible for additional credit
537 under the Federal Unemployment Tax Act. If the Federal
538 Unemployment Tax Act is amended or repealed in a manner
539 affecting credit under the federal act, this section applies
540 only to the extent that additional credit is allowed against the
541 payment of the tax imposed by the Federal Unemployment Tax Act.

542
543 The tax collection service provider shall assign an earned
544 contribution rate to an employer ~~under subparagraph 1.~~ the
545 quarter immediately after the quarter in which all
546 contributions, reimbursements, interest, and penalties are paid
547 in full and all work records requested pursuant to s. 443.171(5)
548 have been produced for inspection and copying to the Department
549 of Economic Opportunity or the tax collection service provider.

550 Section 9. Effective January 1, 2013, and applicable to
551 contributions or reimbursements made on or after that date,

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552 paragraph (a) of subsection (1) of section 443.141, Florida
553 Statutes, is amended to read:

554 443.141 Collection of contributions and reimbursements.—

555 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
556 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

557 (a) *Interest*.—Contributions or reimbursements unpaid on the
558 date due bear interest at the rate calculated pursuant to s.
559 213.235. However, the rate may not exceed ~~of~~ 1 percent per
560 month. Interest shall accrue ~~from and after that date~~ until
561 payment plus accrued interest is received by the tax collection
562 service provider, unless the service provider finds that the
563 employing unit has good reason for failing to pay the
564 contributions or reimbursements when due. Interest collected
565 under this subsection must be paid into the Special Employment
566 Security Administration Trust Fund.

567 Section 10. Except as otherwise expressly provided in this
568 act and except for this section, which shall take effect upon
569 this act becoming a law, this act shall take effect July 1,
570 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1-24-12
Meeting Date

Topic WRECKER STORAGE TAX

Bill Number 1304
(if applicable)

Name SAM BREWER

Amendment Barcode 567906
(if applicable)

Job Title MEMBER

Address 1030 W. JEFFERSON ST.
Street

Phone 352-279-3992

BROOKSVILLE
City State Zip

E-mail Samwreck@bellsouth.net

Speaking: For Against Information

Representing PROFESSIONAL WRECKER OPERATORS OF FLORIDA

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/12/2012
Meeting Date

Topic _____

Bill Number 1304
(if applicable)

Name BRIAN PITTS

Amendment Barcode _____
(if applicable)

Job Title TRUSTEE

Address 1119 NEWTON AVENUE SOUTH

Phone 727/897-9291

Street

SAINT PETERSBURG FLORIDA 33705
City *State* *Zip*

E-mail JUSTICE2JESUS@YAHOO.COM

Speaking: For Against Information

Representing JUSTICE-2-JESUS

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)

The Florida Senate
BILL ANALYSIS AND FISCAL IMPACT STATEMENT

(This document is based on the provisions contained in the legislation as of the latest date listed below.)

Prepared By: The Professional Staff of the Budget Subcommittee on Finance and Tax

BILL: SPB 7182

INTRODUCER: For consideration by the Budget Subcommittee on Finance and Tax

SUBJECT: Taxation

DATE: January 19, 2012

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Fournier	Diez-Arguelles		Pre-meeting
2.				
3.				
4.				
5.				
6.				

I. Summary:

This bill limits the dealer collection allowance to those tax dealers who file returns and pay taxes by electronic means. The dealer collection allowance compensates sales tax dealers up to \$30 per return for keeping records, filing timely tax returns and properly accounting and remitting taxes.

This bill updates the Florida Income Tax Code to reflect changes Congress made to the U.S. Internal Revenue Code of 1986 by adopting the Internal Revenue Code as in effect on January 1, 2012. The change will apply retroactively to January 1, 2012.

This bill also revises the date on which an estimated corporate tax payment is due. Currently estimated payments are due on the last day of the applicable month; if the last day of the month falls on a Saturday, Sunday, or legal holiday these payments are not credited to the state until the next business day. This bill provides that, effective July 1, 2012, if the estimated tax payment falls due on a Saturday, Sunday, or legal holiday these payments must be paid on or before the preceding day that is not a Saturday, Sunday, or holiday.

The bill has an effective date of upon becoming law and applies retroactively to January 1, 2012 unless otherwise provided.

The bill substantially amends ss. 212.12, 220.03, 220.13, 220.33, F.S., and reenacts s. 723.008, F.S.

II. Present Situation:

Dealer's Collection Allowance

Section 212.12, F.S., provides a credit, referred to as the dealer's collection allowance, against sales tax due, for the purpose of compensating sales tax remitters for keeping prescribed records, filing timely tax returns, and properly accounting and remitting taxes. The amount of the credit, which is taken as a deduction from taxes due, is 2.5 percent of the amount of tax due. However, no credit is allowed for any tax due that exceeds \$1,200, effectively capping the credit at \$30 per reporting period.

Section 213.755, F.S., authorizes the executive director of the Department of Revenue (department) to require certain taxpayers to file returns and remit payments by electronic means. If the taxpayer has paid a tax in the prior state fiscal year of at least \$20,000, including combined returns for two or more places of business, the taxpayer is subject to this requirement. The department may waive the requirement for a taxpayer who is unable to comply despite good faith efforts or due to circumstances beyond the taxpayer's control.

Corporate Income Tax

Section 220.11, F.S., imposes a 5.5 percent tax on the taxable income of corporations doing business in Florida. For simplicity's sake, the determination of taxable income for Florida tax purposes begins with the taxable income used for Federal income tax purposes. This means that a corporation paying taxes in Florida receives the same benefits from deductions allowed in determining its federal taxable income. With federal taxable income as a starting point, Florida law then requires a variety of additions and subtractions to reflect Florida-specific policies.

Florida maintains this relationship by each year adopting the Federal Internal Revenue Code as it exists on January 1 of the year. By doing this, Florida adopts any changes that were made in the previous year to the determination of federal taxable income. The bill adopting the federal code is referred to as the "piggyback bill."

Section 220.24, F.S., requires each corporate income taxpayer to declare its estimated tax for the taxable year, if the amount payable as estimated tax can be expected to be more than \$2,500. Section 220.33, F.S., requires these taxpayers to pay estimated taxes in equal installments, depending upon when they are required to file their declarations of estimated taxes. The payments are due before the first day of specified months, including the 7th month of the taxable year, which for calendar-year corporations is also the first month of the state's fiscal year.

If the day on which an estimated payment due is a Saturday, Sunday, or legal holiday, payments made on that day will not be credited to the state until the following business day. Under this circumstance, estimated payments due before July 1 will fall into the next state fiscal year.

III. Effect of Proposed Changes:

The bill amends s. 212.12, F.S., to provide that the dealer's collection allowance applies to only those taxpayers who file returns and pay taxes due on those returns by electronic means. The bill also reenacts s. 723.008, F.S., which contains a reference to s. 212.12, F.S.

The bill updates the Florida Income Tax Code to reflect changes Congress made to the U.S. Internal Revenue Code of 1986 by adopting the Internal Revenue Code as in effect on January 1, 2012. The change will apply retroactively to January 1, 2012.

The bill also amends s. 220.33, F.S., to provide that if the estimated tax payment falls due on a Saturday, Sunday, or legal holiday these payments must be paid on or before the preceding day that is not a Saturday, Sunday, or holiday. This section takes effect July 1, 2012, and will have the effect of shifting corporate tax revenue from fiscal year 2013-14 to fiscal year 2012-13. It does not affect total tax revenue collected over the two years.

The department is granted emergency rulemaking authority in order to implement the provisions of the bill.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

V. Fiscal Impact Statement:

A. Tax/Fee Issues:

The provision in this bill that eliminates the dealer's collection allowance for paper filers increases General Revenue by \$8.1 million in 2012-13. Local revenue increases by \$1.9 million in 2012-13, and EETF revenue decreases \$0.2 million in that period. All of these amounts are expected to decrease over time as additional taxpayers switch to electronic returns and payments.

This bill maintains the link between Florida's corporate income tax code and the current federal income tax code.

The provision in the bill that changes the filing date for corporate income tax estimated payments under certain circumstances increases General Revenue by \$100 million in FY 2012-13, and decreases FY 2013-14 General Revenue by \$100 million.

B. Private Sector Impact:

In FY 2010-11, 1.7 million sales tax paper tax returns were filed and the filers received \$16.7 million in collection allowance. It is estimated that passage of this bill will

encourage 30 percent of all paper returns to be switched to electronic filing in FY 2012-13, and the number will grow to 40 percent by FY 2014-14 and thereafter.

Paper filers collect mostly small amounts of tax; 1.3 million returns (of the 1.7 million total paper returns) received a collection allowance of less than \$15; almost 800,000 paper returns received a collection allowance of less than \$5.

This bill allows taxpayers to use their federal tax returns as the starting point for their Florida returns and simplifies filing and recordkeeping requirements for Florida corporations. It also requires estimated payments to be made on the preceding business day if the estimated tax payment falls due on a Saturday, Sunday, or legal holiday.

C. Government Sector Impact:

This bill encourages taxpayers to file tax returns and make payments electronically, which will improve efficiency and reduce costs for the department.

It also shifts \$100 million in General Revenue from FY 2013-14 to FY 2012-13.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Additional Information:

A. Committee Substitute – Statement of Substantial Changes:
(Summarizing differences between the Committee Substitute and the prior version of the bill.)

None.

B. Amendments:

None.

FOR CONSIDERATION By the Committee on Budget Subcommittee on Finance and Tax

593-01931-12

20127182__

1 A bill to be entitled
 2 An act relating to taxation; amending s. 212.12, F.S.;
 3 providing for the collection of allowances of the
 4 amount of tax due by persons who file returns only by
 5 electronic means and pay the amount due on such
 6 returns only by electronic means; deleting provisions
 7 that provide for the collection of such allowances by
 8 persons who file paper returns; defining the term
 9 "electronic means" for purposes of collecting
 10 allowances of the amount of tax due by persons who
 11 file sales and use tax returns; providing for
 12 applicability; amending s. 220.03, F.S.; adopting the
 13 2012 version of the Internal Revenue Code for purposes
 14 of ch. 220, F.S.; providing for retroactive operation;
 15 amending s. 220.33, F.S.; specifying the date by which
 16 estimated tax payments must be made when the due date
 17 is a Saturday, Sunday, or legal holiday; authorizing
 18 the Department of Revenue to adopt emergency rules;
 19 reenacting s. 723.008, F.S., relating to certain fees,
 20 penalties, and fines applicable to the "Florida Mobile
 21 Home Act," to incorporate the amendment made to s.
 22 212.12, F.S., in a reference thereto; providing
 23 effective dates.

24
 25 Be It Enacted by the Legislature of the State of Florida:

26
 27 Section 1. Effective July 1, 2012, and applicative to
 28 returns due on or after that date, subsection (1) of section
 29 212.12, Florida Statutes, is amended to read:

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

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30 212.12 Dealer's credit for collecting tax; penalties for
 31 noncompliance; powers of Department of Revenue in dealing with
 32 delinquents; brackets applicable to taxable transactions;
 33 records required.-

34 (1) (a)1. Notwithstanding any other ~~provision of law~~ and for
 35 the purpose of compensating persons granting licenses for and
 36 the lessors of real and personal property taxed hereunder, for
 37 the purpose of compensating dealers in tangible personal
 38 property, for the purpose of compensating dealers providing
 39 communication services and taxable services, for the purpose of
 40 compensating owners of places where admissions are collected,
 41 and for the purpose of compensating remitters of any taxes or
 42 fees reported on the same documents utilized for the sales and
 43 use tax, as compensation for the keeping of prescribed records,
 44 filing timely tax returns, and the proper accounting and
 45 remitting of taxes by them, such seller, person, lessor, dealer,
 46 owner, and remitter (except dealers who make mail order sales)
 47 who files the return required pursuant to s. 212.11 only by
 48 electronic means and who pays the amount due on such return only
 49 by electronic means shall be allowed 2.5 percent of the amount
 50 of the tax due, ~~and~~ and accounted for, ~~and~~ and remitted to the
 51 department, ~~in the form of a deduction in submitting his or her~~
 52 ~~report and paying the amount due by him or her; the department~~
 53 ~~shall allow such deduction of 2.5 percent of the amount of the~~
 54 ~~tax to the person paying the same for remitting the tax and~~
 55 ~~making of tax returns in the manner herein provided, for paying~~
 56 ~~the amount due to be paid by him or her, and as further~~
 57 ~~compensation to dealers in tangible personal property for the~~
 58 ~~keeping of prescribed records and for collection of taxes and~~

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59 ~~remitting the same.~~ However, if the amount of the tax due and
 60 remitted to the department by electronic means for the reporting
 61 period exceeds \$1,200, ~~an allowance is not shall be~~ allowed
 62 for all amounts in excess of \$1,200. For purposes of this
 63 subparagraph, the term "electronic means" has the same meaning
 64 as provided in s. 213.755(2)(c).

65 2. The executive director of the department is authorized
 66 to negotiate a collection allowance, pursuant to rules
 67 promulgated by the department, with a dealer who makes mail
 68 order sales. The rules of the department shall provide
 69 guidelines for establishing the collection allowance based upon
 70 the dealer's estimated costs of collecting the tax, the volume
 71 and value of the dealer's mail order sales to purchasers in this
 72 state, and the administrative and legal costs and likelihood of
 73 achieving collection of the tax absent the cooperation of the
 74 dealer. However, in no event shall the collection allowance
 75 negotiated by the executive director exceed 10 percent of the
 76 tax remitted for a reporting period.

77 (b)(a) The Department of Revenue may deny the collection
 78 allowance if a taxpayer files an incomplete return or if the
 79 required tax return or tax is delinquent at the time of payment.

80 1. An "incomplete return" is, for purposes of this chapter,
 81 a return which is lacking such uniformity, completeness, and
 82 arrangement that the physical handling, verification, review of
 83 the return, or determination of other taxes and fees reported on
 84 the return may not be readily accomplished.

85 2. The department shall adopt rules requiring such
 86 information as it may deem necessary to ensure that the tax
 87 levied hereunder is properly collected, reviewed, compiled,

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88 reported, and enforced, including, but not limited to: the
 89 amount of gross sales; the amount of taxable sales; the amount
 90 of tax collected or due; the amount of lawful refunds,
 91 deductions, or credits claimed; the amount claimed as the
 92 dealer's collection allowance; the amount of penalty and
 93 interest; the amount due with the return; and such other
 94 information as the Department of Revenue may specify. The
 95 department shall require that transient rentals and agricultural
 96 equipment transactions be separately shown. Sales made through
 97 vending machines as defined in s. 212.0515 must be separately
 98 shown on the return. Sales made through coin-operated amusement
 99 machines as defined by s. 212.02 and the number of machines
 100 operated must be separately shown on the return or on a form
 101 prescribed by the department. If a separate form is required,
 102 the same penalties for late filing, incomplete filing, or
 103 failure to file as provided for the sales tax return shall apply
 104 to ~~the said~~ form.

105 (c)(b) The collection allowance and other credits or
 106 deductions provided in this chapter shall be applied
 107 proportionally to any taxes or fees reported on the same
 108 documents used for the sales and use tax.

109 (d)(e) 1. A dealer entitled to the collection allowance
 110 provided in this section may elect to forego the collection
 111 allowance and direct that ~~the said~~ amount be transferred into
 112 the Educational Enhancement Trust Fund. Such an election must be
 113 made with the timely filing of a return and may not be rescinded
 114 once made. If a dealer who makes such an election files a
 115 delinquent return, underpays the tax, or files an incomplete
 116 return, the amount transferred into the Educational Enhancement

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117 Trust Fund shall be the amount of the collection allowance
 118 remaining after resolution of liability for all of the tax,
 119 interest, and penalty due on that return or underpayment of tax.
 120 The Department of Education shall distribute the remaining
 121 amount from the trust fund to the school districts that have
 122 adopted resolutions stating that those funds will be used to
 123 ensure that up-to-date technology is purchased for the
 124 classrooms in the district and that teachers are trained in the
 125 use of that technology. Revenues collected in districts that do
 126 not adopt such a resolution shall be equally distributed to
 127 districts that have adopted such resolutions.

128 2. This paragraph applies to all taxes, surtaxes, and any
 129 local option taxes administered under this chapter and remitted
 130 directly to the department. This paragraph does not apply to a
 131 ~~any~~ locally imposed and self-administered convention development
 132 tax, tourist development tax, or tourist impact tax administered
 133 under this chapter.

134 3. Revenues from the dealer-collection allowances shall be
 135 transferred quarterly from the General Revenue Fund to the
 136 Educational Enhancement Trust Fund. The Department of Revenue
 137 shall provide to the Department of Education quarterly
 138 information about such revenues by county to which the
 139 collection allowance was attributed.

140
 141 Notwithstanding any provision of chapter 120 to the contrary,
 142 the Department of Revenue may adopt rules to carry out the
 143 amendment made by chapter 2006-52, Laws of Florida, to this
 144 section.

145 Section 2. Effective upon this act becoming a law and

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146 operating retroactively to January 1, 2012, paragraph (n) of
 147 subsection (1) and subsection (2) of section 220.03, Florida
 148 Statutes, are amended to read:

149 220.03 Definitions.—

150 (1) SPECIFIC TERMS.—When used in this code, and when not
 151 otherwise distinctly expressed or manifestly incompatible with
 152 the intent thereof, the following terms shall have the following
 153 meanings:

154 (n) "Internal Revenue Code" means the United States
 155 Internal Revenue Code of 1986, as amended and in effect on
 156 January 1, 2012 ~~2011~~, except as provided in subsection (3).

157 (2) DEFINITIONAL RULES.—When used in this code and neither
 158 otherwise distinctly expressed nor manifestly incompatible with
 159 the intent thereof:

160 (a) The word "corporation" or "taxpayer" shall be deemed to
 161 include the words "and its successors and assigns" as if these
 162 words, or words of similar import, were expressed;

163 (b) Any term used in any section of this code with respect
 164 to the application of, or in connection with, the provisions of
 165 any other section of this code shall have the same meaning as in
 166 such other section; and

167 (c) Any term used in this code shall have the same meaning
 168 as when used in a comparable context in the Internal Revenue
 169 Code and other statutes of the United States relating to federal
 170 income taxes, as such code and statutes are in effect on January
 171 1, 2012 ~~2011~~. However, if subsection (3) is implemented, the
 172 meaning of any term shall be taken at the time the term is
 173 applied under this code.

174 Section 3. Present subsection (7) of section 220.33,

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175 Florida Statutes, is redesignated as subsection (8), and a new
176 subsection (7) is added to that section, to read:

177 220.33 Payments of estimated tax.—A taxpayer required to
178 file a declaration of estimated tax pursuant to s. 220.24 shall
179 pay such estimated tax as follows:

180 (7) If an estimated tax payment required under this section
181 is due on a Saturday, Sunday, or legal holiday, the estimated
182 tax payment shall be made on or before the preceding day that is
183 not a Saturday, Sunday, or legal holiday.

184 Section 4. (1) The executive director of the Department of
185 Revenue is authorized to adopt emergency rules pursuant to ss.
186 120.536(1) and 120.54(4), Florida Statutes, for the purpose of
187 implementing section 3 of this act.

188 (2) Notwithstanding any other law, the emergency rules
189 adopted pursuant to this section shall remain in effect for 6
190 months after adoption and may be renewed during the pendency of
191 procedures to adopt permanent rules addressing the subject of
192 the emergency rules.

193 Section 5. For the purpose of incorporating the amendments
194 made by this act to section 212.12, Florida Statutes, in a
195 reference thereto, section 723.008, Florida Statutes, is
196 reenacted to read:

197 723.008 Applicability of chapter 212 to fees, penalties,
198 and fines under this chapter.—The same duties and privileges
199 imposed by chapter 212 upon dealers in tangible property
200 respecting the collection and remission of tax; the making of
201 returns; the keeping of books, records, and accounts; and the
202 compliance with the rules of the enforcing agency in the
203 administration of that chapter apply to and are binding upon all

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204 persons who are subject to the fee, penalty, and fine provisions
205 of this chapter. However, the provisions of s. 212.12(1) do not
206 apply to this chapter.

207 Section 6. Except as otherwise expressly provided in this
208 act and except for this section, which shall take effect upon
209 this act becoming a law, this act shall take effect July 1,
210 2012.

THE FLORIDA SENATE
APPEARANCE RECORD

(Deliver BOTH copies of this form to the Senator or Senate Professional Staff conducting the meeting)

1/24/12

Meeting Date

Topic Corporate Income Tax

Bill Number SPB 7182
(if applicable)

Name Vicki Weber

Amendment Barcode _____
(if applicable)

Job Title Attorney-Hopping Green & Sams

Address 119 South Monroe Suite 300
Street

Phone (850) 222-7500

Tallahassee Florida 32301
City State Zip

E-mail vweber@hgslaw.com

Speaking: For Against Information

Representing Florida Chamber of Commerce

Appearing at request of Chair: Yes No

Lobbyist registered with Legislature: Yes No

While it is a Senate tradition to encourage public testimony, time may not permit all persons wishing to speak to be heard at this meeting. Those who do speak may be asked to limit their remarks so that as many persons as possible can be heard.

This form is part of the public record for this meeting.

S-001 (10/20/11)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Budget, *Chair*
Rules, *Vice Chair*
Agriculture
Banking and Insurance
Budget - Subcommittee on Finance and Tax
Budget - Subcommittee on Transportation, Tourism,
and Economic Development Appropriations
Education Pre-K - 12
Rules - Subcommittee on Ethics and Elections

JOINT COMMITTEE:

Legislative Budget Commission, *Chair*

SENATOR JD ALEXANDER

17th District

January 23, 2012

Senator Ellyn Setnor Bogdanoff (R), Chair
Committee On Budget Subcommittee on Finance and Tax
212 Senate Office Building
404 S. Monroe Street
Tallahassee, FL 32399

Dear Senator Bogdanoff,

I respectfully request permission to be absent from the Committee on Budget Subcommittee on Finance and Tax, tomorrow, January 24, 2012. I will not be able to attend this meeting.

Thank you for your approval in this request.

Sincerely,

A handwritten signature in black ink, appearing to read "JD Alexander".

JD Alexander
Senator, District 17

Xc: Jose Diez-Arguelles

A large, stylized handwritten signature in black ink, likely belonging to Jose Diez-Arguelles.

REPLY TO:

- 201 Central Avenue West, Suite 115, City Hall Complex, Lake Wales, Florida 33853 (863) 679-4847
- 412 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5044

Senate's Website: www.flsenate.gov

MIKE HARIDOPOLOS
President of the Senate

MICHAEL S. "MIKE" BENNETT
President Pro Tempore

CourtSmart Tag Report

Room: SB 301

Case:

Caption: Senate Budget Subcommittee on Finance and Tax

Type:

Judge:

Started: 1/24/2012 1:08:23 PM

Ends: 1/24/2012 2:00:35 PM

Length: 00:52:13

1:08:23 PM Sen. Bogdanoff - Meeting called to order
1:08:28 PM roll call
1:08:37 PM Sen. Bogdanoff - call or presentation of Sen. Benacquisto's Bill CS/SB962
1:08:55 PM Sen. Benacquisto presents CS/SB 962
1:09:58 PM Sen. Bogdanoff - Recognize Ryan West, Policy Director, FL Chamber of Commerce waives in support
1:10:06 PM Sen. Bogdanoff - Recognize Brian Pitts waives in support
1:10:11 PM roll call
1:10:24 PM Sen. Bogdanoff CS/SB 962 reported favorably
1:10:46 PM CS/CS/SB 502 presented by Nanci Cornwell, Legislative Assistant to Sen. Hays
1:11:41 PM Sen. Bogfanoff - Amendment 904660
1:11:50 PM Nanci Cornwell presents amendment
1:11:58 PM Sen. Bogdanoff
1:12:04 PM Sen. Margolis
1:12:13 PM Nanci Cornwell
1:12:21 PM Sen. Margolis
1:12:57 PM Nanci Cornwell
1:13:03 PM Sen. Bogdanoff recognizes Phil Leary, Florida Federation of Fairs
1:13:09 PM
1:13:12 PM Phil Leary, Florida Federation of Fairs
1:13:24 PM Sen. Bogdanoff
1:13:30 PM Amendment 904660 adopted
1:13:31 PM Sen. Bogdanoff
1:13:36 PM Sen. Margolis
1:13:47 PM Nanci Cornwell
1:14:04 PM Sen. Margolis; Sen. Bogdanoff
1:14:18 PM Phil Leary waives in support
1:14:23 PM Sen. Bogdanoff - debate
1:14:27 PM Nanci Cornwell waives close
1:14:29 PM roll call
1:14:40 PM Sen. Bogdanoff CS/CS/SB 502 is reported favorably
1:14:50 PM Sen. Simmons presents CS/SB 582
1:15:25 PM Sen. Bogdanoff
1:15:36 PM Sen. Margolis
1:15:54 PM Sen. Simmons
1:17:03 PM Sen. Bogdanoff
1:17:10 PM Sen. Bogdanoff - Amendment 146882
1:17:16 PM Sen. Simmons Amendment 146882
1:17:41 PM Sen. Bogdanoff
1:17:47 PM Sen. Margolis
1:18:05 PM Sen. Simmons
1:19:21 PM Sen. Margolis
1:20:20 PM Sen. Simmons
1:20:56 PM Sen. Margolis
1:21:03 PM Sen. Simmons
1:21:06 PM Sen. Margolis
1:21:44 PM Sen. Simmons
1:21:56 PM Sen. Margolis
1:22:00 PM Sen. Simmons
1:22:16 PM Sen. Altman
1:22:31 PM Sen. Simmons
1:22:36 PM Sen. Bogdanoff
1:22:43 PM Amendment 146882 adopted

1:22:44 PM Late Filed Amendment 441642 introduced
1:22:54 PM Sen. Simmons
1:23:09 PM Sen. Bogdanoff
1:23:11 PM Amendment 441642 adopted
1:23:14 PM CS/SB 582 as amended
1:23:29 PM Pam Donovan, Mayor, City of Margate waives in support
1:23:31 PM David Cruz, Legislative Advocate, Florida League of Cities
1:23:37 PM Brian Pitts, Trustee, Justice-2-Jesus
1:25:52 PM Sen. Bogdanoff
1:25:59 PM Kyle Shephard, Assistant City Attorney, City of Orlando waives in support
1:26:04 PM Sen. Bogdanoff
1:26:11 PM Sen. Simmons waives close
1:26:13 PM Sen. Bogdanoff and roll call
1:26:26 PM CS/SB 582 reported favorably
1:26:33 PM Sen. Bogdanoff
1:26:42 PM Denise Lasher recognized for support of CS/SB 962 and Lynda Russell was against CS/SB 962
1:26:51 PM Sen. Bogdanoff recognizes Sen. Negrón
1:27:03 PM Sen. Negrón presents SB 800
1:27:20 PM Sen. Bogdanoff
1:27:22 PM Amendment 408900
1:27:26 PM Sen. Negrón presents Amendment 408900
1:27:59 PM Sen. Bogdanoff
1:28:02 PM Amendment 408900 adopted
1:28:06 PM Sen. Sachs
1:28:20 PM Sen. Negrón
1:28:31 PM Sen. Sachs
1:28:52 PM Sen. Negrón
1:29:23 PM Sen. Bogdanoff
1:29:35 PM Sen. Negrón
1:29:55 PM Sen. Bogdanoff
1:30:01 PM Sen. Negrón
1:30:41 PM Sen. Bogdanoff
1:30:58 PM Roll call
1:31:10 PM Sen. Bogdanoff SB 800 reported favorably as a committee substitute
1:31:29 PM Sen. Bogdanoff recognizes Sen. Norman
1:31:42 PM Vote by Sen. Norman on CS/SB 962 register as Yes
1:31:54 PM Sen. Bogdanoff
1:32:06 PM Sen. Altman presents SB 170
1:33:09 PM Sen. Bogdanoff
1:33:22 PM Bill Wiley, Attorney, Business Law Section, The Florida Bar waives in support
1:33:27 PM Kenneth Pratt, Vice Pres. of Government Affairs, FLI Bankers Association waives in support
1:33:33 PM Frank Meiners, Associated Industries of FL waives in support
1:33:40 PM Vicki Weber, Attorney-Hopping Green & Sams, FL Chamber of Commerce waives in support
1:33:46 PM Brian Pitts, Trustee, Justice-2-Jesus waives in support
1:33:51 PM Sen. Bogdanoff
1:33:54 PM Sen. Altman waives close
1:33:57 PM roll call
1:34:10 PM SB 170 reported favorably
1:34:18 PM Sen. Bogdanoff turns meeting over to Sen. Altman
1:34:23 PM Sen. Altman recognizes Sen. Bogdanoff
1:34:30 PM Sen. Bogdanoff presents SB 1256 ; Sen. Altman gives chair back to Sen. Bogdanoff
1:35:30 PM Sen. Altman presents Amendment 512326
1:35:50 PM Sen. Bogdanoff
1:36:02 PM Sen. Altman
1:36:43 PM Sen. Bogdanoff
1:37:17 PM Sen. Altman
1:37:35 PM Sen. Bogdanoff
1:37:42 PM Amendment 512326 adopted
1:37:49 PM Sen. Altman Amendment 529392
1:37:58 PM Sen. Bogdanoff Amendment 529392
1:38:34 PM Sen. Altman
1:38:41 PM Amendment 529392 adopted

1:38:47 PM Sen. Altman
1:39:14 PM Sheila Anderson, Realtor, Taxpayers Rights To Due Process
1:42:14 PM Sen. Altman
1:42:16 PM Sen. Bogdanoff
1:42:33 PM Sheila Anderson
1:44:55 PM Sen. Margolis
1:45:31 PM Sen. Altman
1:45:40 PM Sen. Bogdanoff
1:45:44 PM Sen. Altman
1:46:02 PM Sen. Bogdanoff
1:46:33 PM Sen. Altman
1:46:37 PM Sen. Altman - Sen. Bogdanoff moves that SB 1256 be reported as a committee substitute
1:46:44 PM Sen. Altman, motion adopted
1:46:47 PM roll call
1:47:02 PM Sen. Altman SB 1256 reported favorably as a committee substitute
1:47:13 PM Sen. Altman SB 1304
1:47:18 PM Bog
1:47:20 PM Sen. Bogdanoff presents SB 1304
1:49:54 PM Sen. Altman
1:49:56 PM Sen. Altman Amendment 567906
1:50:25 PM Sen. Bogdanoff
1:50:30 PM Sen. Altman
1:50:36 PM Sen. Margolis
1:50:54 PM Sen. Bogdanoff
1:51:12 PM Sen. Altman
1:51:16 PM Sam Brewer, Member, Professional Wrecker Operators of Florida waives in support
1:51:23 PM Sen. Altman Amendment 567906 adopted
1:51:29 PM Sen. Altman second Amendment 840698
1:51:50 PM Sen. Bogdanoff
1:51:51 PM Sen. Altman Amendment 840698 adopted
1:52:08 PM Sen. Altman recognizes Brian Pitts
1:52:13 PM Brian Pitts, Trustee, Justice-2-Jesus waives in support
1:52:18 PM Sen. Altman
1:52:23 PM Sen. Bogdanoff waives close
1:52:26 PM Sen. Altman - Sen. Bogdanoff moves SB 1304 be reported as a committee substitute, motion adopted
1:52:35 PM Roll call
1:52:55 PM Sen. Altman SB 1304 reported favorably as a committee substitute
1:53:04 PM Sen. Altman Introduction of SPB 7182
1:53:12 PM Sen. Bogdanoff introduces SPB 7182
1:55:27 PM Sen. Altman
1:55:35 PM Sen. Sachs
1:56:21 PM Sen. Bogdanoff
1:56:54 PM Sen. Sachs
1:57:28 PM Sen. Bogdanoff
1:58:21 PM Sen. Sachs
1:58:42 PM Sen. Bogdanoff
1:59:20 PM Sen. Altman
1:59:26 PM Sen. Altman recognizes Vicki Weber
1:59:33 PM Vicki Weber, Attorney-Hopping Green & Sams, Florida Chamber of Commerce
2:00:21 PM Sen. Bogdanoff and Sen. Altman
2:00:27 PM Sen. Bogdanoff -SPB 7182 to be continued on agenda for Jan. 25; meeting adjourned