

The Florida Senate
COMMITTEE MEETING EXPANDED AGENDA

COMMUNITY AFFAIRS
Senator Simpson, Chair
Senator Brandes, Vice Chair

MEETING DATE: Tuesday, February 3, 2015

TIME: 10:00 a.m.—12:00 noon

PLACE: 301 Senate Office Building

MEMBERS: Senator Simpson, Chair; Senator Brandes, Vice Chair; Senators Abruzzo, Bradley, Dean, Diaz de la Portilla, and Thompson

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
1	SB 200 Latvala (Identical H 179)	Public Records/E-mail Addresses/Tax Notices; Providing an exemption from public records requirements for e-mail addresses obtained by a tax collector for the purpose of electronically sending certain tax notices or obtaining the consent of a taxpayer for electronic transmission of certain tax notices; providing for future review and repeal of the exemption; providing a statement of public necessity, etc. CA 02/03/2015 Favorable GO RC	Favorable Yeas 7 Nays 0
2	SB 266 Ring (Identical H 213)	Property Appraisers; Specifying that a property appraiser's operating budget is final and shall be funded by the county commission once the Department of Revenue makes its final budget amendments; specifying that the county commission remains obligated to fund the department's final property appraiser's operating budget during the pendency of an appeal to the Administration Commission, etc. CA 02/03/2015 Favorable FT AP	Favorable Yeas 7 Nays 0
3	SB 260 Bradley (Similar H 489)	Value Adjustment Board Proceedings; Requiring the clerk of the value adjustment board to have available and distribute specified forms; authorizing the owner of multiple items of tangible personal property to file a joint petition with the value adjustment board under certain circumstances; requiring the property appraiser to include the property record card in an evidence list for a value adjustment board hearing under certain circumstances, etc. CA 02/03/2015 Favorable FT FP	Favorable Yeas 7 Nays 0

COMMITTEE MEETING EXPANDED AGENDA

Community Affairs

Tuesday, February 3, 2015, 10:00 a.m.—12:00 noon

TAB	BILL NO. and INTRODUCER	BILL DESCRIPTION and SENATE COMMITTEE ACTIONS	COMMITTEE ACTION
4	SB 216 Bradley (Identical H 105)	Publicly Funded Retirement Programs; Revising applicability of the Marvin B. Clayton Firefighters Pension Trust Fund Act; authorizing a municipal services taxing unit that enters into an interlocal agreement for fire protection services with another municipality to impose an excise tax on property insurance premiums, etc. CA 02/03/2015 Fav/CS GO AP	Fav/CS Yeas 7 Nays 0
5	SB 278 Diaz de la Portilla	Downtown Development Districts; Authorizing the governing body of a municipality that has created a downtown development district to levy an ad valorem tax on all real and personal property in the district to finance the district's operation; limiting the tax to a specified percentage; providing for limitation of the district's millage, etc. CA 02/03/2015 Favorable FT AP	Favorable Yeas 7 Nays 0
6	SB 302 Simpson (Identical H 311)	Community Contribution Tax Credit Program; Extending the expiration date applicable to the granting of the community contribution tax credit against the sales and use tax, corporate income tax, and insurance premium tax for contributions and donations to eligible sponsors of revitalization and housing projects approved by the Department of Economic Opportunity, etc. CA 02/03/2015 Favorable ATD AP	Favorable Yeas 7 Nays 0

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 Committee on Community Affairs

BILL: SB 200

INTRODUCER: Senator Latvala

SUBJECT: Public Records/E-mail Addresses/Tax Notices

DATE: February 2, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Favorable
2.			GO	
3.			RC	

I. Summary:

SB 200 creates an exemption from the public records laws for e-mail addresses of taxpayers held by tax collectors for the purposes of e-mailing tax notices or obtaining permission from the taxpayer to do so. Current law does not provide an exemption for e-mail addresses held for such purposes. This bill makes them confidential and exempt from the public records laws.

The bill provides for repeal of the exemption on October 2, 2020, unless reviewed and reenacted by the Legislature. It also provides a statement of public necessity as required by the State Constitution.

Because the bill creates a new public records exemption, it requires a two-thirds vote of the members present and voting in each house of the Legislature for final passage.

II. Present Situation:

Public Records Status of E-mail Addresses; Agency Website Notice

Under Florida law, e-mail addresses are public records.¹ Agency² websites that use e-mail are required to post a notice to users making them aware of this fact and advising them not to send

¹ Section 119.011(12), F.S., defines “public records” as “all documents, papers, letters, maps, books, tapes, photographs, films, sound recordings, data processing software, or other material, regardless of the physical form, characteristics, or means of transmission, made or received pursuant to law or ordinance or in connection with the transaction of official business by any agency.” See Attorney General Opinion 96-34, May 15, 1996.

² Section 119.011(2), F.S., defines “agency” as “any state, county, district, authority, or municipal officer, department, division, board, bureau, commission, or other separate unit of government created or established by law including, for the purposes of this chapter, the Commission on Ethics, the Public Service Commission, and the Office of Public Counsel, and any other public or private agency, person, partnership, corporation, or business entity acting on behalf of any public agency.”

e-mail to the agency if they do not want their e-mail address released in response to a public records request.³

Public Records Laws

The State Constitution provides every person the right to inspect or copy any public record made or received in connection with the official business of any public body, officer, or employee of the state, or of persons acting on their behalf.⁴ The records of the legislative, executive, and judicial branches are specifically included.⁵

Only the Legislature may create an exemption to public records requirements.⁶ Such an exemption must be created by general law and must specifically state the public necessity justifying the exemption.⁷ Further, the exemption must be no broader than necessary to accomplish the stated purpose of the law. A bill enacting an exemption may not contain other substantive provisions⁸ and must pass by a two-thirds vote of the members present and voting in each house of the Legislature.⁹

The Open Government Sunset Review Act prescribes a legislative review process for newly created or substantially amended public records or open meetings exemptions.¹⁰ It requires the automatic repeal of such exemption on October 2nd of the fifth year after creation or substantial amendment, unless the Legislature reenacts the exemption.¹¹

Notices of Taxation

Tax collectors may send notices of taxation to taxpayers by e-mail in two situations: (1) if the taxpayer has applied to participate in a prepayment installment plan,¹² or (2) if the tax collector has received express consent from the taxpayer to do so.¹³

To be able to e-mail a tax notice to a taxpayer, a tax collector must first have the taxpayer's email address on file.

³ Section 668.6076, F.S.

⁴ FLA. CONST., art. I, s. 24(a).

⁵ *Id.*

⁶ FLA. CONST., art. I, s. 24(c). There is a difference between records the Legislature designates as exempt from public records requirements and those the Legislature designates *confidential and* exempt. A record classified as exempt from public disclosure may be disclosed under certain circumstances (*see WFTV, Inc. v. The School Board of Seminole*, 874 So.2d 48 (Fla. 5th DCA 2004), review denied 892 So.2d 1015 (Fla. 2004); *City of Riviera Beach v. Barfield*, 642 So.2d 1135 (Fla. 4th DCA 2004); and *Williams v. City of Minneola*, 575 So.2d 687 (Fla. 5th DCA 1991)). If the Legislature designates a record as confidential and exempt from public disclosure, such record may not be released, by the custodian of public records, to anyone other than the persons or entities specifically designated in the statutory exemption (*see Attorney General Opinion 85-62*, August 1, 1985).

⁷ FLA. CONST., art. I, s. 24(c).

⁸ The bill may, however, contain multiple exemptions that relate to one subject.

⁹ FLA. CONST., art. I, s. 24(c).

¹⁰ Section 119.15, F.S.

¹¹ Section 119.15(3), F.S.

¹² Section 197.222(3), F.S.

¹³ Sections 197.322(3), 197.343, and 197.344(1), F.S.

III. Effect of Proposed Changes:

This bill makes taxpayer e-mail addresses confidential and exempt from the public records laws if the e-mail addresses are held by tax collectors specifically for the purposes of:

- Sending a quarterly tax notice for prepayment of estimated taxes under s. 197.222(3), F.S., to the taxpayer;
- Obtaining the taxpayer's consent to send the tax notice described in s. 197.322(3), F.S.;
- Sending an additional tax notice or delinquent tax notice to the taxpayer under s. 197.343, F.S.; or
- Sending a tax notice to a designated third party, mortgagee, or vendee as provided under s. 197.344(1), F.S.

However, taxpayer e-mail addresses provided to a tax collector via the tax collector's website for purposes other than those listed above are not exempt from the public records laws.

This bill provides that the exemption is subject to the Open Government Sunset Review Act and will stand repealed on October 2, 2020, unless reviewed and reenacted by the Legislature.

The bill provides a statement of public necessity as required by the State Constitution.

The bill provides that the exemption will take effect on July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

This bill does not require counties or municipalities to spend funds or limit their authority to raise revenue or receive state-shared revenues as specified in Article VII, s. 18 of the Florida Constitution.

B. Public Records/Open Meetings Issues:

Vote Requirement

Article I, s. 24(c) of the State Constitution requires a two-thirds vote of the members present and voting for final passage of a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for taxpayer e-mail addresses held by a tax collector; thus, it requires a two-thirds vote for final passage.

Public Necessity Statement

Article I, s. 24(c) of the State Constitution requires a public necessity statement for a newly created or expanded public record or public meeting exemption. The bill creates a public record exemption for taxpayer information; thus, it includes a public necessity statement.

Breadth of Exemption

Article I, s. 24(c) of the State Constitution requires a newly created public record or public meeting exemption to be no broader than necessary to accomplish the stated purpose of the law. The bill creates a public record exemption limited to the e-mail address of a taxpayer. The exemption does not appear to be in conflict with the constitutional requirement that the exemption be no broader than necessary to accomplish its purpose.

C. Trust Funds Restrictions:

None.

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

None.

B. Private Sector Impact:

The bill likely would benefit taxpayers by reducing their exposure to economic harm from identity theft or spam e-mail.

C. Government Sector Impact:

The bill likely could create a minimal fiscal impact on tax collectors, because staff responsible for complying with public record requests could require training related to expansion of the public record exemption. In addition, tax collectors could incur costs associated with redacting confidential and exempt information prior to releasing a record. The costs, however, would be absorbed, as they are part of the day-to-day responsibilities of the staff of the tax collectors.

VI. Technical Deficiencies:

None.

VII. Related Issues:

The analysis performed by the Department of Revenue states that the list of documents in the bill may not be an exhaustive list of official documents authorized to be sent to and from tax collectors by e-mail.¹⁴ It is unclear if the omission from the list of certain purposes for which a tax collector holds a taxpayer's e-mail address is intentional or not.

VIII. Statutes Affected:

This bill creates section 197.3225 of the Florida Statutes.

¹⁴ See ss. 197.182(1)(m), 197.432(7), and 197.472(5), F.S.

IX. Additional Information:

A. Committee Substitute – Statement of 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.

By Senator Latvala

20-00144-15

2015200__

1 A bill to be entitled
2 An act relating to public records; creating s.
3 197.3225, F.S.; providing an exemption from public
4 records requirements for e-mail addresses obtained by
5 a tax collector for the purpose of electronically
6 sending certain tax notices or obtaining the consent
7 of a taxpayer for electronic transmission of certain
8 tax notices; providing for future review and repeal of
9 the exemption; providing a statement of public
10 necessity; providing an effective date.

11
12 Be It Enacted by the Legislature of the State of Florida:

13
14 Section 1. Section 197.3225, Florida Statutes, is created
15 to read:

16 197.3225 Confidentiality of e-mail addresses.—

17 (1) A taxpayer's e-mail address held by a tax collector for
18 any of the following purposes is confidential and exempt from s.
19 119.07(1) and s. 24(a), Art. I of the State Constitution:

20 (a) Sending a quarterly tax notice for prepayment of
21 estimated taxes to the taxpayer pursuant to s. 197.222(3).

22 (b) Obtaining the taxpayer's consent to send the tax notice
23 described in s. 197.322(3).

24 (c) Sending an additional tax notice or delinquent tax
25 notice to the taxpayer pursuant to s. 197.343.

26 (d) Sending a tax notice to a designated third party,
27 mortgagee, or vendee pursuant to s. 197.344(1).

28 (2) This section is subject to the Open Government Sunset
29 Review Act in accordance with s. 119.15 and shall stand repealed

20-00144-15

2015200__

30 on October 2, 2020, unless reviewed and saved from repeal
31 through reenactment by the Legislature.

32 Section 2. The Legislature finds that it is a public
33 necessity that the e-mail address of a taxpayer which is held by
34 a tax collector for the purpose of sending a tax notice or
35 obtaining the consent of the taxpayer to the electronic
36 transmission of a tax notice be made confidential and exempt
37 from s. 119.07(1), Florida Statutes, and s. 24(a), Article I of
38 the State Constitution. E-mail, rather than traditional postal
39 mail, is increasingly used as a means for communicating and
40 conducting business, including official state and local business
41 such as the payment of taxes. In order to conduct business
42 electronically with a tax collector, the taxpayer must report
43 his or her personal e-mail address. Under current law, e-mail
44 addresses are public records available to anyone for any
45 purpose. However, such addresses are unique to the individual
46 and, when combined with other personal identifying information,
47 can be used for identity theft, taxpayer scams, and other
48 invasive contacts. The public availability of personal e-mail
49 addresses invites and exacerbates thriving and well-documented
50 criminal activities and puts taxpayers at increased risk of
51 harm. Such harm would be significantly curtailed by allowing a
52 tax collector to preserve the confidentiality of taxpayer e-mail
53 addresses.

54 Section 3. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3

Meeting Date

SB200

Bill Number (if applicable)

Topic Prevention of Taxpayer Fraud

Amendment Barcode (if applicable)

Name Tim Qualls

Job Title Executive Director - Florida Tax Collectors Association

Address 215 S. Monroe St , St. 802

Phone 850-222-7206

Street

Tallahassee

City

FL

State

32302

Zip

Email TQUALLS@YULAW.NET

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Florida Tax Collectors 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 (10/14/14)

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/3/15

Meeting Date

SB 200

Bill Number (if applicable)

Topic SB 200 / Protection against Taxpayer Fraud

Amendment Barcode (if applicable)

Name Randy Mask

Job Title Tax Collector in and for Sumter County Political Subdivision

Address 220 E. McCollum Ave B

Phone 352-568-6740

Street

Bushnell

FL

33513

Email RMask@sumtertaxcollector.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tax Collector Sumter County

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)

2/3/15

Meeting Date

SB 200

Bill Number (if applicable)

Topic SB 200/Protection against taxpayer fraud

Amendment Barcode (if applicable)

Name Larry Hart

Job Title Tax Collector - Lee County

Address 2480 THOMPSON ST.

Phone

Street

FL Myers

City

State

33901

Zip

Email

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Tax Collector - Lee County

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/3/15

Meeting Date

SB 200

Bill Number (if applicable)

Topic SB 200/Question against taxpayer fraud

Amendment Barcode (if applicable)

Name Carol Jean Jordan

Job Title Indian River Tax Collector

Address 1855 34th Ave.

Phone

Street

Vero Beach

33960

Email

City

State

Zip

Speaking: [X] For [] Against [] Information

Waive Speaking: [] In Support [] Against (The Chair will read this information into the record.)

Representing Indian River Tax collector

Appearing at request of Chair: [] Yes [] No

Lobbyist registered with Legislature: [] Yes [X] 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)

2/3/15

Meeting Date

SB 200

Bill Number (if applicable)

Topic Prevention of Taxpayer Fraud

Amendment Barcode (if applicable)

Name Diane Nelson

Job Title Pinellas County Tax Collector

Address 315 Court St 31 Floor

Phone _____

Street

Clearwater, FL

33756

Email Dnelson@taxcollect.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Pinellas County Tax Collector's office

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 (10/14/14)



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:
Appropriations Subcommittee on
Transportation, Tourism, and Economic
Development, *Chair*
Appropriations
Commerce and Tourism
Governmental Oversight and Accountability
Regulated Industries
Rules

SENATOR JACK LATVALA
20th District

January 14, 2015

The Honorable Senator Wilton Simpson, Chair
Senate Committee on Community Affairs
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399-1100

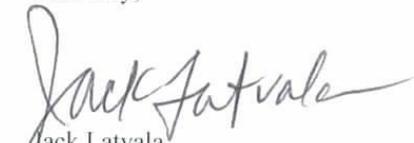
Dear Chairman Simpson:

I respectfully request consideration of Senate Bill 200 regarding a Public Records Exemption for Taxpayers' Email Addresses. I would greatly appreciate the opportunity to present this legislation to the Committee on Community Affairs as soon as possible.

This bill will provide a public records exemption for the private email addresses of residents who receive electronic payment and notice documents directly from their tax collector.

If you have any questions regarding this legislation, please contact me. Thank you in advance for your consideration.

Sincerely,


Jack Latvala
State Senator
District 20

Cc: Tom Yeatman, Staff Director; Ann Whittaker, Administrative Assistant

REPLY TO:

- 26133 U.S. Highway 19 North, Suite 201, Clearwater, Florida 33763 (727) 793-2797 FAX: (727) 793-2799
- 408 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5020

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 Committee on Community Affairs

BILL: SB 266

INTRODUCER: Senator Ring

SUBJECT: Property Appraisers

DATE: February 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	Stearns	Yeatman	CA	Favorable
2.			FT	
3.			AP	

I. Summary:

SB 266 clarifies that boards of county commissioners must fund the property appraiser according to the amount determined by the Department of Revenue in its final budget determination, and must fund the department-approved budget during the pendency of an ongoing appeal to the Administration Commission.

II. Present Situation:

Process for Determining the Property Appraiser's Budget

Section 195.087(1)(a), F.S., provides that property appraisers are to submit a proposed budget for the operation of the appraiser's office to the Department of Revenue (DOR) on or before June 1 of each year. The property appraiser is required to submit the proposed budget to the appropriate board of county commissioners (board) at the same time. The DOR reviews the budget request and may amend the budgeted amount "as it deems necessary, in order that the budget be neither inadequate nor excessive."

On or before July 15, the DOR notifies both the property appraiser and the board of its tentative budget determination. The property appraiser and board have until August 14 to submit additional information to the DOR if they choose to do so. The DOR issues its final budget determination on or before August 15.

The property appraiser or board may appeal the DOR's final budget to the Governor and Cabinet sitting as the Administration Commission. The appeal must be filed no later than 15 days after the conclusion of the public hearing held pursuant to s. 200.065(2)(d), F.S. (final adoption of the county millage rate and budget). The Administration Commission has discretion as to whether to accept the appeal or not. Upon completion of this process, the resulting budget request "as

approved by the department and as amended by the commission...become[s] the operating budget of the property appraiser for the ensuing fiscal year beginning October 1...”¹

Board of County Commissioners of Broward County vs. Lori Parrish, Broward County Property Appraiser

The Board of County Commissioners of Broward County (Board) disagreed with the Property Appraiser as to the appropriate level of funding that it should be required to provide for the operation of the Appraiser’s office for fiscal year 2014. While the Board proposed a budget of \$14,886,000, a 3.8% increase over the prior year, the Property Appraiser submitted a request for \$18,819,000.² After going through the process described above, the DOR set the Property Appraiser’s final budget at \$18,712,207.³

The Board appealed the DOR’s final budget determination to the Administration Commission. The case asked the court to determine which level the Board was required to fund the Appraiser’s office at while the appeal was pending: the higher amount approved by the DOR or the lower amount approved by the Board?

In the absence of clear statutory language directing an outcome, the court resorted to analysis of the statutory scheme governing the funding of the Property Appraiser’s office, the different roles played by the various involved entities (the Property Appraiser, the Board, and the DOR) and the policy rationales for those roles, and the statutory changes the Legislature had wrought over the years. While the trial court below had analogized its decision in the case to “flipping a coin,” the appellate court’s “close analysis of the applicable statutory framework” led it to the determination that the Board must fund the Property Appraiser at the amount determined by the DOR.

At the time of this analysis, the court’s decision is technically not final, as a timely motion for rehearing was filed and awaits disposition.

III. Effect of Proposed Changes:

Section 1 amends s. 195.087, F.S., to clearly state that the property appraiser’s budget is final and shall be funded by the board of county commissioners once the DOR has made its final budget determination. The obligation to fund the property appraiser’s office at the level set by the department is not affected by the filing of an appeal to the Administration Commission.

This statutory change would codify the result reached by the Fourth District Court of Appeal.

Section 2 establishes an effective date of July 1, 2015.

¹ *Board of County Commissioners of Broward County, Florida v. Parrish*, No. 4D14-101, 2 (Fla. 4th DCA 2014).

² *Id.*

³ *Id.*

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:

None.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 195.087 of the Florida Statutes.

IX. Additional Information:

A. Committee Substitute – Statement of 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.

By Senator Ring

29-00209A-15

2015266__

1 A bill to be entitled
2 An act relating to property appraisers; amending s.
3 195.087, F.S.; specifying that a property appraiser's
4 operating budget is final and shall be funded by the
5 county commission once the Department of Revenue makes
6 its final budget amendments; specifying that the
7 county commission remains obligated to fund the
8 department's final property appraiser's operating
9 budget during the pendency of an appeal to the
10 Administration Commission; providing an effective
11 date.

12
13 Be It Enacted by the Legislature of the State of Florida:

14
15 Section 1. Subsection (1) of section 195.087, Florida
16 Statutes, is amended to read:

17 195.087 Property appraisers and tax collectors to submit
18 budgets to Department of Revenue.—

19 (1) (a) On or before June 1 of each year, every property
20 appraiser, regardless of the form of county government, shall
21 submit to the Department of Revenue a budget for the operation
22 of the property appraiser's office for the ensuing fiscal year
23 beginning October 1. The property appraiser shall submit his or
24 her budget in the manner and form required by the department. A
25 copy of such budget shall be furnished at the same time to the
26 board of county commissioners. The department shall, upon proper
27 notice to the county commission and property appraiser, review
28 the budget request and may amend or change the budget request as
29 it deems necessary, in order that the budget be neither

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2015266__

30 inadequate nor excessive. On or before July 15, the department
31 shall notify the property appraiser and the board of county
32 commissioners of its tentative budget amendments and changes.
33 Before ~~Prior to~~ August 15, the property appraiser and the board
34 of county commissioners may submit additional information or
35 testimony to the department respecting the budget. On or before
36 August 15, the department shall make its final budget amendments
37 or changes to the budget and shall provide notice thereof to the
38 property appraiser and board of county commissioners. Once the
39 department makes its final budget amendments, the budget is
40 final and shall be funded by the county commission pursuant to
41 s. 192.091.

42 (b) The Governor and Cabinet, sitting as the Administration
43 Commission, may hear appeals from the final action of the
44 department upon a written request being filed by the property
45 appraiser or the presiding officer of the county commission no
46 later than 15 days after the conclusion of the hearing held
47 pursuant to s. 200.065(2)(d). The filing of an appeal does not
48 relieve the county commission of its obligation to fund the
49 department-approved final budget during the pendency of the
50 appeal. The Administration Commission may amend the budget if it
51 finds that any aspect of the budget is unreasonable in light of
52 the workload of the office of the property appraiser in the
53 county under review. The budget request as approved by the
54 department and as amended by the commission shall become the
55 operating budget of the property appraiser for the ensuing
56 fiscal year beginning October 1, except that the budget so
57 approved may subsequently be amended under the same procedure.
58 After final approval, the property appraiser shall make no

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2015266__

59 transfer of funds between accounts without the written approval
60 of the department. However, all moneys received by property
61 appraisers in complying with chapter 119 shall be accounted for
62 in the same manner as provided for in s. 218.36, for moneys
63 received as county fees and commissions, and any such moneys may
64 be used and expended in the same manner and to the same extent
65 as funds budgeted for the office and no budget amendment shall
66 be required.

67 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

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

3-3-15

Meeting Date

266

Bill Number (if applicable)

Topic Property Appraisers

Amendment Barcode (if applicable)

Name Marty Cassini

Job Title Legislative Counsel

Address 115 S. Andrews Ave

Phone 954-357-7575

Street

Fort Lauderdale

Email mcassini@broward.org

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Broward County

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)

2/3/15

Meeting Date

SB 266

Bill Number (if applicable)

Topic SB 266

Amendment Barcode (if applicable)

Name Mila Schwartzreich

Job Title General Counsel, Broward County Property Appraiser

Address 115 S. Andrews Ave

Phone (954) 357-6934

Street

City Ft. Lauderdale

State FL

Zip 33324

Zip

Email mila@bcpa.net

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Broward County Property Appraiser

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)

2/3/15
Meeting Date

SB 268
Bill Number (if applicable)

Topic _____

Amendment Barcode (if applicable)

Name ROBERT WOLFE

Job Title DEPT 7, BEAVER CO PROPERTY APPRAISER

Address 115 S ANDREAS AVE
Street

Phone 954, 445, 5732

FT LAUDERDALE, FL
City State Zip

Email rwolfe@beaver.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing BEAVER CO PROPERTY APPRAISER

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

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Appropriations Subcommittee on Finance and
Tax, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Commerce and Tourism
Judiciary
Rules

JOINT COMMITTEES:

Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

SENATOR JEREMY RING

29th District

January 20, 2015

Senator Wilton Simpson, Chair
Committee on Community Affairs
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simpson,

I am writing to respectfully request your cooperation in placing Senate Bill 266, relating to Property Appraisers, on the Committee on Community Affairs agenda at your earliest convenience. I would greatly appreciate the opportunity to discuss the bill at greater length before your committee.

Thank you in advance for your assistance. As always, please do not hesitate to contact me with any questions or comments you may have.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 29

cc: Tom Yeatman, Staff Director
Ann Whittaker, Committee Administrative Assistant

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
- 405 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5029

Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore



THE FLORIDA SENATE

Tallahassee, Florida 32399-1100

COMMITTEES:

Governmental Oversight and Accountability, *Chair*
Appropriations Subcommittee on Finance and
Tax, *Vice Chair*
Appropriations
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Banking and Insurance
Commerce and Tourism
Judiciary
Rules

JOINT COMMITTEES:

Joint Legislative Auditing Committee
Joint Select Committee on Collective Bargaining

SENATOR JEREMY RING

29th District

January 27, 2015

Senator Wilton Simpson, Chair
Committee on Community Affairs
315 Knott Building
404 South Monroe Street
Tallahassee, FL 32399

Dear Chairman Simpson

I appreciate you including my legislation, SB 266, relating to Property Appraisers, on the Committee on Community Affairs agenda. Unfortunately, I will be chairing the Committee on Government Oversight and Accountability at that time. As a result, during your committee meeting on February 3, my Legislative Assistant J.J. Piskadlo will be presenting the bill on my behalf.

Please do not hesitate to contact me if you or your staff have any questions.

Very Truly Yours,

A handwritten signature in cursive script that reads "Jeremy Ring".

Jeremy Ring
Senator District 29

cc: Tom Yeatman, Staff Director
Ann Whittaker, Committee Administrative Assistant

REPLY TO:

- 5790 Margate Boulevard, Margate, Florida 33063 (954) 917-1392 FAX: (954) 917-1394
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Senate's Website: www.flsenate.gov

DON GAETZ
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 Committee on Community Affairs

BILL: SB 260

INTRODUCER: Senator Bradley

SUBJECT: Value Adjustment Board Proceedings

DATE: February 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Favorable
2.			FT	
3.			FP	

I. Summary:

SB 260 allows taxpayers to file a single value adjustment board petition for multiple items of tangible personal property of a similar nature, requires that the clerk of the value adjustment board provide petition forms to petitioners, and deletes an obsolete statutory reference.

II. Present Situation:

Value Adjustment Boards

Chapter 194, F.S., provides for administrative and judicial review of property tax assessments. Each county in Florida has a value adjustment board (VAB) composed of five members.¹ A property owner may petition the VAB to review the property appraiser's assessment of real or tangible personal property or the denial of an exemption or classification.²

Petition Process for VAB Hearing

A property owner initiates the VAB's review by filing a petition with the clerk³ of the VAB on an approved petition form.⁴ The property appraiser is required to make petition forms available to the public.⁵

The VAB may impose a petition filing fee, up to \$15.⁶ An owner of contiguous, undeveloped parcels of real property may consolidate all parcels into one joint petition if the property

¹ Section 194.015, F.S.

² Section 194.011, F.S.

³ The county clerk usually serves as the clerk of the value adjustment board. Section 194.015, F.S.

⁴ Section 194.011(3)(a), F.S.

⁵ *Id.*

⁶ Section 194.013(1), F.S.

appraiser determines that the parcels are substantially similar in nature.⁷ In this case, the property owner is only subject to one filing fee.⁸

Property Record Cards

Property appraisers maintain records of assessment information for assessed properties. A property's record of information may be referred to as the "property record card." On a petition to the VAB, a petitioner may elect to receive a copy of the property record card. Prior to 2013, the clerk of the VAB was required to provide a copy of the card when the petitioner made the election on the petition. Section 8, chapter 2013-109, Laws of Florida, shifted this responsibility from the clerk of the VAB to the property appraiser; however, the law did not conform s. 194.011(4)(b), F.S., to recognize this change.

III. Effect of Proposed Changes:

Section 1 amends s. 194.011, F.S., to allow a taxpayer to include multiple items of substantially similar tangible personal property, as determined by the property appraiser, on a single VAB petition and to pay a single petition filing fee. This section also requires the clerk of the VAB to make petition forms available to the public. Lastly, this section removes an obsolete reference to clerks of the VAB providing property record cards, which conforms s. 194.011(4)(b), F.S., to the change made by s. 8, chapter 2013-109, Laws of Florida.

Sections 2, 3, 4, and 5 reenact subsections of 192.0105, 194.013, 194.032 and 196.011, F.S., for the purpose of incorporating the amendment made to s. 194.011, F.S., discussed supra.

Section 6 provides an effective date of July 1, 2015.

IV. Constitutional Issues:

A. Municipality/County Mandates Restrictions:

The bill reduces the authority that counties have to raise revenues. The Revenue Estimating Commission (REC) estimated that a substantially identical bill from 2014 would have reduced VAB filing fees by \$100,000, statewide.⁹ Article VII, section 18(b) of the Florida Constitution requires any general law that reduces a local government's authority to raise revenues in the aggregate to be passed by a two-thirds vote of the membership of each house of the Legislature.¹⁰ However, the impact of the bill appears to be insignificant, and thus, the bill appears to be exempt under article VII, section 18(d) of the Florida Constitution.¹¹

⁷ Section 194.011(3)f, F.S.

⁸ Section 194.013(1), F.S.

⁹ Revenue Estimating Conference, *Analysis of HB651/SB806* (adopted Feb. 14, 2014).

¹⁰ FLA. CONST. art. VII, s. 18(b).

¹¹ An insignificant fiscal impact means an amount not greater than ten cents times the average statewide population for the applicable fiscal year. FLA. CONST. art. VII, s. 18(d).

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

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

In 2014, the REC determined that SB 806, which is substantially the same as the bill, would have reduced VAB filing fees by \$100,000.¹²

B. Private Sector Impact:

By allowing the use of a single petition for multiple items of tangible personal property, the bill reduces the filing burdens for taxpayers who file tangible personal property petitions with VABs. The bill also may reduce VAB filing fees for taxpayers.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends section 194.011 of the Florida Statutes, and reenacts sections 192.0105, 194.013, 194.032, and 196.011 of the Florida Statutes.

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

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

None.

¹² Revenue Estimating Conference, *Analysis of HB651/SB806* (adopted Feb. 14, 2014).

B. Amendments:

None.

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

By Senator Bradley

7-00360-15

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1 A bill to be entitled
2 An act relating to value adjustment board proceedings;
3 amending s. 194.011, F.S.; requiring the clerk of the
4 value adjustment board to have available and
5 distribute specified forms; authorizing the owner of
6 multiple items of tangible personal property to file a
7 joint petition with the value adjustment board under
8 certain circumstances; requiring the property
9 appraiser to include the property record card in an
10 evidence list for a value adjustment board hearing
11 under certain circumstances; reenacting ss.
12 192.0105(2) (b), 194.013(1), 194.032(1) (a), and
13 196.011(6) (a) and (8), F.S., to incorporate the
14 amendments made to s. 194.011, F.S., in references
15 thereto; providing an effective date.

16
17 Be It Enacted by the Legislature of the State of Florida:

18
19 Section 1. Paragraphs (a) and (f) of subsection (3) and
20 paragraph (b) of subsection (4) of section 194.011, Florida
21 Statutes, are amended to read:

22 194.011 Assessment notice; objections to assessments.—

23 (3) A petition to the value adjustment board must be in
24 substantially the form prescribed by the department.
25 Notwithstanding s. 195.022, a county officer may not refuse to
26 accept a form provided by the department for this purpose if the
27 taxpayer chooses to use it. A petition to the value adjustment
28 board shall describe the property by parcel number and shall be
29 filed as follows:

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30 (a) The clerk of the value adjustment board and the
31 property appraiser shall have available and shall distribute
32 forms prescribed by the Department of Revenue on which the
33 petition shall be made. Such petition shall be sworn to by the
34 petitioner.

35 (f) An owner of contiguous, undeveloped parcels, or an
36 owner of multiple items of tangible personal property, may file
37 with the value adjustment board a single joint petition if the
38 property appraiser determines such parcels or items of tangible
39 personal property to be ~~are~~ substantially similar in nature.

40 (4)

41 (b) No later than 7 days before the hearing, if the
42 petitioner has provided the information required under paragraph
43 (a), and if requested in writing by the petitioner, the property
44 appraiser shall provide to the petitioner a list of evidence to
45 be presented at the hearing, together with copies of all
46 documentation to be considered by the value adjustment board and
47 a summary of evidence to be presented by witnesses. The evidence
48 list must contain the property appraiser's property record card
49 ~~if provided by the clerk~~. Failure of the property appraiser to
50 timely comply with the requirements of this paragraph shall
51 result in a rescheduling of the hearing.

52 Section 2. For the purpose of incorporating the amendment
53 made by this act to section 194.011, Florida Statutes, in a
54 reference thereto, paragraph (b) of subsection (2) of section
55 192.0105, Florida Statutes, is reenacted to read:

56 192.0105 Taxpayer rights.—There is created a Florida
57 Taxpayer's Bill of Rights for property taxes and assessments to
58 guarantee that the rights, privacy, and property of the

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59 taxpayers of this state are adequately safeguarded and protected
60 during tax levy, assessment, collection, and enforcement
61 processes administered under the revenue laws of this state. The
62 Taxpayer's Bill of Rights compiles, in one document, brief but
63 comprehensive statements that summarize the rights and
64 obligations of the property appraisers, tax collectors, clerks
65 of the court, local governing boards, the Department of Revenue,
66 and taxpayers. Additional rights afforded to payors of taxes and
67 assessments imposed under the revenue laws of this state are
68 provided in s. 213.015. The rights afforded taxpayers to assure
69 that their privacy and property are safeguarded and protected
70 during tax levy, assessment, and collection are available only
71 insofar as they are implemented in other parts of the Florida
72 Statutes or rules of the Department of Revenue. The rights so
73 guaranteed to state taxpayers in the Florida Statutes and the
74 departmental rules include:

75 (2) THE RIGHT TO DUE PROCESS.—

76 (b) The right to petition the value adjustment board over
77 objections to assessments, denial of exemption, denial of
78 agricultural classification, denial of historic classification,
79 denial of high-water recharge classification, disapproval of tax
80 deferral, and any penalties on deferred taxes imposed for
81 incorrect information willfully filed. Payment of estimated
82 taxes does not preclude the right of the taxpayer to challenge
83 his or her assessment (see ss. 194.011(3), 196.011(6) and
84 (9)(a), 196.151, 196.193(1)(c) and (5), 193.461(2), 193.503(7),
85 193.625(2), 197.2425, 197.301(2), and 197.2301(11)).

86 Section 3. For the purpose of incorporating the amendment
87 made by this act to section 194.011, Florida Statutes, in a

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88 reference thereto, subsection (1) of section 194.013, Florida
89 Statutes, is reenacted to read:

90 194.013 Filing fees for petitions; disposition; waiver.—

91 (1) If so required by resolution of the value adjustment
92 board, a petition filed pursuant to s. 194.011 shall be
93 accompanied by a filing fee to be paid to the clerk of the value
94 adjustment board in an amount determined by the board not to
95 exceed \$15 for each separate parcel of property, real or
96 personal, covered by the petition and subject to appeal.

97 However, no such filing fee may be required with respect to an
98 appeal from the disapproval of homestead exemption under s.
99 196.151 or from the denial of tax deferral under s. 197.2425.

100 Only a single filing fee shall be charged under this section as
101 to any particular parcel of property despite the existence of
102 multiple issues and hearings pertaining to such parcel. For
103 joint petitions filed pursuant to s. 194.011(3)(e) or (f), a
104 single filing fee shall be charged. Such fee shall be calculated
105 as the cost of the special magistrate for the time involved in
106 hearing the joint petition and shall not exceed \$5 per parcel.
107 Said fee is to be proportionately paid by affected parcel
108 owners.

109 Section 4. For the purpose of incorporating the amendment
110 made by this act to section 194.011, Florida Statutes, in a
111 reference thereto, paragraph (a) of subsection (1) of section
112 194.032, Florida Statutes, is reenacted to read:

113 194.032 Hearing purposes; timetable.—

114 (1) (a) The value adjustment board shall meet not earlier
115 than 30 days and not later than 60 days after the mailing of the
116 notice provided in s. 194.011(1); however, no board hearing

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117 shall be held before approval of all or any part of the
118 assessment rolls by the Department of Revenue. The board shall
119 meet for the following purposes:

120 1. Hearing petitions relating to assessments filed pursuant
121 to s. 194.011(3).

122 2. Hearing complaints relating to homestead exemptions as
123 provided for under s. 196.151.

124 3. Hearing appeals from exemptions denied, or disputes
125 arising from exemptions granted, upon the filing of exemption
126 applications under s. 196.011.

127 4. Hearing appeals concerning ad valorem tax deferrals and
128 classifications.

129 Section 5. For the purpose of incorporating the amendment
130 made by this act to section 194.011, Florida Statutes, in a
131 reference thereto, paragraph (a) of subsection (6) and
132 subsection (8) of section 196.011, Florida Statutes, are
133 reenacted to read:

134 196.011 Annual application required for exemption.—

135 (6) (a) Once an original application for tax exemption has
136 been granted, in each succeeding year on or before February 1,
137 the property appraiser shall mail a renewal application to the
138 applicant, and the property appraiser shall accept from each
139 such applicant a renewal application on a form prescribed by the
140 Department of Revenue. Such renewal application shall be
141 accepted as evidence of exemption by the property appraiser
142 unless he or she denies the application. Upon denial, the
143 property appraiser shall serve, on or before July 1 of each
144 year, a notice setting forth the grounds for denial on the
145 applicant by first-class mail. Any applicant objecting to such

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146 denial may file a petition as provided for in s. 194.011(3).

147 (8) Any applicant who is qualified to receive any exemption
148 under subsection (1) and who fails to file an application by
149 March 1, must file an application for the exemption with the
150 property appraiser on or before the 25th day following the
151 mailing by the property appraiser of the notices required under
152 s. 194.011(1). Upon receipt of sufficient evidence, as
153 determined by the property appraiser, demonstrating the
154 applicant was unable to apply for the exemption in a timely
155 manner or otherwise demonstrating extenuating circumstances
156 judged by the property appraiser to warrant granting the
157 exemption, the property appraiser may grant the exemption. If
158 the applicant fails to produce sufficient evidence demonstrating
159 the applicant was unable to apply for the exemption in a timely
160 manner or otherwise demonstrating extenuating circumstances as
161 judged by the property appraiser, the applicant may file,
162 pursuant to s. 194.011(3), a petition with the value adjustment
163 board requesting that the exemption be granted. Such petition
164 must be filed during the taxable year on or before the 25th day
165 following the mailing of the notice by the property appraiser as
166 provided in s. 194.011(1). Notwithstanding the provisions of s.
167 194.013, such person must pay a nonrefundable fee of \$15 upon
168 filing the petition. Upon reviewing the petition, if the person
169 is qualified to receive the exemption and demonstrates
170 particular extenuating circumstances judged by the value
171 adjustment board to warrant granting the exemption, the value
172 adjustment board may grant the exemption for the current year.

173 Section 6. This act shall take effect July 1, 2015.

THE FLORIDA SENATE

APPEARANCE RECORD

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

2/2/15
Meeting Date

SB 260
Bill Number (if applicable)

Topic Value Adjustment Boards

Amendment Barcode (if applicable)

Name Carey Baker

Job Title Lake County Property Appraisers

Address P.O. Box 11275

Phone ~~857~~ 352 406 2329

Tallahassee, FL 32302
City State Zip

Email cbaker@lcpaf.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing FL Association of Property Appraisers

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

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 15, 2015

I respectfully request that **Senate Bill # 260**, relating to Value Adjustment Board Proceedings, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Rob Bradley".

Senator Rob Bradley
Florida Senate, District 7

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 Committee on Community Affairs

BILL: CS/SB 216

INTRODUCER: Community Affairs Committee and Senator Bradley

SUBJECT: Publicly Funded Retirement Programs

DATE: February 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Fav/CS
2.			GO	
3.			AP	

Please see Section IX. for Additional Information:

COMMITTEE SUBSTITUTE - Substantial Changes

I. Summary:

CS/SB 216 allows a municipality providing fire protection services to a Municipal Services Taxing Unit (MSTU) through an interlocal agreement to receive insurance premium taxes collected within the MSTU boundary, for the purpose of providing pension benefits to the municipality's firefighters.

Additionally, the bill requires local government pension plan actuarial valuations, and the additional actuarial disclosures required under s. 112.664, F.S., to use a mortality table methodology for funding purposes that is consistent with the most recent actuarial report issued by the Florida Retirement System.

The bill provides an effective date of July 1, 2015.

II. Present Situation:

The "Marvin B. Clayton Firefighters and Police Officers' Pension Trust Fund" Acts

The Marvin B. Clayton Firefighters' and Police Officers' Pension Trust Fund Acts¹ declare a legitimate state purpose of providing a uniform retirement system for the benefit of firefighters and municipal police officers. All municipal and special district firefighters and all municipal police officers retirement trust fund systems or plans must be managed, administered, operated, and funded to maximize the protection of firefighters' and police officers' pension trust funds.²

¹ See ch. 175 and 185, F.S.

² See ss. 175.021(1) and 185.01(1), F.S.

In 1939, the Legislature enacted ch. 175, F.S., thereby encouraging cities to establish firefighter retirement plans by providing cities with the incentive of access to premium tax revenues. Special fire control districts became eligible to participate under ch. 175, F.S., in 1993.

Participation in the trust fund is limited to incorporated municipalities and to special fire control districts. Single consolidated governments of a county and one or more municipalities are also allowed to participate in the trust fund. Currently, unincorporated areas of a county may not participate unless a special fire control district includes the unincorporated areas.

Administration of Retirement Plans

The Division of Retirement (division) in the Department of Management Services (DMS) administers benefits to firefighters under two types of plans, a chapter plan or a local plan. A chapter plan is a plan that adopts the provisions of either ch. 175 or 185, F.S., by reference. A local plan is a plan that is created by a special act of the Legislature, or by a local ordinance or resolution that meets the minimum statutory requirements. The division is responsible for overseeing and monitoring these plans, but day-to-day operational control rests with local boards of trustees subject to the regulatory authority of the division.³ If the division were to deem that a firefighter or police pension plan created pursuant to ch. 175 or 185, F.S., is not in compliance with those chapters, the sponsoring municipality could be denied its insurance premium tax revenues.

Funding Sources

Four sources provide funding for these pension plans: net proceeds from an excise tax levied by a city upon property and casualty insurance companies (known as the “premium tax”); employee contributions; other revenue sources; and mandatory payments by the city of the normal cost of the plan.⁴ To qualify for insurance premium tax dollars, plans must meet requirements found in ch. 175 and 185, F.S.

An excise tax of 1.85 percent imposed on the gross premiums of property insurance covering property within boundaries of the municipality or district funds the Firefighters’ Pension Trust Fund of each municipality or special fire control district.⁵ The insurers pay the tax to the Department of Revenue (DOR), and the net proceeds are transferred to the appropriate fund at the division.⁶ For fiscal year 2014-15, premium tax collections are estimated to be \$804 million, and distributions to the Firefighters’ Pension Trust Fund are predicted to be \$179.5 million.⁷

A municipality that has entered into a one year or longer interlocal agreement to provide fire services to another incorporated municipality may receive its premium taxes.⁸ The municipality providing fire services must notify the division of the interlocal agreement. The division may

³ The division is responsible for administrative oversight of funds, including monitoring for actuarial soundness.

⁴ Sections 175.091(1)(a) and 185.07(1), F.S.

⁵ Section 175.101(1), F.S.

⁶ See s. 175.121, F.S.

⁷ Office of Economic and Demographic Research, *Local Government Financial Information Handbook* (2014), at 110.

⁸ Although, the criteria in s. 175.041(3)(c), F.S., must be met.

then distribute any premium taxes reported for the other incorporated municipality to the municipality providing the fire services.⁹

Counties Furnishing Municipal Services

General law implements the constitutional provision authorizing a county furnishing municipal services to levy additional taxes within the limits fixed for municipal purposes via the establishment of MSTUs.¹⁰ The creation of a MSTU allows the county's governing body to place the burden of ad valorem taxes upon property in a geographic area less than countywide to fund a particular municipal-type service or services. The MSTU is used in a county budget to separate those ad valorem taxes levied within the taxing unit itself to ensure that the funds derived from the tax levy are used within the boundaries of the taxing unit for the contemplated services. If ad valorem taxes are levied to provide these municipal services, counties are authorized to levy up to ten mills.¹¹

The MSTU may encompass the entire unincorporated area, a portion of the unincorporated area, or all or part of the boundaries of a municipality. However, the inclusion of municipal boundaries within the MSTU is subject to the consent by ordinance of the governing body of the affected municipality given either annually or for a term of years.¹²

Actuarial Soundness of Retirement Plans

The Florida Constitution requires benefit improvements under public pension plans in the State of Florida to be concurrently funded on a sound actuarial basis.¹³ The "Florida Protection of Public Employee Retirement Benefits Act," (Act)¹⁴ establishes the minimum standards for the operation and funding of public employee retirement systems and plans in the State of Florida. The Act states the legislative intent to "prohibit the use of any procedure, methodology, or assumptions the effect of which is to transfer to future taxpayers any portion of the costs which may reasonably have been expected to be paid by the current taxpayers."¹⁵

Enrolled actuaries prepare and certify actuarial reports for each retirement plan subject to the Act, at regular intervals of at least three years.¹⁶ When determining the actuarially required contributions for a pension plan, the pension plan board of trustees, with guidance from its professional advisors, chooses the mortality table to be applied in the valuation report.¹⁷ In addition to the valuation report, s. 112.664, F.S., requires certain actuarial disclosures used to determine required funding. These additional actuarial disclosures mandate the use of the "RP-2000 Combined Healthy Participant Mortality Tables, by gender, with generational projection by Scale AA."¹⁸

⁹ See Chapter 2005-205, Laws of Fla. (HB 1159).

¹⁰ Section 125.01(1)(q), F.S.

¹¹ Section 200.071(3), F.S.

¹² Office of Economic and Demographic Research, *Local Government Financial Information Handbook* (2014).

¹³ FLA. CONST. art. X, s. 14 (1976).

¹⁴ Part VII of Ch. 112, F.S., implements Article X, Section 14, of the Florida Constitution.

¹⁵ Section 112.61, F.S.

¹⁶ Section 112.63, F.S.

¹⁷ Dep't of Management Services, *2015 Legislative Bill Analysis: SB 242*, at 2 (Jan. 20, 2015).

¹⁸ Section 112.664(1)(a), F.S.

III. Effect of Proposed Changes:

The bill allows a municipality providing fire protection services to a MSTU through an interlocal agreement to receive insurance premium taxes collected within the MSTU boundary, for the purpose of providing pension benefits to the municipality's firefighters.

The bill also requires local government pension plan actuarial valuations to use a mortality table methodology for funding purposes that is consistent with the most recent actuarial report issued by the Florida Retirement System (FRS). Similarly, the bill requires that the additional actuarial disclosures required under s. 112.664, F.S., use a mortality table methodology that is consistent with the most recent FRS actuarial report.

The bill provides an effective date of July 1, 2015.

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:

None.

C. Government Sector Impact:

Provisions of this bill will have an indeterminate but negative impact on the General Revenue Fund, because taxes imposed pursuant to ch. 175, F.S., are credited against insurance premium taxes paid to the state.¹⁹ The provisions of this bill have not been reviewed by the Revenue Estimating Conference.

¹⁹ Section 175.141, F.S., allows for the Firefighters' Pension credit, by which a payor of the insurance premium tax is authorized a credit on their state excise or license tax, but must pay the balance of state excise or license tax to the Dep't of Revenue. For the order in which credits and deductions against the insurance premium tax are to be taken, see s. 624.509(7), F.S. See also, The Florida Senate Committee on Finance and Tax, *An Overview of Florida's Insurance Premium Tax*, Report No. 2007-122, at 10 (Oct. 2006).

Municipalities providing fire services to MSTUs will receive an indeterminate amount of additional revenue to fund firefighter pension plans.

The pension plan board of trustees, and its professional advisors, will be required to use the FRS mortality tables in their actuarial valuations, which may result in different contribution requirements from prior plans' valuation reports.²⁰

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 175.041, 175.101, 175.111, 175.122, 175.351, 175.411, 112.63, and 112.664.

IX. 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 February 3, 2015:

Requires local government pension plan actuarial valuations, and the additional actuarial disclosures required under s. 112.664, F.S., to use a mortality table methodology for funding purposes that is consistent with the most recent actuarial report issued by the FRS.

- B. **Amendments:**

None.

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

²⁰ Dep't of Management Services, *2015 Legislative Bill Analysis: SB 242*, at 5 (Jan. 20, 2015).



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LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2015	.	
	.	
	.	
	.	

The Committee on Community Affairs (Brandes) recommended the following:

Senate Amendment (with title amendment)

Before line 28

insert:

Section 1. Subsection (1) of section 112.63, Florida Statutes, is amended to read:

112.63 Actuarial reports and statements of actuarial impact; review.—

(1) Each retirement system or plan subject to the provisions of this act shall have regularly scheduled actuarial



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11 reports prepared and certified by an enrolled actuary. The
12 actuarial report shall consist of, but need shall not be limited
13 to, ~~the following~~:

14 (a) Adequacy of employer and employee contribution rates in
15 meeting levels of employee benefits provided in the system and
16 changes, if any, needed in such rates to achieve or preserve a
17 level of funding deemed adequate to enable payment through the
18 indefinite future of the benefit amounts prescribed by the
19 system, which shall include a valuation of present assets, based
20 on statement value, and prospective assets and liabilities of
21 the system and the extent of unfunded accrued liabilities, if
22 any.

23 (b) A plan to amortize any unfunded liability pursuant to
24 s. 112.64 and a description of actions taken to reduce the
25 unfunded liability.

26 (c) A description and explanation of actuarial assumptions.

27 (d) A schedule illustrating the amortization of unfunded
28 liabilities, if any.

29 (e) A comparative review illustrating the actual salary
30 increases granted and the rate of investment return realized
31 over the 3-year period preceding the actuarial report with the
32 assumptions used in both the preceding and current actuarial
33 reports.

34 (f) Mortality tables that use mortality methodology
35 consistent with the most recently published actuarial valuation
36 report of the Florida Retirement System.

37 (g) ~~(f)~~ A statement by the enrolled actuary that the report
38 is complete and accurate and that in his or her opinion the
39 techniques and assumptions used are reasonable and meet the



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40 requirements and intent of this act.

41
42 The actuarial cost methods utilized for establishing the amount
43 of the annual actuarial normal cost to support the promised
44 benefits shall only be those methods approved in the Employee
45 Retirement Income Security Act of 1974 and as permitted under
46 regulations prescribed by the Secretary of the Treasury.

47 Section 2. Subsection (1) of section 112.664, Florida
48 Statutes, is amended to read:

49 112.664 Reporting standards for defined benefit retirement
50 plans or systems.—

51 (1) In addition to the other reporting requirements of this
52 part, within 60 days after receipt of the certified actuarial
53 report submitted after the close of the plan year that ends on
54 or after June 30, 2014, and thereafter in each year required
55 under s. 112.63(2), each defined benefit retirement system or
56 plan, excluding the Florida Retirement System, shall prepare and
57 electronically report the following information to the
58 Department of Management Services in a format prescribed by the
59 department:

60 (a) Annual financial statements that comply ~~are in~~
61 ~~compliance~~ with the requirements of the Governmental Accounting
62 Standards Government Accounting and Standard Board's Statement
63 No. 67, titled "Financial Reporting for Pension Plans," and
64 Statement No. 68, titled "Accounting and Financial Reporting for
65 Pensions," using mortality tables that use mortality methodology
66 consistent with the most recently published actuarial valuation
67 report of the Florida Retirement System RP-2000 Combined Healthy
68 Participant Mortality Tables, by gender, with generational



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69 ~~projection by Scale AA.~~

70 (b) Annual financial statements similar to those required
71 under paragraph (a), but which use an assumed rate of return on
72 investments and an assumed discount rate that are equal to 200
73 basis points less than the plan's assumed rate of return.

74 (c) Information indicating the number of months or years
75 for which the current market value of assets are adequate to
76 sustain the payment of expected retirement benefits as
77 determined in the plan's latest valuation and under the
78 financial statements prepared pursuant to paragraphs (a) and
79 (b).

80 (d) Information indicating the recommended contributions to
81 the plan based on the plan's latest valuation, and the
82 contributions necessary to fund the plan based on financial
83 statements prepared pursuant to paragraphs (a) and (b), stated
84 as an annual dollar value and a percentage of valuation payroll.

85

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

87 And the title is amended as follows:

88 Delete line 3

89 and insert:

90 programs; amending s. 112.63, F.S.; requiring that
91 actuarial reports for certain retirement systems or
92 plans include mortality tables; amending s. 112.664,
93 F.S.; revising information to be included in the
94 annual report of a defined benefit system or plan to
95 the Department of Management Services; amending s.
96 175.041, F.S.; revising



699276

LEGISLATIVE ACTION

Senate	.	House
Comm: RCS	.	
02/03/2015	.	
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The Committee on Community Affairs (Bradley) recommended the following:

Senate Amendment

Delete lines 74 - 167
and insert:
services taxing unit. The municipality receiving the fire services, or a county on behalf of the municipal services taxing unit receiving the fire services, may enact an ordinance levying the tax as provided in s. 175.101. Upon being provided copies of the interlocal agreement and the ~~municipal~~ ordinance levying the tax, the division may distribute any premium taxes reported for



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11 the municipality or municipal services taxing unit receiving the
12 fire services to the participating municipality providing the
13 fire services as long as the interlocal agreement is in effect.

14 Section 2. Subsections (1) and (3) of section 175.101,
15 Florida Statutes, are amended to read:

16 175.101 State excise tax on property insurance premiums
17 authorized; procedure.—For any municipality, special fire
18 control district, chapter plan, local law municipality, local
19 law special fire control district, or local law plan under this
20 chapter:

21 (1) Each municipality, municipal services taxing unit, or
22 special fire control district in this state described and
23 classified in s. 175.041, having a lawfully established
24 firefighters' pension trust fund or municipal fund or special
25 fire control district fund, by whatever name known, providing
26 pension benefits to firefighters as provided under this chapter,
27 or receiving fire protection services from a municipality
28 participating under this chapter, may assess and impose on every
29 insurance company, corporation, or other insurer now engaged in
30 or carrying on, or who shall hereinafter engage in or carry on,
31 the business of property insurance as shown by the records of
32 the Office of Insurance Regulation of the Financial Services
33 Commission, an excise tax in addition to any lawful license or
34 excise tax now levied by each of the municipalities, municipal
35 services taxing units, or special fire control districts,
36 respectively, amounting to 1.85 percent of the gross amount of
37 receipts of premiums from policyholders on all premiums
38 collected on property insurance policies covering property
39 within the corporate limits of such municipalities or within the



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40 | legally defined boundaries of municipal services taxing units or
41 | special fire control districts, respectively. Whenever the
42 | boundaries of a special fire control district that has lawfully
43 | established a firefighters' pension trust fund encompass a
44 | portion of the corporate territory of a municipality that has
45 | also lawfully established a firefighters' pension trust fund, or
46 | a municipal services taxing unit receiving fire protection
47 | services from a municipality participating under this chapter,
48 | that portion of the tax receipts attributable to insurance
49 | policies covering property situated both within the municipality
50 | or municipal services taxing unit, and the special fire control
51 | district shall be given to the fire service provider. For the
52 | purpose of this section, the boundaries of a special fire
53 | control district include an area that has been annexed until the
54 | completion of the 4-year period provided for in s. 171.093(4),
55 | or other agreed-upon extension, or if a special fire control
56 | district is providing services under an interlocal agreement
57 | executed in accordance with s. 171.093(3). The agent shall
58 | identify the fire service provider on the property owner's
59 | application for insurance. Remaining revenues collected pursuant
60 | to this chapter shall be distributed to the municipality or
61 | special fire control district according to the location of the
62 | insured property.

63 | (3) This excise tax shall be payable annually on March 1 of
64 | each year after the passage of an ordinance, in the case of a
65 | municipality or municipal services taxing unit, or resolution,
66 | in the case of a special fire control district, assessing and
67 | imposing the tax authorized by this section. Installments of
68 | taxes shall be paid according to the provision of s.



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69 624.5092(2)(a), (b), and (c).

70

71 This section also applies to any municipality consisting of a
72 single consolidated government which is made up of a former
73 county and one or more municipalities, consolidated pursuant to
74 the authority in s. 3 or s. 6(e), Art. VIII of the State
75 Constitution, and to property insurance policies covering
76 property within the boundaries of the consolidated government,
77 regardless of whether the properties are located within one or
78 more separately incorporated areas within the consolidated
79 government, provided the properties are being provided fire
80 protection services by the consolidated government. This section
81 also applies to any municipality, as provided in s.
82 175.041(3)(c), which has entered into an interlocal agreement to
83 receive fire protection services from another municipality
84 participating under this chapter. The excise tax may be levied
85 on all premiums collected on property insurance policies
86 covering property located within the corporate limits of the
87 municipality receiving the fire protection services, but will be
88 available for distribution to the municipality providing the
89 fire protection services.

90 Section 3. Section 175.111, Florida Statutes, is amended to
91 read:

92 175.111 Certified copy of ordinance or resolution filed;
93 insurance companies' annual report of premiums; duplicate files;
94 book of accounts.—For any municipality, municipal services
95 taxing unit, special fire control district, chapter plan, local
96 law municipality, local law special fire control district, or
97 local law plan under this chapter, whenever any municipality, or



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98 any county on behalf of a municipal services taxing unit, passes
99 an ordinance or whenever any special fire control

By Senator Bradley

7-00473-15

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1 A bill to be entitled
2 An act relating to publicly funded retirement
3 programs; amending s. 175.041, F.S.; revising
4 applicability of the Marvin B. Clayton Firefighters
5 Pension Trust Fund Act; providing that any
6 municipality that provides fire protection services to
7 a municipal services taxing unit under an interlocal
8 agreement is eligible to receive property insurance
9 premium taxes; amending s. 175.101, F.S.; authorizing
10 a municipal services taxing unit that enters into an
11 interlocal agreement for fire protection services with
12 another municipality to impose an excise tax on
13 property insurance premiums; amending s. 175.111,
14 F.S.; requiring municipal services taxing units to
15 provide the Division of Retirement of the Department
16 of Management Services with a certified copy of the
17 ordinance assessing and imposing certain taxes;
18 amending ss. 175.122 and 175.351, F.S.; revising
19 provisions relating to the limitation of disbursement
20 to conform to changes made by the act; amending s.
21 175.411, F.S.; authorizing a municipal services taxing
22 unit, under certain conditions, to revoke its
23 participation and cease to receive property insurance
24 premium taxes; providing an effective date.

25
26 Be It Enacted by the Legislature of the State of Florida:

27
28 Section 1. Subsection (3) of section 175.041, Florida
29 Statutes, is amended to read:

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30 175.041 Firefighters' Pension Trust Fund created;
31 applicability of provisions.—For any municipality, special fire
32 control district, chapter plan, local law municipality, local
33 law special fire control district, or local law plan under this
34 chapter:

35 (3) ~~The provisions of This chapter applies shall apply~~ only
36 to municipalities organized and established pursuant to the laws
37 of the state and to special fire control districts. This chapter
38 does, and said provisions shall not apply to the unincorporated
39 areas of any county or counties except with respect to municipal
40 services taxing units established in unincorporated areas for
41 the purpose of receiving fire protection service from a
42 municipality and special fire control districts that include
43 unincorporated areas. This chapter also does not, nor shall the
44 provisions hereof apply to any governmental entity whose
45 firefighters are eligible to participate in the Florida
46 Retirement System.

47 (a) Special fire control districts that include, or consist
48 exclusively of, unincorporated areas of one or more counties may
49 levy and impose the tax and participate in the retirement
50 programs enabled by this chapter.

51 (b) With respect to the distribution of premium taxes, a
52 single consolidated government consisting of a former county and
53 one or more municipalities, consolidated pursuant to s. 3 or s.
54 6(e), Art. VIII of the State Constitution, is also eligible to
55 participate under this chapter. The consolidated government
56 shall notify the division when it has entered into an interlocal
57 agreement to provide fire services to a municipality within its
58 boundaries. The municipality may enact an ordinance levying the

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59 tax as provided in s. 175.101. Upon being provided copies of the
60 interlocal agreement and the municipal ordinance levying the
61 tax, the division may distribute any premium taxes reported for
62 the municipality to the consolidated government as long as the
63 interlocal agreement is in effect.

64 (c) Any municipality that has entered into an interlocal
65 agreement to provide fire protection services to any other
66 incorporated municipality or a municipal services taxing unit in
67 an unincorporated area, in its entirety, for a period of 12
68 months or more may be eligible to receive the premium taxes
69 reported for such other municipality or municipal services
70 taxing unit. In order to be eligible for such premium taxes, the
71 municipality providing the fire services must notify the
72 division that it has entered into an interlocal agreement with
73 another municipality or a county on behalf of a municipal
74 services taxing unit. The municipality receiving the fire
75 services may enact an ordinance levying the tax as provided in
76 s. 175.101. Upon being provided copies of the interlocal
77 agreement and the municipal ordinance levying the tax, the
78 division may distribute any premium taxes reported for the
79 municipality or municipal services taxing unit receiving the
80 fire services to the participating municipality providing the
81 fire services as long as the interlocal agreement is in effect.

82 Section 2. Subsections (1) and (3) of section 175.101,
83 Florida Statutes, are amended to read:

84 175.101 State excise tax on property insurance premiums
85 authorized; procedure.—For any municipality, special fire
86 control district, chapter plan, local law municipality, local
87 law special fire control district, or local law plan under this

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88 chapter:

89 (1) Each municipality, ~~or~~ special fire control district, or
90 municipal services taxing unit in this state described and
91 classified in s. 175.041, having a lawfully established
92 firefighters' pension trust fund or municipal fund or special
93 fire control district fund, by whatever name known, providing
94 pension benefits to firefighters as provided under this chapter,
95 or receiving fire protection services from a municipality
96 participating under this chapter, may assess and impose on every
97 insurance company, corporation, or other insurer now engaged in
98 or carrying on, or who shall hereinafter engage in or carry on,
99 the business of property insurance as shown by the records of
100 the Office of Insurance Regulation of the Financial Services
101 Commission, an excise tax in addition to any lawful license or
102 excise tax now levied by each of the municipalities, ~~or~~ special
103 fire control districts, or municipal services taxing units,
104 respectively, amounting to 1.85 percent of the gross amount of
105 receipts of premiums from policyholders on all premiums
106 collected on property insurance policies covering property
107 within the corporate limits of such municipalities or within the
108 legally defined boundaries of special fire control districts or
109 municipal services taxing units, respectively. Whenever the
110 boundaries of a special fire control district that has lawfully
111 established a firefighters' pension trust fund encompass a
112 portion of the corporate territory of a municipality that has
113 also lawfully established a firefighters' pension trust fund, or
114 a municipal services taxing unit receiving fire protection
115 services from a municipality participating under this chapter,
116 that portion of the tax receipts attributable to insurance

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117 policies covering property situated both within the
118 municipality, or municipal services taxing unit, and the special
119 fire control district shall be given to the fire service
120 provider. For the purpose of this section, the boundaries of a
121 special fire control district include an area that has been
122 annexed until the completion of the 4-year period provided for
123 in s. 171.093(4), or other agreed-upon extension, or if a
124 special fire control district or municipal services taxing unit
125 is providing services under an interlocal agreement executed in
126 accordance with s. 171.093(3). The agent shall identify the fire
127 service provider on the property owner's application for
128 insurance. Remaining revenues collected pursuant to this chapter
129 shall be distributed to the municipality, ~~or~~ special fire
130 control district, or municipal services taxing unit according to
131 the location of the insured property.

132 (3) This excise tax shall be payable annually on March 1 of
133 each year after the passage of an ordinance, in the case of a
134 municipality, or resolution, in the case of a special fire
135 control district or municipal services taxing unit, assessing
136 and imposing the tax authorized by this section. Installments of
137 taxes shall be paid according to the provision of s.
138 624.5092(2)(a), (b), and (c).

139
140 This section also applies to any municipality consisting of a
141 single consolidated government which is made up of a former
142 county and one or more municipalities, consolidated pursuant to
143 the authority in s. 3 or s. 6(e), Art. VIII of the State
144 Constitution, and to property insurance policies covering
145 property within the boundaries of the consolidated government,

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146 regardless of whether the properties are located within one or
147 more separately incorporated areas within the consolidated
148 government, provided the properties are being provided fire
149 protection services by the consolidated government. This section
150 also applies to any municipality, as provided in s.
151 175.041(3)(c), which has entered into an interlocal agreement to
152 receive fire protection services from another municipality
153 participating under this chapter. The excise tax may be levied
154 on all premiums collected on property insurance policies
155 covering property located within the corporate limits of the
156 municipality receiving the fire protection services, but will be
157 available for distribution to the municipality providing the
158 fire protection services.

159 Section 3. Section 175.111, Florida Statutes, is amended to
160 read:

161 175.111 Certified copy of ordinance or resolution filed;
162 insurance companies' annual report of premiums; duplicate files;
163 book of accounts.—For any municipality, municipal services
164 taxing unit, special fire control district, chapter plan, local
165 law municipality, local law special fire control district, or
166 local law plan under this chapter, whenever any municipality
167 passes an ordinance or whenever any special fire control
168 district passes a resolution establishing a chapter plan or
169 local law plan assessing and imposing the taxes authorized in s.
170 175.101, a certified copy of such ordinance or resolution shall
171 be deposited with the division. Thereafter every insurance
172 company, association, corporation, or other insurer carrying on
173 the business of property insurance on real or personal property,
174 on or before the succeeding March 1 after date of the passage of

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175 the ordinance or resolution, shall report fully in writing and
176 under oath to the division and the Department of Revenue a just
177 and true account of all premiums by such insurer received for
178 property insurance policies covering or insuring any real or
179 personal property located within the corporate limits of each
180 such municipality, municipal services taxing unit, or special
181 fire control district during the period of time elapsing between
182 the date of the passage of the ordinance or resolution and the
183 end of the calendar year. The report shall include the code
184 designation as prescribed by the division for each piece of
185 insured property, real or personal, located within the corporate
186 limits of each municipality and within the legally defined
187 boundaries of each special fire control district and municipal
188 services taxing unit. The aforesaid insurer shall annually
189 thereafter, on March 1, file with the Department of Revenue a
190 similar report covering the preceding year's premium receipts,
191 and every such insurer at the same time of making such reports
192 shall pay to the Department of Revenue the amount of the tax
193 hereinbefore mentioned. Every insurer engaged in carrying on
194 such insurance business in the state shall keep accurate books
195 of accounts of all such business done by it within the corporate
196 limits of each such municipality and within the legally defined
197 boundaries of each such special fire control district and
198 municipal services taxing unit, and in such manner as to be able
199 to comply with the provisions of this chapter. Based on the
200 insurers' reports of premium receipts, the division shall
201 prepare a consolidated premium report and shall furnish to any
202 municipality, municipal services taxing unit, or special fire
203 control district requesting the same a copy of the relevant

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204 section of that report.

205 Section 4. Section 175.122, Florida Statutes, is amended to
206 read:

207 175.122 Limitation of disbursement.—For any municipality,
208 municipal services taxing unit, special fire control district,
209 chapter plan, local law municipality, local law special fire
210 control district, or local law plan under this chapter, any
211 municipality, municipal services taxing unit, or special fire
212 control district participating in the firefighters' pension
213 trust fund pursuant to the provisions of this chapter, whether
214 under a chapter plan or local law plan, shall be limited to
215 receiving any moneys from such fund in excess of that produced
216 by one-half of the excise tax, as provided for in s. 175.101;
217 however, any such municipality, municipal services taxing unit,
218 or special fire control district receiving less than 6 percent
219 of its fire department payroll from such fund shall be entitled
220 to receive from such fund the amount determined under s.
221 175.121, in excess of one-half of the excise tax, not to exceed
222 6 percent of its fire department payroll. Payroll amounts of
223 members included in the Florida Retirement System shall not be
224 included.

225 Section 5. Section 175.351, Florida Statutes, is amended to
226 read:

227 175.351 Municipalities, municipal services taxing units,
228 and special fire control districts having their own pension
229 plans for firefighters.—For any municipality, municipal services
230 taxing unit, special fire control district, local law
231 municipality, local law special fire control district, or local
232 law plan under this chapter, in order for municipalities,

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233 municipal services taxing units, and special fire control
234 districts with their own pension plans for firefighters, or for
235 firefighters and police officers if included, to participate in
236 the distribution of the tax fund established pursuant to s.
237 175.101, local law plans must meet the minimum benefits and
238 minimum standards set forth in this chapter.

239 (1) If a municipality has a pension plan for firefighters,
240 or a pension plan for firefighters and police officers if
241 included, which in the opinion of the division meets the minimum
242 benefits and minimum standards set forth in this chapter, the
243 board of trustees of the pension plan, as approved by a majority
244 of firefighters of the municipality, may:

245 (a) Place the income from the premium tax in s. 175.101 in
246 such pension plan for the sole and exclusive use of its
247 firefighters, or for firefighters and police officers if
248 included, where it shall become an integral part of that pension
249 plan and shall be used to pay extra benefits to the firefighters
250 included in that pension plan; or

251 (b) Place the income from the premium tax in s. 175.101 in
252 a separate supplemental plan to pay extra benefits to
253 firefighters, or to firefighters and police officers if
254 included, participating in such separate supplemental plan.

255 (2) The premium tax provided by this chapter shall in all
256 cases be used in its entirety to provide extra benefits to
257 firefighters, or to firefighters and police officers if
258 included. However, local law plans in effect on October 1, 1998,
259 must comply with the minimum benefit provisions of this chapter
260 only to the extent that additional premium tax revenues become
261 available to incrementally fund the cost of such compliance as

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262 provided in s. 175.162(2)(a). If a plan is in compliance with
263 such minimum benefit provisions, as subsequent additional
264 premium tax revenues become available, they must be used to
265 provide extra benefits. Local law plans created by special act
266 before May 27, 1939, are deemed to comply with this chapter. For
267 the purpose of this chapter, the term:

268 (a) "Additional premium tax revenues" means revenues
269 received by a municipality or special fire control district
270 pursuant to s. 175.121 which exceed that amount received for
271 calendar year 1997.

272 (b) "Extra benefits" means benefits in addition to or
273 greater than those provided to general employees of the
274 municipality and in addition to those in existence for
275 firefighters on March 12, 1999.

276 (3) A retirement plan or amendment to a retirement plan may
277 not be proposed for adoption unless the proposed plan or
278 amendment contains an actuarial estimate of the costs involved.
279 Such proposed plan or proposed plan change may not be adopted
280 without the approval of the municipality, special fire control
281 district, or, where permitted, the Legislature. Copies of the
282 proposed plan or proposed plan change and the actuarial impact
283 statement of the proposed plan or proposed plan change shall be
284 furnished to the division before the last public hearing
285 thereon. Such statement must also indicate whether the proposed
286 plan or proposed plan change is in compliance with s. 14, Art. X
287 of the State Constitution and those provisions of part VII of
288 chapter 112 which are not expressly provided in this chapter.
289 Notwithstanding any other provision, only those local law plans
290 created by special act of legislation before May 27, 1939, are

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291 deemed to meet the minimum benefits and minimum standards only
292 in this chapter.

293 (4) Notwithstanding any other provision, with respect to
294 any supplemental plan municipality:

295 (a) A local law plan and a supplemental plan may continue
296 to use their definition of compensation or salary in existence
297 on March 12, 1999.

298 (b) Section 175.061(1)(b) does not apply, and a local law
299 plan and a supplemental plan shall continue to be administered
300 by a board or boards of trustees numbered, constituted, and
301 selected as the board or boards were numbered, constituted, and
302 selected on December 1, 2000.

303 (c) The election set forth in paragraph (1)(b) is deemed to
304 have been made.

305 (5) The retirement plan setting forth the benefits and the
306 trust agreement, if any, covering the duties and
307 responsibilities of the trustees and the regulations of the
308 investment of funds must be in writing, and copies made
309 available to the participants and to the general public.

310 Section 6. Section 175.411, Florida Statutes, is amended to
311 read:

312 175.411 Optional participation.—A municipality, municipal
313 services taxing unit, or special fire control district may
314 revoke its participation under this chapter by rescinding the
315 legislative act, ordinance, or resolution which assesses and
316 imposes the taxes authorized in s. 175.101, and by furnishing a
317 certified copy of such legislative act, ordinance, or resolution
318 to the division. Thereafter, the municipality, municipal
319 services taxing unit, or special fire control district shall be

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320 prohibited from participating under this chapter, and shall not
321 be eligible for future premium tax moneys. Premium tax moneys
322 previously received shall continue to be used for the sole and
323 exclusive benefit of firefighters, or firefighters and police
324 officers where included, and no amendment, legislative act,
325 ordinance, or resolution shall be adopted which shall have the
326 effect of reducing the then-vested accrued benefits of the
327 firefighters, retirees, or their beneficiaries. The
328 municipality, municipal services taxing unit, or special fire
329 control district shall continue to furnish an annual report to
330 the division as provided in s. 175.261. If the municipality,
331 municipal services taxing unit, or special fire control district
332 subsequently terminates the defined benefit plan, they shall do
333 so in compliance with the provisions of s. 175.361.

334 Section 7. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

2/13/15

Meeting Date

SB 216

Bill Number (if applicable)

Topic Publicly Funded Retirement Programs

Amendment Barcode (if applicable)

Name Yeline Goin

Job Title Attorney

Address 204 S. Monroe St Ste 203

Street

Phone 850-284-2460

Tallahassee

City

FL

State

32301

Zip

Email Ygoin@bpllegal.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing ~~to~~ City of Cape Coral

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 (10/14/14)



The Florida Senate

Committee Agenda Request

To: Senator Wilton Simpson, Chair
Committee on Community Affairs

Subject: Committee Agenda Request

Date: January 15, 2015

I respectfully request that **Senate Bill # 216**, relating to Publicly Funded Retirement Programs, be placed on the:

- committee agenda at your earliest possible convenience.
- next committee agenda.

A handwritten signature in black ink, appearing to read "Rob Bradley".

Senator Rob Bradley
Florida Senate, District 7

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 Committee on Community Affairs

BILL: SB 278

INTRODUCER: Senator Diaz de la Portilla

SUBJECT: Downtown Development Districts

DATE: February 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Favorable
2.			FT	
3.			AP	

I. Summary:

SB 278 provides statutory authority for the existing ad valorem powers originally granted to a Downtown Development Authority (DDA) by ch. 65-1090, L.O.F. The bill allows the Miami DDA to continue levying ad valorem taxes, up to 0.5 mills, in addition to the municipality's regular ad valorem taxes and special assessments, not to exceed the 10 mills allowed under the Florida Constitution.

II. Present Situation:

DDAs are special districts¹ whose function is "planning, coordinating, and assisting in the implementation, revitalization, and redevelopment of a specific downtown area of a city."² Fourteen DDAs are currently active in Florida, most of which were created by special act.³

Authorization of DDAs

The Florida Legislature first authorized DDAs in 1965 to "remedy existing conditions amounting to blighted business areas, halt further deterioration, and revitalize the central business districts of the larger cities where those conditions exist."⁴ Chapter 65-1090, L.O.F. granted power to municipalities "having a population in excess of two hundred fifty thousand (250,000)" to "create and establish a downtown development authority" with certain enumerated powers.⁵ The law provided that DDAs be governed by a five member board appointed by the governing body

¹ Chapter 189, F.S.

² Section 380.031(5), F.S.

³ The Special District Information Program within the Department of Economic Opportunity serves as the clearinghouse for special district information, and maintains a list of special districts categorized by function. Dep't of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Jan. 30, 2015).

⁴ Ch. 65-1090, at 692, Laws of Fla.

⁵ *Id.*

of the municipality and chaired by the mayor of the municipality. The law authorized the governing body of the DDA to levy an “ad valorem tax on all real and personal property in the downtown district not exceeding one-half mill on the dollar.”⁶

In 1967, using the authority in ch. 65-1090, L.O.F., the City of Miami created its DDA, and authorized it to levy an ad valorem tax.⁷ When the Florida Constitution of 1968 granted cities and counties broad home rule authority, it made general laws of local application, like ch. 65-1090, L.O.F., obsolete. In 1971, the Legislature removed obsolete general laws of local application from state law by repealing all such laws passed from 1921 through 1970.⁸ The Legislature declared those repealed laws that affected municipalities “shall become an ordinance of that municipality... subject to modification or repeal as are other ordinances.”⁹ The legality of such a transfer of the local laws previously passed by the state to the municipalities has been questioned, particularly as it applies to the ad valorem taxing power of the Miami DDA absent subsequent enactment by the legislature.¹⁰

The authority to create a DDA pursuant to ch. 65-1090, L.O.F., had been used only once prior to repeal. Between 1965 and the repeal of 1971, four other DDAs were created, but by special act of the Legislature.¹¹ The DDAs initially created by special act during this timeframe are the DDAs in Delray Beach,¹² Fort Lauderdale,¹³ Ocala,¹⁴ and West Palm Beach.¹⁵ The only DDA created pursuant to ch. 65-1090, L.O.F., is the Downtown Development Authority City of Miami.

In 1999, the Legislature enacted s. 166.0497, F.S.,¹⁶ establishing procedures by which the Miami DDA could alter, amend or expand its boundaries.¹⁷ The Code of the City of Miami (Code) establishes specific powers, composition of the board, and procedures for the Miami DDA.¹⁸ Section 14-59 of the Code requires the preparation of the DDA’s annual budget. The City Commission enacts a municipal ordinance each fiscal year to levy a millage for an ad valorem tax, which relies upon the Code’s authorization to do so:¹⁹

The city commission is authorized to levy an additional ad valorem tax on all real and personal property in the downtown district as described in this article, not exceeding one-half mill on the dollar valuation of such property, for the purpose of financing the operation of the downtown development

⁶ Ch. 65-1090, at 699, Laws of Fla.

⁷ Chapter 14, City of Miami, Florida, Code of Ordinances (1965).

⁸ Chapter 71-29, Laws of Fla.

⁹ Chapter 71-29, at 116, Laws of Fla.

¹⁰ *Milan Investment Group, Inc., v. City of Miami, et al.*, No. 3D09-2955 (Fla. 3d DCA 2010).

¹¹ Dep’t of Economic Opportunity, Special District Accountability Program, *Official List of Special Districts Online*, <https://dca.deo.myflorida.com/fhcd/sdip/OfficialListdeo/> (last visited Jan. 30, 2015).

¹² Chapter 71-604, Laws of Fla.

¹³ Chapter 65-1541, Laws of Fla.

¹⁴ Chapter 67-1782, Laws of Fla.

¹⁵ Chapter 67-2170, Laws of Fla.

¹⁶ Chapter 99-208, s.36, Laws of Fla.

¹⁷ Chapter 99-208, Laws of Fla.

¹⁸ Sections 14-51 through 14-62, City of Miami, Florida, Code of Ordinances (2014).

¹⁹ Section 14-60, City of Miami, Florida, Code of Ordinances (2014).

authority. This levy of one-half mill per dollar ad valorem tax shall be in addition to the regular ad valorem taxes and special assessments for improvements imposed by the city commission.

Municipal Millage Rates

Municipal millages are composed of four categories of millage rates:²⁰

- The general municipal millage is the nonvoted millage rate set by the governing body of the municipality.
- Municipal debt service millage is the millage rate necessary to raise taxes for debt service as authorized by vote of the electors, pursuant to s. 12, Art. VII of the State Constitution.
- Municipal voted millage is the millage rate set by the governing body of the municipality as authorized by a vote of the electors pursuant to s. 9(b), Art. VII of the State Constitution.
- Municipal dependent special district millage is the millage rate set by the governing body of the municipality, as to the taxing authority to which the district is dependent.²¹

For the purpose of fixing millage, the Florida Statutes exclude the Miami DDA from the definition of an independent special district,²² and from related requirements.²³ The City Commission set the millage rate levied by the Miami DDA for the fiscal year beginning October 1, 2014, and ending September 30, 2015, at 0.4780 mills.²⁴ All properties in Miami are subject to a 7.6465 city millage rate, and a 0.7385 mill for debt service.²⁵

III. Effect of Proposed Changes:

Section 1 amends s. 166.0497, F.S., to authorize the governing body of a municipality that created a DDA pursuant to ch. 65-1090, L.O.F., to levy an ad valorem tax on all real and personal property in the district for financing the operation of the DDA. The only DDA created pursuant to ch. 65-1090, L.O.F., is the Downtown Development District Authority City of Miami.²⁶

The bill provides that the ad valorem tax that can be levied is limited to 0.5 mills.

Section 2 provides an effective date of July 1, 2015.

²⁰ Section 200.001(2), F.S.

²¹ Section 200.001(5), F.S.

²² Section 200.001(7)(e), F.S.

²³ Section 200.065(5), F.S.

²⁴ Office of the Miami Dade Property Appraiser, 2014 Adopted Millage Rates, *available at* http://www.miamidade.gov/pa/millage_tables.asp (last visited Jan. 29, 2015).

²⁵ *Id.* Additionally, school millage, regional millage, county wide millage, and the Children's Trust mill make up the total millage rate that a property within the Downtown Development Authority City of Miami will be assessed, but these have separate caps.

²⁶ Between 1965 and the repeal of ch. 65-1090, Laws of Fla., in 1971, four other DDAs were created by special act of the Legislature, not by ch. 65-1090, Laws of Fla.

Constitutional Issues:

A. Municipality/County Mandates Restrictions:

None.

B. Public Records/Open Meetings Issues:

None.

C. Trust Funds Restrictions:

None.

D. Other Constitutional Issues:

Article 3, section 10 of the Florida Constitution provides:

No special law shall be passed unless notice of intention to seek enactment thereof has been published in the manner provided by general law. Such notice shall not be necessary when the law, except the provision for referendum, is conditioned to become effective only upon approval by vote of the electors of the area affected.

The Florida Constitution defines a special law as a special or local law.²⁷ As explained by case law:

a special law is one relating to, or designed to operate upon, particular persons or things, or one that purports to operate upon classified persons or things when classification is not permissible or the classification adopted is illegal; a local law is one relating to, or designed to operate only in, a specifically indicated part of the State, or one that purports to operate within classified territory when classification is not permissible or the classification is illegal.²⁸

Although the Supreme Court of Florida has recognized that the Legislature has wide discretion in establishing statutory classification schemes,²⁹ “[a] statute is invalid if ‘the descriptive technique is employed merely for identification rather than classification.’ ”³⁰ In determining whether the class of persons regulated by a statute is open so as to make the statute a general law as opposed to a special law that requires enactment in accordance with State constitutional provisions, the

²⁷ Fla. Const. art X, s. 12(g).

²⁸ *Lawnwood Medical Center Inc. v. Seeger, M.D.*, 959 So. 2d 1222 (Fla. 1st DCA 2007) *affirmed* by 990 So.2d 503 (Fla. 2008).

²⁹ *Dep’t of Business Regulation v. Classic Mile, Inc.*, 541 So.2d 1155 (Fla. 1989); *Shelton v. Reeder*, 121 So2d 145 (Fla. 1960).

³⁰ *City of Miami v. McGrath*, 824 So. 2d 143, 150 (Fla. 2002) (citing *West Flagler Kennel Club, Inc. v. Florida State Racing Commission*, 153 So.2d 5 (Fla.1963)).

question “is not whether it is imaginable or theoretically possible that the law might be applied to others, but whether it is reasonable to expect that it will.”³¹

IV. Fiscal Impact Statement:

A. Tax/Fee Issues:

The bill authorizes the City of Miami to levy up to 0.5 mills on all real and personal property in the district for financing the operation of the Miami DDA.

B. Private Sector Impact:

None.

C. Government Sector Impact:

None.

V. Technical Deficiencies:

None.

VI. Related Issues:

None.

VII. Statutes Affected:

This bill substantially amends section 166.0497 of the Florida Statutes.

VIII. Additional Information:

A. Committee Substitute – Statement of 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.

³¹ *State, Dep’t of Bus. & Prof’l Regulation, Div. of Pari-Mutuel Wagering v. Gulfstream Park Racing Ass’n, Inc.*, 912 So. 2d 616 (Fla. Dist. Ct. App. 2005) aff’d sub nom. *Florida Dep’t of Bus. & Prof’l Regulation v. Gulfstream Park Racing Ass’n, Inc.*, 967 So. 2d 802 (Fla. 2007).

By Senator Diaz de la Portilla

40-00333-15

2015278__

1 A bill to be entitled
2 An act relating to downtown development districts;
3 amending s. 166.0497, F.S.; authorizing the governing
4 body of a municipality that has created a downtown
5 development district to levy an ad valorem tax on all
6 real and personal property in the district to finance
7 the district's operation; limiting the tax to a
8 specified percentage; providing for limitation of the
9 district's millage; providing an effective date.

10
11 Be It Enacted by the Legislature of the State of Florida:

12
13 Section 1. Section 166.0497, Florida Statutes, is amended
14 to read:

15 166.0497 Alteration, amendment, or expansion of established
16 downtown development district; procedures; authorization to levy
17 ad valorem tax.-

18 (1) Whenever the governing body of a municipality that has
19 created a downtown development district pursuant to chapter 65-
20 1090, Laws of Florida, determines that it is necessary to alter,
21 amend, or expand the boundaries of the established district by
22 the inclusion of additional territory or the exclusion of lands
23 from the limits of the established district, in order to
24 revitalize and preserve property values or to prevent
25 deterioration in the original district or its surrounding areas,
26 it shall, by resolution, declare its intention to do so.

27 (2) In the resolution of intent, the governing body shall
28 set a date for a public hearing on adoption of an ordinance
29 altering, amending, or expanding the district and describing the

40-00333-15

2015278__

30 new proposed district. Upon the adoption of the resolution, the
31 governing body shall cause a notice of the public hearing to be
32 published in a newspaper of general circulation published in the
33 municipality, which notice shall be published one time not less
34 than 30 nor more than 60 days prior to the date of the hearing.
35 The notice shall set forth the date, time, and place of the
36 hearing and shall describe the new proposed boundaries of the
37 district. Any citizen, taxpayer, or property owner shall have
38 the right to be heard in opposition to the proposed amendment or
39 expansion of the district. After the public hearing, if the
40 governing body intends to proceed with the amendment or
41 expansion of the district, it shall, in the manner authorized by
42 law, adopt an ordinance defining the new district. The governing
43 body shall not incorporate land into the district not included
44 in the description contained in the resolution and the notice of
45 public hearing, but it may eliminate any lands from that
46 description when it adopts the ordinance containing the final
47 determination of the boundaries.

48 (3) The governing body may levy an ad valorem tax on all
49 real and personal property in the district of up to 0.5 mill on
50 the taxable value of the property for the purpose of financing
51 the operation of the district. The district's millage is limited
52 as provided under s. 200.001(8)(d).

53 Section 2. This act shall take effect July 1, 2015.

THE FLORIDA SENATE
APPEARANCE RECORD

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

3 FEB 2015

Meeting Date

SB 278

Bill Number (if applicable)

Topic Downtown Development District - Authority to Levy Ad Valoren Tax

Amendment Barcode (if applicable)

Name Warren Bittner

Job Title Deputy Emeritus, Office of the City Attorney

Address Miami Riverside Center, Suite 945, 444 S.W. 2nd Avenue

Phone (305) 416-1800

Street

Miami

FL

33130

Email wrbittner@miamigov.com

City

State

Zip

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing City of Miami & Miami Downtown Development Authority

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 (10/14/14)

THE FLORIDA SENATE

APPEARANCE RECORD

2/3/15

Meeting Date

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

SB 278

Bill Number (if applicable)

Topic DOWNTOWN DEVELOPMENT DISTRICT - AUTHORITY TO LEVY AD VALOREM TAX

Amendment Barcode (if applicable)

Name JAVIER BETANCOURT

Job Title ACTING EXECUTIVE DIRECTOR

Address 200 S. BISCAYNE BLVD., SUITE 2929

Phone 305-416-1800

MIAMI City

FL State

33131 Zip

Email betancourt@miamidda.com

Speaking: [X] For [] Against [] Information

Waive Speaking: [X] In Support [] Against (The Chair will read this information into the record.)

Representing MIAMI DOWNTOWN DEVELOPMENT AUTHORITY

Appearing at request of Chair: [] Yes [X] No

Lobbyist registered with Legislature: [] Yes [X] 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

Tallahassee, Florida 32399-1100

COMMITTEES:

Judiciary, *Chair*
Appropriations Subcommittee on Transportation,
Tourism, and Economic Development
Community Affairs
Finance and Tax
Regulated Industries
Rules

SENATOR MIGUEL DIAZ de la PORTILLA

40th District

January 16, 2015

The Honorable Wilton Simpson
Chair, Community Affairs

Via Email

Dear Chair Simpson:

My SB 278, Downtown Development Districts, has been referred to the Committee on Community Affairs. I would appreciate it if you would agenda the bill at the next available opportunity.

Thank you for your consideration.

Sincerely,

Miguel Diaz de la Portilla
Senator, District 40

Cc: Mr. Tom Yeatman, Staff Director; Ms. Ann Whittaker, Committee Administrative Assistant

REPLY TO:

- 2100 Coral Way, Suite 505, Miami, Florida 33145 (305) 643-7200
- 406 Senate Office Building, 404 South Monroe Street, Tallahassee, Florida 32399-1100 (850) 487-5040

Senate's Website: www.flsenate.gov

ANDY GARDINER
President of the Senate

GARRETT RICHTER
President Pro Tempore

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 Committee on Community Affairs

BILL: SB 302

INTRODUCER: Senator Simpson

SUBJECT: Community Contribution Tax Credit Program

DATE: February 3, 2015

REVISED: _____

	ANALYST	STAFF DIRECTOR	REFERENCE	ACTION
1.	White	Yeatman	CA	Favorable
2.			ATD	
3.			AP	

I. Summary:

SB 302 delays the expiration of the Community Contribution Tax Credit Program for 10 years. Under this program, businesses that have made contributions to eligible projects may receive tax credits, equal to 50 percent of the contribution, which can be taken against sales and use taxes, corporate income taxes, and insurance premium taxes.

Set to expire June 30, 2016, the Community Contributions Tax Credit Program has 125 approved sponsors that may suffer from declining charitable contributions if private sector participation attenuates due to uncertainty over the program's future.

II. Present Situation:

Community Contribution Tax Credit Program

The Community Contribution Tax Credit Program (Program) was established in 1980 by the Florida Legislature to encourage private sector participation in community revitalization and housing projects.¹ The Program offers tax credits, in the form of refunds, to persons who make contributions to sponsors who have been approved to participate in the Program. Eligible project sponsors² under the Program include a wide variety of community organizations, housing organizations, historic preservation organizations, units of state and local government, and regional workforce boards. Eligible projects³ include the construction, improvement or rehabilitation of housing, commercial, industrial or public facilities, and projects that promote entrepreneurial or job development opportunities for low-income persons. A community contribution must be in the form of cash or other liquid assets; real property; goods or inventory;

¹ Chapter 80-249, L.O.F.

² See ss. 212.08(5)(p)2.c., F.S.; 220.183(2)(c), F.S.; and 624.5105(2), F.S.

³ See ss. 212.08(5)(p)2.b.; and 220.183(2)(d), F.S. See also s. 220.03(1)(t), F.S.

or other physical resources as identified by the Department of Economic Opportunity (DEO).⁴ Eligible projects that construct or rehabilitate housing for low-income or very-low-income households are not limited to particular locations; while other eligible projects must be located in an area designated as an enterprise zone or a Front Porch Florida Community, unless the project is designed to provide high-speed broadband capabilities which include coverage of a rural enterprise zone, in which case the project's infrastructure can be located in any area of a rural county.

The DEO is responsible for marketing the Program⁵ in consultation with the Florida Housing Finance Corporation and other statewide and regional housing and financial intermediaries.⁶ The DEO is also responsible for administering the Program by reviewing sponsor project proposals and tax credit applications, which are approved throughout the year.⁷ Currently, there are 125 sponsors approved to participate in the Program.⁸ After the taxpayer receives approval for community contribution tax credits, it must claim the credit from the Department of Revenue (DOR).

The tax credits are equal to 50 percent of the amount donated, up to \$200,000 annually.⁹ The tax credit may be applied toward the donor's sales and use, corporate, or insurance premium tax obligations.¹⁰ The taxpayer may only apply the credits toward one tax obligation. Unused credits against corporate income taxes and insurance premium taxes may be carried forward for five years.¹¹ Unused credits against sales taxes may be carried forward for three years.¹²

The Community Contribution Tax Credit Program has grown substantially since its inception. The program began in 1980 with corporate income tax credits limited to \$3 million annually (the cap) and a 1986 expiration date.¹³ In 1984, its expiration was delayed to 1996 and the credits were extended to insurance premium tax.¹⁴ In 1994, the credit cap was reduced to \$2 million annually and the program's expiration was delayed to 2005.¹⁵ In 1998, the tax credit cap was increased to \$5 million,¹⁶ and, in 1999, the cap was doubled to \$10 million.¹⁷ In 2001, the credit was extended to sales and use tax.¹⁸ In 2005, the cap was increased to \$12 million, the program's expiration date was delayed to 2015, and a portion of the program was set aside for non-housing programs.¹⁹ In 2006, the credit cap was increased to \$14 million.²⁰

⁴ Sections 212.08(5)(p)2.a., F.S.; 220.183(2)(a), F.S.; and 624.5105(5)(a), F.S.

⁵ For information on becoming a sponsor or donor, see Florida Department of Economic Opportunity, *CCTCP Program Overview*, available at http://www.floridajobs.org/Community/CCTCP_ProgramOverview.pdf (last visited Jan. 28, 2015).

⁶ Section 220.183(4), F.S.

⁷ DEO approves projects for a fiscal year. Sponsors can apply for re-certification at the end of each state fiscal year.

⁸ E-mail from Florida Department of Economic Opportunity, Community Contribution Program Staff (Jan. 28, 2015).

⁹ Sections 220.183 (1)(a) and (b), F.S.; 212.08(5)(p).

¹⁰ See ss. 212.08(5)(p), F.S.; 220.183, F.S.; and 624.5105, F.S.

¹¹ Sections 220.183(1)(e), F.S.; and 624.5105, F.S.

¹² Section 212.08(5)(p)1.b., F.S.

¹³ Ch. 80-249, L.O.F.

¹⁴ Ch. 84-356, L.O.F.

¹⁵ Ch. 94-136, L.O.F.

¹⁶ Ch. 98-219, L.O.F.

¹⁷ Ch. 99-265, L.O.F.

¹⁸ Ch 2001-201, L.O.F.

¹⁹ Ch. 2005-282, L.O.F.

²⁰ Ch. 2006-78, L.O.F.

Currently, the total amount of tax credits that may be granted for the Community Contribution Tax Credit Program is \$18.4 million annually for projects that provide homeownership opportunities for low-income and very-low-income households and \$3.5 million for all other projects.²¹ In recent years, the cap has been reached every year.

III. Effect of Proposed Changes:

Section 1 amends s. 212.08, F.S., to delay the expiration date of the application of the community contribution tax credit against the sales and use tax to June 30, 2025.

Section 2 amends s. 220.183, F.S., to delay the expiration date of the application of the community contribution tax credit against the corporate income tax to June 30, 2025.

Section 3 amends s. 624.5105, F.S., to delay the expiration date of the application of the community contribution tax credit against the insurance premium tax to June 30, 2025.

Section 4 and 5 and 6 reenact ss. 220.02, 220.183, 624.5105 and 377.809, F.S., for the purpose of incorporating changes made elsewhere in the bill.

Section 8 provides that the bill take effect upon becoming law.

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 determined that delaying the expiration of the Community Contribution Tax Credit Program will reduce general revenue by \$19.8 million, and local revenue by \$3.7 million.²²

²¹ Sections 212.08(5)(p)1.e., F.S.; 220.183(1)(c), F.S.; and 624.5105(1)(c), F.S.

²² Revenue Estimating Conference, *2015 Session Conference Table*, available at <http://edr.state.fl.us/content/conferences/revenueimpact/2015%20Session%20Conference%20Table.pdf> (Jan. 26, 2015).

B. Private Sector Impact:

Eligible project sponsors in the Community Contribution Tax Credit Program will continue to receive contributions through 2025. Likewise, taxpayers will continue to receive tax credits for their contributions. The total amount of tax credits that may be granted annually is \$21.9 million.

C. Government Sector Impact:

None.

VI. Technical Deficiencies:

None.

VII. Related Issues:

None.

VIII. Statutes Affected:

This bill substantially amends the following sections of the Florida Statutes: 212.08, 220.183, and 624.5105.

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

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

None.

B. Amendments:

None.

By Senator Simpson

18-00339A-15

2015302__

1 A bill to be entitled
2 An act relating to the community contribution tax
3 credit program; amending ss. 212.08, 220.183, and
4 624.5105, F.S.; extending the expiration date
5 applicable to the granting of the community
6 contribution tax credit against the sales and use tax,
7 corporate income tax, and insurance premium tax for
8 contributions and donations to eligible sponsors of
9 revitalization and housing projects approved by the
10 Department of Economic Opportunity; reenacting s.
11 220.02(8), F.S., relating to legislative intent for
12 the income tax code, to incorporate the amendment made
13 to s. 220.183, F.S., in a reference thereto;
14 reenacting s. 220.183(1)(c) and (g), F.S., relating to
15 the community contribution tax credit, to incorporate
16 the amendments made to ss. 212.08 and 624.5105, F.S.,
17 in references thereto; reenacting s. 624.5105(1)(c),
18 F.S., relating to the community contribution tax
19 credit, to incorporate the amendments made to ss.
20 212.08 and 220.183, F.S., in references thereto;
21 reenacting s. 377.809(4)(a), F.S., relating to the
22 Energy Economic Zone Pilot Program, to incorporate the
23 amendments made to ss. 212.08, 220.183, and 624.5105,
24 F.S., in references thereto; providing an effective
25 date.

26
27 Be It Enacted by the Legislature of the State of Florida:

28
29 Section 1. Paragraph (p) of subsection (5) of section

18-00339A-15

2015302__

30 212.08, Florida Statutes, is amended to read:

31 212.08 Sales, rental, use, consumption, distribution, and
32 storage tax; specified exemptions.—The sale at retail, the
33 rental, the use, the consumption, the distribution, and the
34 storage to be used or consumed in this state of the following
35 are hereby specifically exempt from the tax imposed by this
36 chapter.

37 (5) EXEMPTIONS; ACCOUNT OF USE.—

38 (p) *Community contribution tax credit for donations.*—

39 1. Authorization.—Persons who are registered with the
40 department under s. 212.18 to collect or remit sales or use tax
41 and who make donations to eligible sponsors are eligible for tax
42 credits against their state sales and use tax liabilities as
43 provided in this paragraph:

44 a. The credit shall be computed as 50 percent of the
45 person's approved annual community contribution.

46 b. The credit shall be granted as a refund against state
47 sales and use taxes reported on returns and remitted in the 12
48 months preceding the date of application to the department for
49 the credit as required in sub-subparagraph 3.c. If the annual
50 credit is not fully used through such refund because of
51 insufficient tax payments during the applicable 12-month period,
52 the unused amount may be included in an application for a refund
53 made pursuant to sub-subparagraph 3.c. in subsequent years
54 against the total tax payments made for such year. Carryover
55 credits may be applied for a 3-year period without regard to any
56 time limitation that would otherwise apply under s. 215.26.

57 c. A person may not receive more than \$200,000 in annual
58 tax credits for all approved community contributions made in any

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59 one year.

60 d. All proposals for the granting of the tax credit require
61 the prior approval of the Department of Economic Opportunity.

62 e. The total amount of tax credits which may be granted for
63 all programs approved under this paragraph, s. 220.183, and s.
64 624.5105 is \$18.4 million annually for projects that provide
65 homeownership opportunities for low-income households or very-
66 low-income households as those terms are defined in s. 420.9071
67 and \$3.5 million annually for all other projects.

68 f. A person who is eligible to receive the credit provided
69 in this paragraph, s. 220.183, or s. 624.5105 may receive the
70 credit only under one section of the person's choice.

71 2. Eligibility requirements.—

72 a. A community contribution by a person must be in the
73 following form:

74 (I) Cash or other liquid assets;

75 (II) Real property;

76 (III) Goods or inventory; or

77 (IV) Other physical resources identified by the Department
78 of Economic Opportunity.

79 b. All community contributions must be reserved exclusively
80 for use in a project. As used in this sub-subparagraph, the term
81 "project" means activity undertaken by an eligible sponsor which
82 is designed to construct, improve, or substantially rehabilitate
83 housing that is affordable to low-income households or very-low-
84 income households as those terms are defined in s. 420.9071;
85 designed to provide commercial, industrial, or public resources
86 and facilities; or designed to improve entrepreneurial and job-
87 development opportunities for low-income persons. A project may

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88 be the investment necessary to increase access to high-speed
89 broadband capability in rural communities with enterprise zones,
90 including projects that result in improvements to communications
91 assets that are owned by a business. A project may include the
92 provision of museum educational programs and materials that are
93 directly related to a project approved between January 1, 1996,
94 and December 31, 1999, and located in an enterprise zone
95 designated pursuant to s. 290.0065. This paragraph does not
96 preclude projects that propose to construct or rehabilitate
97 housing for low-income households or very-low-income households
98 on scattered sites. With respect to housing, contributions may
99 be used to pay the following eligible low-income and very-low-
100 income housing-related activities:

101 (I) Project development impact and management fees for low-
102 income or very-low-income housing projects;

103 (II) Down payment and closing costs for low-income persons
104 and very-low-income persons, as those terms are defined in s.
105 420.9071;

106 (III) Administrative costs, including housing counseling
107 and marketing fees, not to exceed 10 percent of the community
108 contribution, directly related to low-income or very-low-income
109 projects; and

110 (IV) Removal of liens recorded against residential property
111 by municipal, county, or special district local governments if
112 satisfaction of the lien is a necessary precedent to the
113 transfer of the property to a low-income person or very-low-
114 income person, as those terms are defined in s. 420.9071, for
115 the purpose of promoting home ownership. Contributions for lien
116 removal must be received from a nonrelated third party.

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117 c. The project must be undertaken by an "eligible sponsor,"
118 which includes:

119 (I) A community action program;

120 (II) A nonprofit community-based development organization
121 whose mission is the provision of housing for low-income
122 households or very-low-income households or increasing
123 entrepreneurial and job-development opportunities for low-income
124 persons;

125 (III) A neighborhood housing services corporation;

126 (IV) A local housing authority created under chapter 421;

127 (V) A community redevelopment agency created under s.

128 163.356;

129 (VI) A historic preservation district agency or
130 organization;

131 (VII) A regional workforce board;

132 (VIII) A direct-support organization as provided in s.

133 1009.983;

134 (IX) An enterprise zone development agency created under s.

135 290.0056;

136 (X) A community-based organization incorporated under
137 chapter 617 which is recognized as educational, charitable, or
138 scientific pursuant to s. 501(c)(3) of the Internal Revenue Code
139 and whose bylaws and articles of incorporation include
140 affordable housing, economic development, or community
141 development as the primary mission of the corporation;

142 (XI) Units of local government;

143 (XII) Units of state government; or

144 (XIII) Any other agency that the Department of Economic
145 Opportunity designates by rule.

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A contributing person may not have a financial interest in the eligible sponsor.

d. The project must be located in an area designated an enterprise zone or a Front Porch Florida Community, unless the project increases access to high-speed broadband capability for rural communities that have enterprise zones but is physically located outside the designated rural zone boundaries. Any project designed to construct or rehabilitate housing for low-income households or very-low-income households as those terms are defined in s. 420.9071 is exempt from the area requirement of this sub-subparagraph.

e.(I) If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071 are received for less than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant tax credits for those applications and grant remaining tax credits on a first-come, first-served basis for subsequent eligible applications received before the end of the state fiscal year. If, during the first 10 business days of the state fiscal year, eligible tax credit applications for projects that provide homeownership opportunities for low-income households or very-low-income households as those terms are defined in s. 420.9071 are received for more than the annual tax credits available for those projects, the Department of Economic Opportunity shall grant the tax credits for those applications as follows:

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175 (A) If tax credit applications submitted for approved
176 projects of an eligible sponsor do not exceed \$200,000 in total,
177 the credits shall be granted in full if the tax credit
178 applications are approved.

179 (B) If tax credit applications submitted for approved
180 projects of an eligible sponsor exceed \$200,000 in total, the
181 amount of tax credits granted pursuant to sub-sub-sub-
182 subparagraph (A) shall be subtracted from the amount of
183 available tax credits, and the remaining credits shall be
184 granted to each approved tax credit application on a pro rata
185 basis.

186 (II) If, during the first 10 business days of the state
187 fiscal year, eligible tax credit applications for projects other
188 than those that provide homeownership opportunities for low-
189 income households or very-low-income households as those terms
190 are defined in s. 420.9071 are received for less than the annual
191 tax credits available for those projects, the Department of
192 Economic Opportunity shall grant tax credits for those
193 applications and shall grant remaining tax credits on a first-
194 come, first-served basis for subsequent eligible applications
195 received before the end of the state fiscal year. If, during the
196 first 10 business days of the state fiscal year, eligible tax
197 credit applications for projects other than those that provide
198 homeownership opportunities for low-income households or very-
199 low-income households as those terms are defined in s. 420.9071
200 are received for more than the annual tax credits available for
201 those projects, the Department of Economic Opportunity shall
202 grant the tax credits for those applications on a pro rata
203 basis.

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204 3. Application requirements.—

205 a. An ~~Any~~ eligible sponsor seeking to participate in this
206 program must submit a proposal to the Department of Economic
207 Opportunity which sets forth the name of the sponsor, a
208 description of the project, and the area in which the project is
209 located, together with such supporting information as is
210 prescribed by rule. The proposal must also contain a resolution
211 from the local governmental unit in which the project is located
212 certifying that the project is consistent with local plans and
213 regulations.

214 b. A ~~Any~~ person seeking to participate in this program must
215 submit an application for tax credit to the Department of
216 Economic Opportunity which sets forth the name of the sponsor, a
217 description of the project, and the type, value, and purpose of
218 the contribution. The sponsor shall verify, in writing, the
219 terms of the application and indicate its receipt of the
220 contribution, and such verification must accompany the
221 application for tax credit. The person must submit a separate
222 tax credit application to the Department of Economic Opportunity
223 for each individual contribution that it makes to each
224 individual project.

225 c. A ~~Any~~ person who has received notification from the
226 Department of Economic Opportunity that a tax credit has been
227 approved must apply to the department to receive the refund.
228 Application must be made on the form prescribed for claiming
229 refunds of sales and use taxes and be accompanied by a copy of
230 the notification. A person may submit only one application for
231 refund to the department within a 12-month period.

232 4. Administration.—

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233 a. The Department of Economic Opportunity may adopt rules
234 necessary to administer this paragraph, including rules for the
235 approval or disapproval of proposals by a person.

236 b. The decision of the Department of Economic Opportunity
237 must be in writing, and, if approved, the notification shall
238 state the maximum credit allowable to the person. Upon approval,
239 the Department of Economic Opportunity shall transmit a copy of
240 the decision to the department.

241 c. The Department of Economic Opportunity shall
242 periodically monitor all projects in a manner consistent with
243 available resources to ensure that resources are used in
244 accordance with this paragraph; however, each project must be
245 reviewed at least once every 2 years.

246 d. The Department of Economic Opportunity shall, in
247 consultation with the statewide and regional housing and
248 financial intermediaries, market the availability of the
249 community contribution tax credit program to community-based
250 organizations.

251 5. Expiration.—This paragraph expires June 30, 2025 ~~2016~~;
252 however, any accrued credit carryover that is unused on that
253 date may be used until the expiration of the 3-year carryover
254 period for such credit.

255 Section 2. Subsection (5) of section 220.183, Florida
256 Statutes, is amended to read:

257 220.183 Community contribution tax credit.—

258 (5) EXPIRATION.—The provisions of this section, except
259 paragraph (1)(e), expire and are void on June 30, 2025 ~~2016~~.

260 Section 3. Subsection (6) of section 624.5105, Florida
261 Statutes, is amended to read:

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262 624.5105 Community contribution tax credit; authorization;
263 limitations; eligibility and application requirements;
264 administration; definitions; expiration.—

265 (6) EXPIRATION.—The provisions of this section, except
266 paragraph (1) (e), expire and are void on June 30, 2025 ~~2016~~.

267 Section 4. For the purpose of incorporating the amendment
268 made by this act to section 220.183, Florida Statutes, in a
269 reference thereto, subsection (8) of section 220.02, Florida
270 Statutes, is reenacted to read:

271 220.02 Legislative intent.—

272 (8) It is the intent of the Legislature that credits
273 against either the corporate income tax or the franchise tax be
274 applied in the following order: those enumerated in s. 631.828,
275 those enumerated in s. 220.191, those enumerated in s. 220.181,
276 those enumerated in s. 220.183, those enumerated in s. 220.182,
277 those enumerated in s. 220.1895, those enumerated in s. 220.195,
278 those enumerated in s. 220.184, those enumerated in s. 220.186,
279 those enumerated in s. 220.1845, those enumerated in s. 220.19,
280 those enumerated in s. 220.185, those enumerated in s. 220.1875,
281 those enumerated in s. 220.192, those enumerated in s. 220.193,
282 those enumerated in s. 288.9916, those enumerated in s.
283 220.1899, those enumerated in s. 220.194, and those enumerated
284 in s. 220.196.

285 Section 5. For the purpose of incorporating the amendments
286 made by this act to sections 212.08 and 624.5105, Florida
287 Statutes, in references thereto, paragraphs (c) and (g) of
288 subsection (1) of section 220.183, Florida Statutes, are
289 reenacted to read:

290 220.183 Community contribution tax credit.—

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291 (1) AUTHORIZATION TO GRANT COMMUNITY CONTRIBUTION TAX
 292 CREDITS; LIMITATIONS ON INDIVIDUAL CREDITS AND PROGRAM
 293 SPENDING.—

294 (c) The total amount of tax credit which may be granted for
 295 all programs approved under this section, s. 212.08(5)(p), and
 296 s. 624.5105 is \$18.4 million annually for projects that provide
 297 homeownership opportunities for low-income or very-low-income
 298 households as defined in s. 420.9071 and \$3.5 million annually
 299 for all other projects.

300 (g) A taxpayer who is eligible to receive the credit
 301 provided for in s. 624.5105 is not eligible to receive the
 302 credit provided by this section.

303 Section 6. For the purpose of incorporating the amendments
 304 made by this act to sections 212.08 and 220.183, Florida
 305 Statutes, in references thereto, paragraph (c) of subsection (1)
 306 of section 624.5105, Florida Statutes, is reenacted to read:

307 624.5105 Community contribution tax credit; authorization;
 308 limitations; eligibility and application requirements;
 309 administration; definitions; expiration.—

310 (1) AUTHORIZATION TO GRANT TAX CREDITS; LIMITATIONS.—

311 (c) The total amount of tax credit which may be granted for
 312 all programs approved under this section and ss. 212.08(5)(p)
 313 and 220.183 is \$18.4 million annually for projects that provide
 314 homeownership opportunities for low-income or very-low-income
 315 households as defined in s. 420.9071 and \$3.5 million annually
 316 for all other projects.

317 Section 7. For the purpose of incorporating the amendments
 318 made by this act to sections 212.08, 220.183, and 624.5105,
 319 Florida Statutes, in references thereto, paragraph (a) of

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320 subsection (4) of section 377.809, Florida Statutes, is
321 reenacted to read:

322 377.809 Energy Economic Zone Pilot Program.—

323 (4) (a) Beginning July 1, 2012, all the incentives and
324 benefits provided for enterprise zones pursuant to state law
325 shall be available to the energy economic zones designated
326 pursuant to this section on or before July 1, 2010. In order to
327 provide incentives, by March 1, 2012, each local governing body
328 that has jurisdiction over an energy economic zone must, by
329 local ordinance, establish the boundary of the energy economic
330 zone, specify applicable energy-efficiency standards, and
331 determine eligibility criteria for the application of state and
332 local incentives and benefits in the energy economic zone.
333 However, in order to receive benefits provided under s. 288.106,
334 a business must be a qualified target industry business under s.
335 288.106 for state purposes. An energy economic zone's boundary
336 may be revised by local ordinance. Such incentives and benefits
337 include those in ss. 212.08, 212.096, 220.181, 220.182, 220.183,
338 288.106, and 624.5105 and the public utility discounts provided
339 in s. 290.007(8). The exemption provided in s. 212.08(5)(c)
340 shall be for renewable energy as defined in s. 377.803. For
341 purposes of this section, any applicable requirements for
342 employee residency for higher refund or credit thresholds must
343 be based on employee residency in the energy economic zone or an
344 enterprise zone. A business in an energy economic zone may also
345 be eligible for funding under ss. 288.047 and 445.003, and a
346 transportation project in an energy economic zone shall be
347 provided priority in funding under s. 339.2821. Other projects
348 shall be given priority ranking to the extent practicable for

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349 grants administered under state energy programs.

350 Section 8. 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)

2-3-15
Meeting Date

SB-302
Bill Number (if applicable)

Topic Community Contribution Tax Credit

Amendment Barcode (if applicable)

Name Wes Singletary

Job Title Exec. Director

Address 2921 Roberts Avenue

Phone 850-574-2288

Tallahassee FL 32310
City State Zip

Email wessingletary@bigbendhabitat.org

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Big Bend Habitat for Humanity

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)

2-3-15

Meeting Date

SB-302

Bill Number (if applicable)

Topic Community Contribution Tax Credit

Amendment Barcode (if applicable)

Name Marnie George

Job Title _____

Address 215 S. Monroe St

Street

Phone 850-510-8866

Tallahassee

City

FL

State

32303

Zip

Email Marnie@penningtonlaw.com

Speaking: For Against Information

Waive Speaking: In Support Against
(The Chair will read this information into the record.)

Representing Habitat for Humanity of FL

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 (10/14/14)

CourtSmart Tag Report

Room: SB 301

Case:

Type:

Caption: Senate Community Affairs Committee Judge:

Started: 2/3/2015 10:02:28 AM

Ends: 2/3/2015 10:35:31 AM Length: 00:33:04

10:02:36 AM Call to order
10:03:35 AM Tab 1 SB 200 Senator Latvala
10:05:13 AM Diane Nelson, Pinellas County Tax Collectors
10:07:37 AM Roll Call SB 200
10:07:50 AM Bill reported Favorably
10:08:10 AM Tab 3 SB 260 Senator Bradley
10:09:26 AM Carey Baker, FL Association of Property Appraisers
10:09:33 AM Roll call SB 260
10:09:41 AM Bill reported Favorably
10:10:05 AM Tab 4 SB 216 Senator Bradley
10:11:40 AM Senator Dean
10:12:57 AM Amendment 1 (Barcode 699276)
10:13:15 AM Amendment 2 (Barcode 546068)
10:13:22 AM Senator Brandes
10:14:11 AM Amendment 2 adopted
10:14:22 AM Yeline Goin, City of Cape Coral
10:14:34 AM Roll call SB 216
10:14:43 AM SB 216 reported Favorably
10:15:05 AM Tab 5 SB 278 Senator Diaz de le Portilla
10:15:21 AM Senator Thompson
10:15:50 AM Senator Brandes
10:16:38 AM Roll call SB 278
10:16:47 AM SB 278 reported Favorably
10:17:19 AM Tab 6 SB 302 Senator Simpson
10:18:17 AM Roll call SB 302
10:18:34 AM SB 302 reported Favorably
10:19:02 AM Tab 2 SB 266
10:19:12 AM Speaker J.J. Piskadlo
10:19:48 AM Senator Brandes
10:21:24 AM Senator Thompson
10:22:19 AM Senator Diaz de le Portilla
10:23:17 AM Mila Schwartzreich, Broward County Property Appraiser
10:25:07 AM Senator Bradley
10:27:10 AM Senator Diaz de le Portilla
10:27:50 AM Marty Cassini, Broward County
10:28:51 AM Senator Bradley
10:32:58 AM Senator Dean
10:34:19 AM Discussion or Debate
10:34:24 AM Senator Abruzzo
10:35:05 AM Roll call SB 266
10:35:19 AM SB 266 reported Favorably
10:35:22 AM Adjourned