



Appropriations Committee

Friday, April 26, 2013
8:00 AM – 9:00 AM
212 Knott Building

Meeting Packet

Will Weatherford
Speaker

Seth McKeel
Chair



The Florida House of Representatives

Appropriations Committee

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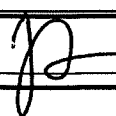
AGENDA

Friday, April 26, 2013
212 Knott Building
8:00 AM – 9:00 AM

- I. Call to Order/Roll Call
- II. Opening Remarks by Chair McKeel
- III. Consideration of the following bill:
SB 1832 Taxation by Appropriations, Grimsley
- IV. Closing Remarks and Adjournment

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: SB 1832 Taxation
SPONSOR(S): Appropriations, Grimsley
TIED BILLS: IDEN./SIM. **BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Appropriations Committee		Langston 	Leznoff 

SUMMARY ANALYSIS

In 2009, the Legislature increased the various fees required to register a motor vehicle. SB 1832 reduces some of those fees to the amount of the fee prior to September 1, 2009, as follows:

<u>Vehicle Registration Fees</u>	<u>Current</u>	<u>Proposed</u>
Registration Service Charge	\$5.00	\$2.50
Validation Sticker Service Charge	\$3.00	\$1.00
Retro-reflective Tag Sticker	\$1.50	\$0.50
License Tax Surcharge (STTF)	\$4.00	\$2.00
License Tax Surcharge (DJJ)	\$5.50	\$1.00

The reduction in fees results in a \$12 annual decrease in the amount paid to register a motor vehicle.

Florida levies a tax at a rate of 1.75% on premiums paid on most lines of insurance in the state. Insurance companies are allowed to take several credits against this tax liability, including a credit of up to 15 percent of salaries paid to employees located or based within Florida. This bill eliminates the Florida employee salary tax credit.

The Revenue Estimating Conference (REC) determined that reducing motor vehicle registration fees will decrease General Revenue by \$171.6 million in Fiscal Year 2013-2014, with a negative \$224.1 million recurring impact to General Revenue. The REC also determined that the repeal of the insurance premium tax credit will increase General Revenue by \$351.7 million in Fiscal Year 2013-2014, with a positive \$231.3 million recurring impact to General Revenue. The net General Revenue impact of the above effects would be +\$180.1 million in Fiscal Year 2013-2014, and +\$7.2 million on a recurring basis.

The sections of this bill relating to fees for motor vehicle registrations are effective September 1, 2013. The sections of this bill relating to the tax credit for insurance companies are effective upon becoming law and apply to the 2013 insurance premium tax year.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Motor Vehicle Registration Fees

In 2009, the Legislature increased fees for annual motor vehicle registrations, along with other fees related to the issuance of driver's licenses, identification cards, driver's license reinstatements, motor vehicle titles, and driver's records. The revenues received from the increased fees were deposited into the General Revenue Fund.

Section 320.04(1)(a), F.S., provides for a service charge of \$5.00 for each application of an original issuance, duplicate issuance or transfer of any license plate, mobile home sticker or validation sticker, including the transfer or duplicate issuance of any registration certification. Of the \$5.00 fee, \$2.50 is deposited into the General Revenue Fund, with the remainder retained by the Department of Highway Safety and Motor Vehicles (department) or the tax collector.

Section 320.04(1)(b), F.S., provides for a service charge of \$3.00 for the issuance of each license plate validation sticker, vessel decal, or mobile home sticker issued from an automated vending facility or a printer dispenser machine. The fee is payable to the department, of which \$1.00 is used to provide for the machines and \$2.00 is deposited into the General Revenue Fund.

Section 320.06(3)(b) provides for a \$1.50 fee on each motor vehicle registration or renewal registration issued in order to treat all license plate validation stickers with retroflective material. Of the \$1.50 fee, \$1.00 is deposited into the General Revenue Fund and 50 cents is deposited into the Highway Safety Operating Trust Fund.

Section 320.0804, F.S., provides for a \$4.00 surcharge on each annual license tax imposed under s. 320.08, F.S.,¹ of which \$2.00 is deposited into the General Revenue Fund and \$2.00 is deposited into the State Transportation Trust Fund.

Section 320.08046, F.S., provides for a \$5.50 surcharge on each annual license tax imposed under s. 320.08, F.S., of which \$4.50 is deposited into the General Revenue Fund and \$1.00 is deposited into the Grants and Donations Trust Fund in the Department of Juvenile Justice.

Insurance Premium Tax – Salary Credit

Florida imposes a tax of 1.75 percent on most Florida insurance premiums. (Other tax rates apply to wet marine and transportation insurance, self-insurance, and annuity premiums.) Several credits are provided that can be used by insurance companies to reduce their premium tax liability.²

The Florida employees' salary credit is equal to 15 percent of salaries paid to employees located or based within this state, and does not include amounts paid as commissions. For purposes of this credit,

¹ The annual license tax imposed under s. 320.08, F.S. is paid upon the registration or renewal of motor vehicles, mopeds, motorized bikes, tri-vehicles and mobile homes.

² Credit for payments to the Municipal Firefighters' Pension Fund (s. 175.141, F.S.) and Municipal Police Officers' Retirement Fund (s. 185.12, F.S.); Corporate Income Tax Credit (s. 624.509(4), F.S.); Florida Employees' Salary Credit (s. 624.509(5), F.S.); New Markets Tax Credit (s. 288.9916, F.S.); Capital Investment Tax Credit (s. 220.191, F.S.); Community Contribution Tax Credit (s. 624.5105, F.S.); Child Care Tax Credit (s. 624.5107, F.S.); Credit for Contributions to Scholarship-Funding Organizations (s. 624.51055, F.S.); Credit for Workers' Compensation Assessments (440.51, F.S.); and Credit for Florida Life and Health Insurance Guaranty Association Assessments (s. 631.72, F.S.).

“employees” does not include independent contractors or any person whose duties require that the person hold a valid license under the Florida Insurance Code, except adjusters, managing general agents, and service representatives.

Until 1987, Florida exempted insurance companies that maintained their home offices in Florida from the insurance premium tax, and provided a lower tax rate for out-of-state insurance companies doing business in Florida if they owned and substantially occupied any building in the state as a regional home office. Chapter 87-99, L.O.F., repealed these differential rates and provided a credit equal to 10 percent of the salaries of Florida employees. One year later, chapter 88-20, L.O.F., increased the salary credit to 15 percent.

The maximum credit that can be taken is equal to the lesser of total premium tax due after subtracting credits for taxes levied for police retirement funds and firefighters’ pension funds and corporate income taxes paid or 15 percent of eligible Florida salaries. This amount is further limited by the requirement that the sum of the salary credit and the credit for corporate income taxes paid may not exceed 65 percent of the total premium tax due after subtracting credits for taxes levied for police retirement funds and firefighters’ pension funds and workers’ compensation assessment credits.

Credits and deductions against the insurance premium tax must be taken in the following order prescribed in s. 624.509(7), F.S.: Workers’ Compensation Administrative Assessment credits, credits for taxes paid into firefighters’ pension funds and police retirement funds, credits for corporate income taxes, credits for employees’ salaries, and all other available credits and deductions.

Because of the types of credits that are available, the order in which they must be taken, and the limits place on some credits, an insurance company’s ability to take full advantage of the statutory credits depends on the type of insurance it sells. In the 2011 insurance premium tax year, the total available salary credits were \$320.5 million. However, because of the 65 percent limitation on combined salary and corporate income tax credits, total salary credits taken were \$219.8 million. The current insurance premium tax forecast assumes salary credits taken for the 2012 insurance premium tax year will equal \$230.1 million.

Proposed Changes

Section 1 amends s. 320.04, F.S., to decrease from \$5.00 to \$2.50 a service charge imposed on each application of an original issuance, duplicate issuance or transfer of any license plate, mobile home sticker or validation sticker, including the transfer or duplicate issuance of any registration certification.

This section also decreases from \$3.00 to \$1.00 a service charge imposed on the issuance of a registration receipt for a vehicle, vessel or mobile home registration and specifies that fee be payable to and retained by the department. (The proposed decrease lowers the fee to the amount of the fee prior to the 2009 increase in motor vehicle fees.)

Section 2 amends 320.06(3)(b), F.S. to decrease from \$1.50 to 50 cents a fee imposed on each motor vehicle registration issued in order to treat all license plates and validation stickers with retroreflective material. The revenues will be deposited into the Highway Safety Operating Trust Fund. (The proposed decrease lowers the fee to the amount of the fee prior to the 2009 increase in motor vehicle fees.)

Section 3 amends 320.0804, F.S., to decrease the surcharge on each license tax imposed under s. 320.08, F.S.,³ excluding mobile home registrations. The surcharge is decreased from \$4.00 to \$2.00 and provides for the revenues to be deposited into the State Transportation Trust Fund. (The proposed decrease lowers the fee to the amount of the fee prior to the 2009 increase in motor vehicle fees.)

³ The annual license tax imposed under s. 320.08, F.S. is paid upon the registration or renewal of motor vehicles, mopeds, motorized bikes, tri-vehicles and mobile homes.

Section 4 amends 320.08046, F.S., to decrease the surcharge on each license tax imposed under s. 320.08, F.S., excluding mobile home registrations. The surcharge is decreased from \$5.50 to \$1.00 and provides for the revenues to be deposited into the Grants and Donations Trust Fund in the Department of Juvenile Justice. (The proposed decrease lowers the fee to the amount of the fee prior to the 2009 increase in motor vehicle fees.)

Sections 5 reenacts s. 320.0807, F.S. to incorporate changes made to s. 320.06, F.S.

Section 6 amends s. 624.509, F.S., to delete the insurance premium tax credit for Florida employees' salaries, effective January 1, 2013.

Section 7 amends s.624.5091, F.S., to make changes conforming to the repeal of the insurance premium tax credit.

Section 8 amends 624.51055, F.S., to make changes conforming to the repeal of the insurance premium tax credit.

Section 9 provides that sections 1 through 5 (motor vehicle registration fees) are effective September 1, 2013 and sections 6 through 8 (insurance premium tax credit) are effective upon becoming law and apply to the 2013 insurance premium tax year.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Estimating Conference (REC) determined that reducing motor vehicle registration fees will decrease General Revenue by \$171.6 million in Fiscal Year 2013-2014, with a negative \$224.1 million recurring impact to General Revenue.

The REC determined that the repeal of the insurance premium tax credit will increase General Revenue by \$351.7 million in Fiscal Year 2013-2014, with a positive \$231.3 million recurring impact to General Revenue.

The net impact of the above effects would be +\$180.1 million in Fiscal Year 2013-2014, and +\$7.2 million on a recurring basis.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private motor vehicle owners will be assessed lower fees when making purchases related to motor vehicle registrations.

This bill is expected to increase the insurance premium tax liability of insurance companies doing business in Florida by at least \$220 million on a recurring basis.

D. FISCAL COMMENTS:

None.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

None.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

By the Committee on Appropriations

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1 A bill to be entitled
 2 An act relating to taxation; amending s. 320.04, F.S.;
 3 reducing the service charges that are collected with
 4 an application for the original issuance, duplicate
 5 issuance, or transfer of certain specified
 6 registration certificates; amending s. 320.06, F.S.;
 7 reducing a fee collected for a motor vehicle
 8 registration; amending ss. 320.0804 and 320.08046,
 9 F.S.; reducing a surcharge on a license tax;
 10 reenacting s. 320.0807(4), F.S., relating to special
 11 vehicle license plates for the Governor and federal
 12 and state legislators, to incorporate the amendment
 13 made to s. 320.06, F.S., in a reference thereto;
 14 amending s. 624.509, F.S.; deleting a credit based on
 15 the amount paid in salaries to employees within this
 16 state; amending ss. 624.5091 and 624.51055, F.S.;
 17 revising provisions to conform to changes made by the
 18 act; providing effective dates.

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

21
 22 Section 1. Section 320.04, Florida Statutes, is amended to
 23 read:

24 320.04 Registration service charge.—
 25 (1)(a) There shall be a service charge of \$2.50 ~~\$5~~ for each
 26 application which is handled in connection with original
 27 issuance, duplicate issuance, or transfer of any license plate,
 28 mobile home sticker, or validation sticker or with transfer or
 29 duplicate issuance of any registration certificate, which shall

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30 ~~. Of that amount, \$2.50 shall be deposited into the General~~
31 ~~Revenue Fund, and the remainder shall be retained by the~~
32 ~~department or by the tax collector, as the case may be, as other~~
33 ~~fees accruing to those offices.~~

34 (b) There shall also be a service charge of \$1 ~~\$3~~ for the
35 issuance of each license plate validation sticker, vessel decal,
36 and mobile home sticker issued from an automated vending
37 facility or printer dispenser machine, which is payable to the
38 department, which. ~~Of that amount, \$1 shall be used to provide~~
39 ~~for automated vending facilities or printer dispenser machines~~
40 ~~used to dispense such stickers and decals by each tax~~
41 ~~collector's or license tag agent's employee. The remaining \$2~~
42 ~~shall be deposited into the General Revenue Fund.~~

43 (c) The tax collector may impose an additional service
44 charge of not more than 50 cents on any transaction specified in
45 paragraph (a) or paragraph (b), or on any transaction specified
46 in s. 319.32(2)(a) or s. 328.48 if such transaction occurs at
47 any tax collector's branch office.

48 Section 2. Section 320.06, Florida Statutes, is amended to
49 read:

50 320.06 Registration certificates, license plates, and
51 validation stickers generally.—

52 (1)(a) Upon the receipt of an initial application for
53 registration and payment of the appropriate license tax and
54 other fees required by law, the department shall assign to the
55 motor vehicle a registration license number consisting of
56 letters and numerals or numerals and issue to the owner or
57 lessee a certificate of registration and one registration
58 license plate, unless two plates are required for display by s.

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59 320.0706, for each vehicle so registered.

60 (b) Registration license plates bearing a graphic symbol
61 and the alphanumeric system of identification shall be issued
62 for a 10-year period. At the end of that 10-year period, upon
63 renewal, the plate shall be replaced. The department shall
64 extend the scheduled license plate replacement date from a 6-
65 year period to a 10-year period. The fee for such replacement is
66 \$28, \$2.80 of which shall be paid each year before the plate is
67 replaced, to be credited towards the next \$28 replacement fee.
68 The fees shall be deposited into the Highway Safety Operating
69 Trust Fund. A credit or refund may not be given for any prior
70 years' payments of such prorated replacement fee if the plate is
71 replaced or surrendered before the end of the 10-year period,
72 except that a credit may be given if a registrant is required by
73 the department to replace a license plate under s.

74 320.08056(8)(a). With each license plate, a validation sticker
75 shall be issued showing the owner's birth month, license plate
76 number, and the year of expiration or the appropriate renewal
77 period if the owner is not a natural person. The validation
78 sticker shall be placed on the upper right corner of the license
79 plate. Such license plate and validation sticker shall be issued
80 based on the applicant's appropriate renewal period. The
81 registration period is 12 months, the extended registration
82 period is 24 months, and all expirations occur based on the
83 applicant's appropriate registration period. A vehicle with an
84 apportioned registration shall be issued an annual license plate
85 and a cab card that denote the declared gross vehicle weight for
86 each apportioned jurisdiction in which the vehicle is authorized
87 to operate.

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88 (c) Registration license plates equipped with validation
89 stickers subject to the registration period are valid for not
90 more than 12 months and expire at midnight on the last day of
91 the registration period. A registration license plate equipped
92 with a validation sticker subject to the extended registration
93 period is valid for not more than 24 months and expires at
94 midnight on the last day of the extended registration period.
95 For each registration period after the one in which the metal
96 registration license plate is issued, and until the license
97 plate is required to be replaced, a validation sticker showing
98 the month and year of expiration shall be issued upon payment of
99 the proper license tax amount and fees and is valid for not more
100 than 12 months. For each extended registration period occurring
101 after the one in which the metal registration license plate is
102 issued and until the license plate is required to be replaced, a
103 validation sticker showing the year of expiration shall be
104 issued upon payment of the proper license tax amount and fees
105 and is valid for not more than 24 months. When license plates
106 equipped with validation stickers are issued in any month other
107 than the owner's birth month or the designated registration
108 period for any other motor vehicle, the effective date shall
109 reflect the birth month or month and the year of renewal.
110 However, when a license plate or validation sticker is issued
111 for a period of less than 12 months, the applicant shall pay the
112 appropriate amount of license tax and the applicable fee under
113 s. 320.14 in addition to all other fees. Validation stickers
114 issued for vehicles taxed under s. 320.08(6)(a), for any company
115 that owns 250 vehicles or more, or for semitrailers taxed under
116 the provisions of s. 320.08(5)(a), for any company that owns 50

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117 vehicles or more, may be placed on any vehicle in the fleet so
118 long as the vehicle receiving the validation sticker has the
119 same owner's name and address as the vehicle to which the
120 validation sticker was originally assigned.

121 (2) The department shall provide the several tax collectors
122 and license plate agents with the necessary number of validation
123 stickers.

124 (3)(a) Registration license plates must be made of metal
125 specially treated with a retroreflection material, as specified
126 by the department. The registration license plate is designed to
127 increase nighttime visibility and legibility and must be at
128 least 6 inches wide and not less than 12 inches in length,
129 unless a plate with reduced dimensions is deemed necessary by
130 the department to accommodate motorcycles, mopeds, or similar
131 smaller vehicles. Validation stickers must also be treated with
132 a retroreflection material, must be of such size as specified by
133 the department, and must adhere to the license plate. The
134 registration license plate must be imprinted with a combination
135 of bold letters and numerals or numerals, not to exceed seven
136 digits, to identify the registration license plate number. The
137 license plate must be imprinted with the word "Florida" at the
138 top and the name of the county in which it is sold, the state
139 motto, or the words "Sunshine State" at the bottom. Apportioned
140 license plates must have the word "Apportioned" at the bottom
141 and license plates issued for vehicles taxed under s.
142 320.08(3)(d), (4)(m) or (n), (5)(b) or (c), or (14) must have
143 the word "Restricted" at the bottom. License plates issued for
144 vehicles taxed under s. 320.08(12) must be imprinted with the
145 word "Florida" at the top and the word "Dealer" at the bottom.

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146 Manufacturer license plates issued for vehicles taxed under s.
 147 320.08(12) must be imprinted with the word "Florida" at the top
 148 and the word "Manufacturer" at the bottom. License plates issued
 149 for vehicles taxed under s. 320.08(5)(d) or (e) must be
 150 imprinted with the word "Wrecker" at the bottom. Any county may,
 151 upon majority vote of the county commission, elect to have the
 152 county name removed from the license plates sold in that county.
 153 The state motto or the words "Sunshine State" shall be printed
 154 in lieu thereof. A license plate issued for a vehicle taxed
 155 under s. 320.08(6) may not be assigned a registration license
 156 number, or be issued with any other distinctive character or
 157 designation, that distinguishes the motor vehicle as a for-hire
 158 motor vehicle.

159 (b) An additional fee of \$.50 ~~\$1.50~~ shall be collected and
 160 deposited into the Highway Safety Operating Trust Fund on each
 161 motor vehicle registration or motor vehicle renewal registration
 162 issued in this state in order for all license plates and
 163 validation stickers to be fully treated with retroreflection
 164 material. ~~Of that amount, \$1 shall be deposited into the General~~
 165 ~~Revenue Fund and 50 cents shall be deposited into the Highway~~
 166 ~~Safety Operating Trust Fund.~~

167 Section 3. Section 320.0804, Florida Statutes, is amended
 168 to read:

169 320.0804 Surcharge on license tax; transportation trust
 170 fund.—There is hereby levied and imposed on each license tax
 171 imposed under s. 320.08, except those set forth in s.
 172 320.08(11), a surcharge in the amount of \$2 ~~\$4~~, which shall be
 173 collected in the same manner as the license tax and. ~~Of this~~
 174 ~~amount, \$2 shall be deposited into the State Transportation~~

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175 Trust Fund, ~~and \$2 shall be deposited into the General Revenue~~
176 ~~Fund.~~

177 Section 4. Section 320.08046, Florida Statutes, is amended
178 to read:

179 320.08046 Surcharge on license tax.—There is levied on each
180 license tax imposed under s. 320.08, except those set forth in
181 s. 320.08(11), a surcharge in the amount of \$1 ~~\$5.50~~, which
182 shall be collected in the same manner as the license tax and ~~—~~
183 ~~Of the proceeds of each license tax surcharge, \$4.50 shall be~~
184 ~~deposited into the General Revenue Fund and \$1 shall be~~
185 deposited into the Grants and Donations Trust Fund in the
186 Department of Juvenile Justice to fund the juvenile crime
187 prevention programs and the community juvenile justice
188 partnership grants program.

189 Section 5. For the purpose of incorporating the amendment
190 made by this act to section 320.06, Florida Statutes, in a
191 reference thereto, subsection (4) of section 320.0807, Florida
192 Statutes, is reenacted to read:

193 320.0807 Special license plates for Governor and federal
194 and state legislators.—

195 (4) License plates purchased under subsection (1),
196 subsection (2), or subsection (3) shall be replaced by the
197 department at no cost, other than the fees required by ss.
198 320.04 and 320.06(3)(b), when the person to whom the plates have
199 been issued leaves the elective office with respect to which the
200 license plates were issued. Within 30 days after leaving office,
201 the person to whom the license plates have been issued shall
202 make application to the department for a replacement license
203 plate. The person may return the prestige license plates to the

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204 department or may retain the plates as souvenirs. Upon receipt
205 of the replacement license plate, the person may not continue to
206 display on any vehicle the prestige license plate or plates
207 issued with respect to his or her former office.

208 Section 6. Subsections (5), (6), (7), (8), and (9) of
209 section 624.509, Florida Statutes, are amended to read:

210 624.509 Premium tax; rate and computation.—

211 ~~(5)(a)1. There shall be allowed a credit against the net~~
212 ~~tax imposed by this section equal to 15 percent of the amount~~
213 ~~paid by an insurer in salaries to employees located or based~~
214 ~~within this state and who are covered by the provisions of~~
215 ~~chapter 443.~~

216 ~~2. As an alternative to the credit allowed in subparagraph~~
217 ~~1., an affiliated group of corporations which includes at least~~
218 ~~one insurance company writing premiums in Florida may elect to~~
219 ~~take a credit against the net tax imposed by this section in an~~
220 ~~amount that may not exceed 15 percent of the salary of the~~
221 ~~employees of the affiliated group of corporations who perform~~
222 ~~insurance-related activities, are located or based within this~~
223 ~~state, and are covered by chapter 443. For purposes of this~~
224 ~~subparagraph, the term "affiliated group of corporations" means~~
225 ~~two or more corporations that are entirely owned directly or~~
226 ~~indirectly by a single corporation and that constitute an~~
227 ~~affiliated group as defined in s. 1504(a) of the Internal~~
228 ~~Revenue Code. The amount of credit allowed under this~~
229 ~~subparagraph is limited to the combined Florida salary tax~~
230 ~~credits allowed for all insurance companies that were members of~~
231 ~~the affiliated group of corporations for the tax year ending~~
232 ~~December 31, 2002, divided by the combined Florida taxable~~

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233 ~~premiums written by all insurance companies that were members of~~
234 ~~the affiliated group of corporations for the tax year ending~~
235 ~~December 31, 2002, multiplied by the combined Florida taxable~~
236 ~~premiums of the affiliated group of corporations for the current~~
237 ~~year. An affiliated group of corporations electing this~~
238 ~~alternative calculation method must make such election on or~~
239 ~~before August 1, 2005. The election of this alternative~~
240 ~~calculation method is irrevocable and binding upon successors~~
241 ~~and assigns of the affiliated group of corporations electing~~
242 ~~this alternative. However, if a member of an affiliated group of~~
243 ~~corporations acquires or merges with another insurance company~~
244 ~~after the date of the irrevocable election, the acquired or~~
245 ~~merged company is not entitled to the affiliated group election~~
246 ~~and shall only be entitled to calculate the tax credit under~~
247 ~~subparagraph 1.~~

248
249 ~~In no event shall the salary paid to an employee by an~~
250 ~~affiliated group of corporations be claimed as a credit by more~~
251 ~~than one insurer or be counted more than once in an insurer's~~
252 ~~calculation of the credit as described in subparagraph 1. or~~
253 ~~subparagraph 2. Only the portion of an employee's salary paid~~
254 ~~for the performance of insurance related activities may be~~
255 ~~included in the calculation of the premium tax credit in this~~
256 ~~subsection.~~

257 ~~(b) For purposes of this subsection:~~

258 ~~1. The term "salaries" does not include amounts paid as~~
259 ~~commissions.~~

260 ~~2. The term "employees" does not include independent~~
261 ~~contractors or any person whose duties require that the person~~

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262 ~~held a valid license under the Florida Insurance Code, except~~
263 ~~adjusters, managing general agents, and service representatives,~~
264 ~~as defined in s. 626.015.~~

265 ~~3. The term "net tax" means the tax imposed by this section~~
266 ~~after applying the calculations and credits set forth in~~
267 ~~subsection (4).~~

268 ~~4. An affiliated group of corporations that created a~~
269 ~~service company within its affiliated group on July 30, 2002,~~
270 ~~shall allocate the salary of each service company employee~~
271 ~~covered by contracts with affiliated group members to the~~
272 ~~companies for which the employees perform services. The salary~~
273 ~~allocation is based on the amount of time during the tax year~~
274 ~~that the individual employee spends performing services or~~
275 ~~otherwise working for each company over the total amount of time~~
276 ~~the employee spends performing services or otherwise working for~~
277 ~~all companies. The total amount of salary allocated to an~~
278 ~~insurance company within the affiliated group shall be included~~
279 ~~as that insurer's employee salaries for purposes of this~~
280 ~~section.~~

281 ~~a. Except as provided in subparagraph (a)2., the term~~
282 ~~"affiliated group of corporations" means two or more~~
283 ~~corporations that are entirely owned by a single corporation and~~
284 ~~that constitute an affiliated group of corporations as defined~~
285 ~~in s. 1504(a) of the Internal Revenue Code.~~

286 ~~b. The term "service company" means a separate corporation~~
287 ~~within the affiliated group of corporations whose employees~~
288 ~~provide services to affiliated group members and which are~~
289 ~~treated as service company employees for reemployment assistance~~
290 ~~or unemployment compensation and common law purposes. The~~

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291 ~~holding company of an affiliated group may not qualify as a~~
292 ~~service company. An insurance company may not qualify as a~~
293 ~~service company.~~

294 ~~e. If an insurance company fails to substantiate, whether~~
295 ~~by means of adequate records or otherwise, its eligibility to~~
296 ~~claim the service company exception under this section, or its~~
297 ~~salary allocation under this section, no credit shall be~~
298 ~~allowed.~~

299 ~~5. A service company that is a subsidiary of a mutual~~
300 ~~insurance holding company, which mutual insurance holding~~
301 ~~company was in existence on or before January 1, 2000, shall~~
302 ~~allocate the salary of each service company employee covered by~~
303 ~~contracts with members of the mutual insurance holding company~~
304 ~~system to the companies for which the employees perform~~
305 ~~services. The salary allocation is based on the ratio of the~~
306 ~~amount of time during the tax year which the individual employee~~
307 ~~spends performing services or otherwise working for each company~~
308 ~~to the total amount of time the employee spends performing~~
309 ~~services or otherwise working for all companies. The total~~
310 ~~amount of salary allocated to an insurance company within the~~
311 ~~mutual insurance holding company system shall be included as~~
312 ~~that insurer's employee salaries for purposes of this section.~~
313 ~~However, this subparagraph does not apply for any tax year~~
314 ~~unless funds sufficient to offset the anticipated salary credits~~
315 ~~have been appropriated to the General Revenue Fund prior to the~~
316 ~~due date of the final return for that year.~~

317 ~~a. The term "mutual insurance holding company system" means~~
318 ~~two or more corporations that are subsidiaries of a mutual~~
319 ~~insurance holding company and in compliance with part IV of~~

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320 ~~chapter 629.~~

321 ~~b. The term "service company" means a separate corporation~~
322 ~~within the mutual insurance holding company system whose~~
323 ~~employees provide services to other members of the mutual~~
324 ~~insurance holding company system and are treated as service~~
325 ~~company employees for reemployment assistance or unemployment~~
326 ~~compensation and common-law purposes. The mutual insurance~~
327 ~~holding company may not qualify as a service company.~~

328 ~~e. If an insurance company fails to substantiate, whether~~
329 ~~by means of adequate records or otherwise, its eligibility to~~
330 ~~claim the service company exception under this section, or its~~
331 ~~salary allocation under this section, no credit shall be~~
332 ~~allowed.~~

333 ~~(c) The department may adopt rules pursuant to ss.~~
334 ~~120.536(1) and 120.54 to administer this subsection.~~

335 (5) ~~(6)(a)~~ The total of the credit granted for the taxes
336 paid by the insurer under chapter 220 ~~and the credit granted by~~
337 ~~subsection (5)~~ may not exceed 65 percent of the tax due under
338 subsection (1) after deducting therefrom the taxes paid by the
339 insurer under ss. 175.101 and 185.08 and any assessments
340 pursuant to s. 440.51.

341 ~~(b) To the extent that any credits granted by subsection~~
342 ~~(5) remain as a result of the limitation set forth in paragraph~~
343 ~~(a), such excess credits related to salaries and wages of~~
344 ~~employees whose place of employment is located within an~~
345 ~~enterprise zone created pursuant to chapter 290 may be~~
346 ~~transferred, in an aggregate amount not to exceed 25 percent of~~
347 ~~such excess salary credits, to any insurer that is a member of~~
348 ~~an affiliated group of corporations, as defined in sub-~~

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349 ~~subparagraph (5)(b)4.a., that includes the original insurer~~
 350 ~~qualifying for the credits under subsection (5). The amount of~~
 351 ~~such excess credits to be transferred shall be calculated by~~
 352 ~~multiplying the amount of such excess credits by a fraction, the~~
 353 ~~numerator of which is the sum of the salaries qualifying for the~~
 354 ~~credit allowed by subsection (5) of employees whose place of~~
 355 ~~employment is located in an enterprise zone and the denominator~~
 356 ~~of which is the sum of the salaries qualifying for the credit~~
 357 ~~allowed by subsection (5). Any such transferred credits shall be~~
 358 ~~subject to the same provisions and limitations set forth within~~
 359 ~~part IV of this chapter. The provisions of this paragraph do not~~
 360 ~~apply to an affiliated group of corporations that participate in~~
 361 ~~a common paymaster arrangement as defined in s. 443.1216.~~

362 (6) ~~(7)~~ Credits and deductions against the tax imposed by
 363 this section shall be taken in the following order: deductions
 364 for assessments made pursuant to s. 440.51; credits for taxes
 365 paid under ss. 175.101 and 185.08; and credits for income taxes
 366 paid under chapter 220 ~~and the credit allowed under subsection~~
 367 ~~(5)~~, as these credits are limited by subsection (5) ~~(6)~~; all
 368 other available credits and deductions.

369 (7) ~~(8)~~ From and after July 1, 1980, the premium tax
 370 authorized by this section shall not be imposed upon receipts of
 371 annuity premiums or considerations paid by holders in this state
 372 if the tax savings derived are credited to the annuity holders.
 373 Upon request by the Department of Revenue, any insurer availing
 374 itself of this provision shall submit to the department evidence
 375 which establishes that the tax savings derived have been
 376 credited to annuity holders. As used in this subsection, the
 377 term "holders" shall be deemed to include employers contributing

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378 to an employee's pension, annuity, or profit-sharing plan.

379 (8)~~(9)~~ As used in this section "insurer" includes any
380 entity subject to the tax imposed by this section.

381 Section 7. Subsection (1) of section 624.5091, Florida
382 Statutes, is amended to read:

383 624.5091 Retaliatory provision, insurers.-

384 (1)~~(a)~~ When by or pursuant to the laws of any other state
385 or foreign country any taxes, licenses, and other fees, in the
386 aggregate, and any fines, penalties, deposit requirements, or
387 other material obligations, prohibitions, or restrictions are or
388 would be imposed upon Florida insurers or upon the agents or
389 representatives of such insurers, which are in excess of such
390 taxes, licenses, and other fees, in the aggregate, or which are
391 in excess of the fines, penalties, deposit requirements, or
392 other obligations, prohibitions, or restrictions directly
393 imposed upon similar insurers, or upon the agents or
394 representatives of such insurers, of such other state or country
395 under the statutes of this state, so long as such laws of such
396 other state or country continue in force or are so applied, the
397 same taxes, licenses, and other fees, in the aggregate, or
398 fines, penalties, deposit requirements, or other material
399 obligations, prohibitions, or restrictions of whatever kind
400 shall be imposed by the Department of Revenue upon the insurers,
401 or upon the agents or representatives of such insurers, of such
402 other state or country doing business or seeking to do business
403 in this state. ~~In determining the taxes to be imposed under this~~
404 ~~section, 80 percent and a portion of the remaining 20 percent as~~
405 ~~provided in paragraph (b) of the credit provided by s.~~
406 ~~624.509(5), as limited by s. 624.509(6) and further determined~~

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407 by s. ~~624.509(7)~~, shall not be taken into consideration.

408 ~~(b) As used in this subsection, the term "portion of the~~
 409 ~~remaining 20 percent" shall be calculated by multiplying the~~
 410 ~~remaining 20 percent by a fraction, the numerator of which is~~
 411 ~~the sum of the salaries qualifying for the credit allowed by s.~~
 412 ~~624.509(5) of employees whose place of employment is located in~~
 413 ~~an enterprise zone created pursuant to chapter 290 and the~~
 414 ~~denominator of which is the sum of the salaries qualifying for~~
 415 ~~the credit allowed by s. 624.509(5).~~

416 Section 8. Subsection (1) of section 624.51055, Florida
 417 Statutes, is amended to read:

418 624.51055 Credit for contributions to eligible nonprofit
 419 scholarship-funding organizations.—

420 (1) There is allowed a credit of 100 percent of an eligible
 421 contribution made to an eligible nonprofit scholarship-funding
 422 organization under s. 1002.395 against any tax due for a taxable
 423 year under s. 624.509(1) after deducting from such tax
 424 deductions for assessments made pursuant to s. 440.51; credits
 425 for taxes paid under ss. 175.101 and 185.08; and credits for
 426 income taxes paid under chapter 220; ~~and the credit allowed~~
 427 ~~under s. 624.509(5)~~, as ~~such credit is~~ limited by ~~s. 624.509(6)~~
 428 s. 624.509(5). An insurer claiming a credit against premium tax
 429 liability under this section shall not be required to pay any
 430 additional retaliatory tax levied pursuant to s. 624.5091 as a
 431 result of claiming such credit. Section 624.5091 does not limit
 432 such credit in any manner.

433 Section 9. Sections 1 through 5 of this act shall take
 434 effect on September 1, 2013, and sections 6 through 8 shall take
 435 effect upon becoming a law and apply to the 2013 insurance

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premium tax year.