



TAX COLLECTOR'S OFFICE

Polk County, Florida

LOCAL BUSINESS TAX
Technical Advisory
Number 09-01

SUBJECT: Credit Unions

ISSUE: Specified Exemption Claims

DATE: March 6, 2009

Exemption Pursuant to F.S. 213.12 (2)

There is currently no exemption from obtaining a business tax receipt for credit unions. Florida Statutes § 213.12(2) provides that "All credit unions now or hereafter chartered under the laws of the state shall have the same immunity from state and local taxation that federally chartered credit unions have from time to time under the statutes of the United States."

Currently, the Federal Credit Union Act 12 U.S. Code § 1768, says that,

"The Federal credit unions organized hereunder, their property, their franchises, capital, reserves, surpluses, and other funds, and their income shall be exempt from all taxation now or hereafter imposed by the United States or by any State, Territorial, or local taxing authority; except that any real property and any tangible personal property of such Federal credit unions shall be subject to Federal, State, Territorial, and local taxation to the same extent as other similar property is taxed. Nothing herein contained shall prevent holdings in any Federal credit union organized hereunder from being included in the valuation of the personal property of the owners or holders thereof in assessing taxes imposed by authority of the State or political subdivision thereof in which the Federal credit union is located; but the duty or burden of collecting or enforcing the payment of such a tax shall not be imposed upon any such Federal credit union and the tax shall not exceed the rate of taxes imposed upon holdings in domestic credit unions."

This Federal law currently provides no exemption from the local business tax requirement.

Those seeking an exemption pursuant to F.S. § 213.12 (2) must provide documentation upon initial application or any subsequent renewal application for a county local business tax receipt that federally chartered credit unions are

currently immune from local business tax requirement, or a “fee” for the “privilege” of engaging in business based on a change in the law. Upon providing sufficient documentation that the federal credit union is exempt from such local business tax requirement, an exempt county local business tax receipt shall be issued to the credit union.