

By Senator Crist

20-288-98

See HB

1                                   A bill to be entitled

2           An act relating to tax on sales, use, and other

3           transactions; amending s. 212.11, F.S.;

4           revising provisions which require dealers who

5           paid \$100,000 or more in tax in the prior year

6           to make estimated tax payments; reducing the

7           percentage used to calculate estimated tax

8           liability over a specified period and repealing

9           said percentage January 1, 2004; providing that

10          certain dealers engaged in the sale of boats,

11          motor vehicles, or aircraft may, in lieu of

12          making estimated tax payments, remit the tax

13          for sales of \$100,000 or more within a

14          specified period; providing an effective date.

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

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18           Section 1. Paragraph (a) of subsection (1) and

19           subsection (4) of section 212.11, Florida Statutes, 1996

20           Supplement, are amended to read:

21           212.11 Tax returns and regulations.--

22           (1)(a)1. Each dealer shall calculate his or her

23           estimated tax liability for any month by one of the following

24           methods:

25           ~~a.1.~~ Sixty-six percent of the current month's

26           liability pursuant to this part as shown on the tax return;

27           ~~b.2.~~ Sixty-six percent of the tax reported on the tax

28           return pursuant to this part by a dealer for the taxable

29           transactions occurring during the corresponding month of the

30           preceding calendar year; or

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1           ~~c.3.~~ Sixty-six percent of the average tax liability  
2 pursuant to this part for those months during the preceding  
3 calendar year in which the dealer reported taxable  
4 transactions.

5           2. The 66 percent rate provided in subparagraph 1.  
6 shall be reduced over a period of 5 years beginning January 1,  
7 1999, and is repealed January 1, 2004. During this period, the  
8 following rates shall apply:

9           a. From January 1, 1999, through December 31, 1999,  
10 the rate shall be 50 percent.

11           b. From January 1, 2000, through December 31, 2000,  
12 the rate shall be 40 percent.

13           c. From January 1, 2001, through December 31, 2001,  
14 the rate shall be 30 percent.

15           d. From January 1, 2002, through December 31, 2002,  
16 the rate shall be 20 percent.

17           e. From January 1, 2003, through December 31, 2003,  
18 the rate shall be 10 percent.

19           (4)(a) Each dealer who is subject to the tax imposed  
20 by this part and who paid such tax for the preceding state  
21 fiscal year in an amount greater than or equal to \$100,000  
22 shall calculate the amount of estimated tax due pursuant to  
23 this section for any month as provided in paragraph (1)(a).

24           (b) The amount of any estimated tax shall be due,  
25 payable, and remitted by electronic funds transfer by the 20th  
26 day of the month for which it is estimated. The difference  
27 between the amount of estimated tax paid and the actual amount  
28 of tax due under this part for such month shall be due and  
29 payable by the first day of the following month and remitted  
30 by electronic funds transfer by the 20th day thereof.

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1 (c) Any dealer who is eligible to file a consolidated  
2 return and who paid the tax imposed by this part for the  
3 immediately preceding state fiscal year in an amount greater  
4 than or equal to \$100,000 or would have paid the tax in such  
5 amount if he or she had filed a consolidated return shall be  
6 subject to the provisions of this subsection notwithstanding  
7 an election by the dealer in any month to file a separate  
8 return.

9 (d)1. A dealer who is engaged in the business of  
10 selling boats, motor vehicles, or aircraft may, in lieu of  
11 making estimated tax payments as required by this subsection,  
12 remit the tax at the time of sale with respect to the sale of  
13 each boat, motor vehicle, or aircraft sold for a sales price  
14 of \$100,000 or greater.

15 2. In order to qualify for this remittance procedure,  
16 a boat, motor vehicle, or aircraft dealer must have remitted  
17 sales tax for the preceding state fiscal year in an amount  
18 greater than or equal to \$100,000 per business location.

19 3. The tax shall be remitted either by electronic  
20 funds transfer no later than 3 business days after the date of  
21 the sale or on a form prescribed by the department and  
22 postmarked no later than 3 business days after the date of the  
23 sale.

24 (e)~~(d)~~ The penalty provisions of this part, except s.  
25 212.12(2)(c), apply to the provisions of this subsection.

26 Section 2. This act shall take effect July 1, 1998.

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LEGISLATIVE SUMMARY

Revises provisions that require dealers who paid \$100,000 or more in sales tax in the previous year to make estimated tax payments. Reduces the percentage used to calculate estimated tax liability over a 5-year period and repeals the percentage effective January 1, 2004. Provides that certain dealers engaged in the sale of boats, motor vehicles, or aircraft may, in lieu of making estimated tax payments, remit the tax for sales of \$100,000 or more no later than 3 business days after the sale.