

By Senator Horne

6-870A-98

1 A bill to be entitled
2 An act relating to taxation; amending ss.
3 95.091, 193.062, 193.063, 194.192, 197.172,
4 199.052, 199.057, 199.062, 199.133, 199.185,
5 199.282, 201.16, 201.17, 205.053, 212.02,
6 212.05, 212.06, 212.08, 212.12, 213.04,
7 220.211, 220.222, 220.34, 220.723, 220.737,
8 220.801, 220.809, 221.02, F.S.; creating ss.
9 199.252, 199.2825, 212.125, 220.8051, F.S.;
10 amending certain statutes of limitation;
11 eliminating the tolling of the statute of
12 limitations for specified causes; prescribing
13 circumstances for the tolling of the statute of
14 limitations as a result of administrative or
15 judicial proceedings; limiting the period for
16 which additional penalties and interest may be
17 imposed; prescribing dates for filing returns
18 for specified taxes; increasing the maximum
19 length of time for which an extension to file a
20 tangible-personal-property tax return may be
21 granted; postponing the regular filing deadline
22 for certain tax returns; amending certain
23 interest rates on delinquent taxes and on
24 penalties; providing interest on refunds owed
25 to taxpayers and setting the interest rate
26 thereon; exempting from the tax imposed under
27 s. 199.133, F.S., certain documents pertaining
28 to transfers in conjunction with a dissolution
29 of marriage; prescribing a maximum amount for
30 the intangibles tax on certain obligations;
31 increasing the amounts of certain exemptions

1 from the annual and nonrecurring taxes on
2 certain property; allowing extensions of
3 deadlines for providing certain annual tax
4 information reports; increasing the minimum
5 amount of taxes that must be owed before a tax
6 return must be filed; allowing an extension of
7 the deadline by which a corporation must elect
8 to pay the annual tax on behalf of its
9 stockholders and specifying conditions for
10 making such election; exempting taxpayers from
11 paying certain taxes upon a showing of
12 reasonable cause, for so long as the reasonable
13 cause applies; providing exceptions to payment
14 of certain taxes or penalties; allowing certain
15 penalties to be waived; providing for payment
16 on interest by the state with respect to
17 overpayments of taxes; prescribing limitations
18 upon the assessment of back taxes; prescribing
19 penalties for failing to pay taxes; providing
20 exemptions from specified taxes; providing for
21 the establishment of a cost-price amount for
22 the purpose of sales and use taxation; limiting
23 the aggregate amount of certain penalties that
24 may be imposed; providing that a federal
25 extension of the deadline for paying certain
26 taxes acts as a state extension, under
27 specified conditions; deleting the requirement
28 to pay interest on certain penalties; providing
29 for credits for emergency excise taxes to be
30 carried over; amending s. 236.081, F.S. ;
31 reducing the aggregate required-local-effort

1 millage rate; providing a minimum base student
2 allocation for fiscal year 1998-1999; providing
3 an effective date.

4
5 Be It Enacted by the Legislature of the State of Florida:

6
7 Section 1. Subsections (3) and (4) of section 95.091,
8 Florida Statutes, are amended to read:

9 95.091 Limitation on actions to collect taxes.--

10 (3)(a)1. With the exception of taxes levied under
11 chapter 198 and tax adjustments made pursuant to s. 220.23,
12 the Department of Revenue may determine and assess the amount
13 of any tax, penalty, or interest due under any tax enumerated
14 in s. 72.011 which it has authority to administer and the
15 Department of Business and Professional Regulation may
16 determine and assess the amount of any tax, penalty, or
17 interest due under any tax enumerated in s. 72.011 which it
18 has authority to administer:

19 a. For taxes due before July 1, 1998, within 5 years
20 after the date the tax is due, any return with respect to the
21 tax is due, or such return is filed, whichever occurs later;
22 and for taxes due on or after July 1, 1998, within 3 years
23 after the date the tax is due, any return with respect to the
24 tax is due, or such return is filed, whichever occurs later;

25 b. For taxes due before July 1, 1998, within 6 years
26 after the date the taxpayer either makes a substantial
27 underpayment of tax, or files a substantially incorrect
28 return;

29 c. At any time while the right to a refund or credit
30 of the tax is available to the taxpayer;

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1 d. For taxes due before July 1, 1998, at any time
2 after the taxpayer has filed a grossly false return;

3 ~~e.d.~~ At any time after the taxpayer has failed to make
4 any required payment of the tax, has failed to file a required
5 return, or has filed a ~~grossly false or~~ fraudulent return,
6 except that for taxes due on or after July 1, 1998, the
7 limitation prescribed in sub-subparagraph a. applies if the
8 taxpayer has disclosed in writing the tax liability to the
9 department before the department has given the taxpayer notice
10 of that liability; or

11 ~~f.e.~~ In any case in which there has been a refund of
12 tax erroneously made for any reason:

13 (I) For taxes due before July 1, 1998, within 5 years
14 after making such refund; and

15 (II) For taxes due on or after July 1, 1998, within 3
16 years after making such refund,

17
18 or at any time after making such refund if it appears that any
19 part of the refund was induced by fraud or the
20 misrepresentation of a material fact.

21 2. For the purpose of this paragraph, a tax return
22 filed before the last day prescribed by law, including any
23 extension thereof, shall be deemed to have been filed on such
24 last day, and payments made prior to the last day prescribed
25 by law shall be deemed to have been paid on such last day.

26 (b) The limitations in this subsection shall be tolled
27 for a period of 2 years with respect to taxes due before July
28 1, 1998, if the Department of Revenue has issued a notice of
29 intent to conduct an audit or investigation of the taxpayer's
30 account within the applicable period of time as specified in
31 this subsection. The department shall commence an audit

1 within 120 days after it issues a notice of intent to conduct
2 an audit, unless the taxpayer requests a delay. If the
3 taxpayer does not request a delay and the department does not
4 begin the audit within 120 days after issuing the notice, the
5 tolling period shall terminate.

6 (4) If administrative or judicial proceedings for
7 review of the tax assessment or collection are initiated by a
8 taxpayer begun within the a period of limitation prescribed in
9 this section, the running of the period shall be tolled during
10 the pendency of the proceeding. Administrative proceedings
11 shall include taxpayer protest proceedings initiated under s.
12 213.21 and department rules. No additional interest or penalty
13 may be imposed for any tax liability for any period occurring
14 after the expiration of the time limitation prescribed in this
15 section except for the period during which the liability is
16 the subject of a proceeding under chapter 72.

17 Section 2. Subsection (1) of section 193.062, Florida
18 Statutes, is amended to read:

19 193.062 Dates for filing returns.--All returns shall
20 be filed according to the following schedule:

- 21 (1) Tangible personal property--April 15 ~~April 1~~.
22 (2) Real property--when required by specific provision
23 of general law.
24 (3) Railroad, railroad terminal, private car and
25 freight line and equipment company property--April 15 ~~April 1~~.
26 (4) All other returns and applications not otherwise
27 specified by specific provision of general law--April 15 ~~April~~
28 ~~1~~.

29 Section 3. Section 193.063, Florida Statutes, is
30 amended to read:

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1 193.063 Extension of date for filing tangible personal
2 property tax returns.--The property appraiser may, at her or
3 his discretion, grant an extension for the filing of a
4 tangible personal property tax return for up to 6 months ~~45~~
5 ~~days~~. A request for extension must be made in time for the
6 property appraiser to consider the request and act on it
7 before the regular due date of the return. A request for
8 extension may be signed by the taxpayer, by a tax preparer, or
9 by an individual authorized by the taxable entity, and must
10 include the name of the taxable entity, the tax identification
11 number of the taxable entity, and the reason an extension
12 should be granted.

13 Section 4. Section 194.192, Florida Statutes, is
14 amended to read:

15 194.192 Costs; interest on unpaid taxes; penalty.--

16 (1) In any suit involving the assessment or collection
17 of any tax, the court shall assess all costs.

18 (2) If the court finds that the amount of tax owed by
19 the taxpayer is greater than the amount the taxpayer has in
20 good faith admitted and paid, it shall enter judgment against
21 the taxpayer for the deficiency and for interest on the
22 deficiency at the rate determined under s. 220.807 ~~of 12~~
23 ~~percent per year~~ from the date the tax became delinquent. If
24 it finds that the amount of tax which the taxpayer has
25 admitted to be owing is grossly disproportionate to the amount
26 of tax found to be due and that the taxpayer's admission was
27 not made in good faith, the court shall also assess a penalty
28 at the rate of 10 percent of the deficiency per year from the
29 date the tax became delinquent.

30 (3) If the court finds that the amount of tax owed by
31 the taxpayer is less than the amount paid by the taxpayer, it

1 shall order a refund to the taxpayer in the amount of the
2 overpayment plus interest at a rate that is 1 percent lower
3 than the rate determined under s. 220.807 from the date the
4 court order is issued until the refund is paid in full.

5 Section 5. Subsection (3) of section 197.172, Florida
6 Statutes, is amended to read:

7 197.172 Interest rate; calculation and minimum.--

8 (3)(a) Delinquent personal property taxes shall bear
9 interest at the rate determined under s. 220.807 ~~of 18 percent~~
10 ~~per year~~ from the date of delinquency until paid or barred
11 under chapter 95.

12 (b) Overpayments of personal property taxes shall bear
13 interest at a rate that is 1 percent lower than the rate
14 determined under s. 220.807 from the date on which a court
15 orders a refund or a state agency determines that a refund is
16 due a taxpayer, whichever is earlier, until the refund is paid
17 in full.

18 Section 6. Section 199.133, Florida Statutes, is
19 amended to read:

20 199.133 Levy of nonrecurring tax; relationship to
21 annual tax.--

22 (1) A one-time nonrecurring tax of 2 mills is hereby
23 imposed on each dollar of the just valuation of all notes,
24 bonds, and other obligations for payment of money which are
25 secured by mortgage, deed of trust, or other lien upon real
26 property situated in this state. This tax shall be assessed
27 and collected as provided by this chapter.

28 (2) The nonrecurring tax shall apply to a note, bond,
29 or other obligation for payment of money only to the extent it
30 is secured by mortgage, deed of trust, or other lien upon real
31 property situated in this state. Where a note, bond, or other

1 obligation is secured by personal property or by real property
2 situated outside this state, as well as by mortgage, deed of
3 trust, or other lien upon real property situated in this
4 state, then the nonrecurring tax shall apply to that portion
5 of the note, bond, or other obligation which bears the same
6 ratio to the entire principal balance of the note, bond, or
7 other obligation as the value of the real property situated in
8 this state bears to the value of all of the security; however,
9 if the security is solely made up of personal property and
10 real property situated in this state, the taxpayer may elect
11 to apportion the taxes based upon the value of the collateral,
12 if any, to which the taxpayer by law or contract must look
13 first for collection. In no event shall the portion of the
14 note, bond, or other obligation which is subject to the
15 nonrecurring tax exceed in value the value of the real
16 property situated in this state which is the security. The
17 portion of a note, bond, or other obligation which is not
18 subject to the nonrecurring tax shall be subject to the annual
19 tax unless otherwise exempt.

20 Section 7. Notwithstanding the provisions of chapter
21 199, Florida Statutes, the maximum tax under that chapter on
22 any nonsecured loan is \$1,000.

23 Section 8. Subsections (1) and (2) of section 199.185,
24 Florida Statutes, are amended to read:

25 199.185 Property exempted from annual and nonrecurring
26 taxes.--

27 (1) The following intangible personal property shall
28 be exempt from the annual and nonrecurring taxes imposed by
29 this chapter:

30 (a) Money.

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1 (b) Money equivalent held by a bank, savings and loan
2 association, investment and securities company, or other
3 financial institution.

4 (c) Accounts receivable and trade receivables arising
5 out of the normal conduct of a trade or business.

6 (d)~~(b)~~ Franchises.

7 (e)~~(c)~~ Any interest as a partner in a partnership,
8 either general or limited, other than any interest as a
9 limited partner in a limited partnership registered with the
10 Securities and Exchange Commission pursuant to the Securities
11 Act of 1933, as amended.

12 (f)~~(d)~~ Notes, bonds, and other obligations issued by
13 the State of Florida or its municipalities, counties, and
14 other taxing districts, or by the United States Government and
15 its agencies.

16 (g)~~(e)~~ Intangible personal property held in trust
17 pursuant to any stock bonus, pension, or profit-sharing plan
18 or any individual retirement account which is qualified under
19 s. 401 or s. 408 of the United States Internal Revenue Code,
20 26 U.S.C. ss. 401 and 408, as amended.

21 (h)~~(f)~~ Intangible personal property held under a
22 retirement plan of a Florida-based corporation exempt from
23 federal income tax under s. 501(c)(6) of the United States
24 Internal Revenue Code, 26 U.S.C., if the primary purpose of
25 the corporation is to support the promotion of professional
26 sports and the retirement plan is either a qualified plan
27 under s. 457 of the United States Internal Revenue Code or the
28 contributions to the plan, pursuant to a ruling by the United
29 States Internal Revenue Service, are not taxable to plan
30 participants until actual receipt or withdrawal by the
31 participant.

1 (i)~~(g)~~ Notes and other obligations, except bonds, to
2 the extent that such notes and obligations are secured by
3 mortgage, deed of trust, or other lien upon real property
4 situated outside the state.

5 (j)~~(h)~~ The assets of a corporation registered under
6 the Investment Company Act of 1940, 15 U.S.C. s. 80a-1-52, as
7 amended.

8 (k)~~(i)~~ All intangible personal property issued in or
9 arising out of any international banking transaction and owned
10 by a banking organization.

11 (l)~~(j)~~ Units of a unit investment trust organized
12 under an agreement or declaration of trust and registered
13 under the Investment Company Act of 1940, as amended, whose
14 portfolio of assets consists solely of assets exempt under
15 this section.

16 (m)~~(k)~~ Real estate mortgage investment conduits
17 (REMIC) that are directly or indirectly secured by or payable
18 from notes and obligations that are in turn secured by a
19 mortgage, deed of trust, or other lien upon real property
20 situated in or outside of the state, including but not limited
21 to mortgage pools, participations, and derivatives and are
22 held as investments by banks or savings associations in
23 compliance with regulatory agency guidelines.

24 ~~(2)(a) With respect to the first mill of the annual~~
25 ~~tax, every natural person is entitled each year to an~~
26 ~~exemption of the first \$20,000 of the value of property~~
27 ~~otherwise subject to said tax. A husband and wife filing~~
28 ~~jointly shall have an exemption of \$40,000.~~

29 ~~(b) With respect to the last mill of the annual tax,~~
30 Every natural person, Florida trust or estate, or Florida
31 corporation or partnership is entitled each year to an

1 exemption of the first \$100,000 of the value of property
2 otherwise subject to said tax. A husband and wife filing
3 jointly shall have an exemption of \$200,000.

4
5 Agents and fiduciaries, other than guardians and custodians
6 under a gifts-to-minors act, filing as such may not claim this
7 exemption on behalf of their principals or beneficiaries;
8 however, if the principal or beneficiary returns the property
9 held by the agent or fiduciary and is a natural person, the
10 principal or beneficiary may claim the exemption. ~~No taxpayer~~
11 ~~shall be entitled to more than one exemption under paragraph~~
12 ~~(a) and one exemption under paragraph (b).~~This exemption
13 shall not apply to that intangible personal property described
14 in s. 199.023(1)(d).

15 Section 9. Section 199.062, Florida Statutes, is
16 amended to read:

17 199.062 Annual tax information reports.--

18 (1) On or before April 1 of each year, each
19 corporation doing business in this state shall give its
20 Florida stockholders of record as of the preceding December 31
21 a written notice reflecting the just value of each class of
22 its stock subject to the annual tax under this chapter as of
23 the preceding January 1. Upon request by the corporation and
24 for good cause shown, the department may extend this deadline
25 for up to 45 days. This notice shall not be binding on the
26 department and shall not prevent the department from taking
27 action with regard to any undervaluation. However, no notice
28 is required as to any class of stock:

29 (a) Which is regularly listed on a public stock
30 exchange or traded over-the-counter, unless the shares are

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1 subject to restrictions and the value returnable by the
2 stockholder is less than the published price; or

3 (b) As to which the corporation has made an election
4 under s. 199.057.

5 (2) Within 90 days after giving written notice to
6 stockholders under subsection (1)~~On or before June 30 of each~~
7 ~~year,~~ each corporation doing business in this state shall file
8 with the department a copy of the ~~any written~~ notice to
9 ~~stockholders required by subsection (1).~~

10 (3)(a) On or before June 30 of each year, all security
11 dealers and investment advisers registered under the laws of
12 this state shall file with the department a position statement
13 as of December 31 of the preceding year for each customer
14 whose mailing address is in this state or a statement that the
15 security dealer or investment adviser does not hold securities
16 on account for any customer whose mailing address is in this
17 state. If such a security dealer or investment adviser, at
18 least 14 days before the filing deadline, requests an
19 extension and shows good cause therefor, the department may
20 extend the deadline for up to 45 days. The position statement
21 shall include the customer's name, address, social security
22 number, or federal identification number; the number of units,
23 value, and description, including the Committee on Uniform
24 Security Identification Procedures (CUSIP) number, if any, of
25 all securities held for the customer; and such other
26 information as the department may reasonably require. The
27 information required by this paragraph shall be reported by
28 the dealer or investment adviser on magnetic media, using
29 specifications and instructions of the department, unless the
30 dealer or investment adviser demonstrates that an undue
31 hardship exists.

1 (b)1. The department may require security dealers and
2 investment advisers registered in this state to transmit once
3 every 2 years a copy of the department's intangible tax
4 brochure to each customer whose mailing address is in this
5 state.

6 2. The department may require property appraisers to
7 send, at such times and in such manner as the department and
8 the property appraisers jointly determine, a copy of the
9 department's intangible tax brochure to each owner of Florida
10 property.

11 (4) All fiduciaries shall serve the department with a
12 copy of each inventory required to be prepared or filed in the
13 circuit court under general law or rules adopted by the
14 Supreme Court relating to decedent's estates, trusts, or
15 guardianships. No such inventory required to be filed in the
16 circuit court may be approved by the court until such copy as
17 required by this subsection has been filed with the
18 department. When an inventory is not required to be filed in
19 the circuit court, the personal representative of a decedent's
20 estate shall serve the department with a copy of one inventory
21 as provided in s. 733.604, and all other fiduciaries shall
22 return such information as shall be prescribed by rule of the
23 department.

24 Section 10. Subsection (2) of section 199.052, Florida
25 Statutes, is amended to read:

26 199.052 Annual tax returns; payment of annual tax.--

27 (2) No person shall be required to pay the annual tax
28 in any year when the aggregate annual tax upon the person's
29 intangible personal property, after exemptions, would be less
30 than \$20~~\$5~~. In such case, an annual return is not required
31 unless the taxpayer is a corporation, a banking organization

1 claiming the exemption provided in s. 199.185(1)(i), or an
2 agent or fiduciary of whom the department requires an
3 informational return. Agents and fiduciaries shall report for
4 each person for whom they hold intangible personal property if
5 the aggregate annual tax on such person is more than ~~\$20~~\$5.

6 Section 11. Section 199.057, Florida Statutes, is
7 amended to read:

8 199.057 Corporate election to pay stockholders' annual
9 tax.--

10 (1) Every corporation incorporated or qualified to do
11 business in this state may elect each tax year to pay the
12 annual tax on any class of its stock, as agent for its Florida
13 stockholders holding such stock.

14 (2) To make the election, the corporation shall:

15 (a) File written notice with the department on or
16 before April 15 ~~June 30~~ of the year for which the election is
17 made.

18 (b) File an annual return with respect to such stock
19 and its own intangible personal property.

20 (c) Furnish its Florida stockholders with written
21 notice, on or before April 15 ~~April 1~~ of the year for which
22 the election is made, that the election is being made,
23 including a description of the class or classes of stock which
24 are affected. An electing corporation shall certify on its
25 notice to the department that its stockholders were timely
26 notified of the election.

27 (3) An ~~No~~ election is invalid ~~shall be valid~~ unless
28 timely notice is given to the department under paragraph

29 (2)(a). However, if the corporation, no later than April 15,
30 requests an extension of the deadline set forth in paragraph

31 (2)(c) and shows good cause therefor, the department may

1 extend the deadline for up to 45 days. If such an extension is
2 granted, the written notice required under paragraph (2)(a)
3 must be filed with the department no later than 90 days after
4 the date by which the Florida stockholders are to be notified
5 of the election. Once made, an election may not be amended or
6 revoked, and it is binding for the tax year.

7 Section 12. Paragraph (a) of subsection (3) of section
8 199.282, Florida Statutes, and subsections (2) and (4) of that
9 section are amended to read:

10 199.282 Penalties for violation of this chapter.--

11 (2) If any annual or nonrecurring tax is not paid by
12 the statutory due date, then despite any extension granted
13 under s. 199.232(6), interest shall run on the unpaid balance
14 from such due date until paid at the rate determined under s.
15 220.807 of 12 percent per year.

16 (3)(a) If any annual or nonrecurring tax is not paid
17 by the due date, a delinquency penalty shall be charged. The
18 delinquency penalty shall be 5 ~~10~~ percent of the delinquent
19 tax for each calendar month or portion thereof from the due
20 date until paid, up to a limit of 25 ~~50~~ percent of the total
21 tax not timely paid. Upon a showing of reasonable cause for
22 failure to pay the annual or recurring tax by the due date, a
23 person is exempt from the delinquency penalty imposed under
24 this paragraph; however, the person must promptly pay the
25 unpaid balance of taxes due as soon as the reasonable cause
26 for delay no longer applies. A person is exempt from the
27 delinquency penalty if payment of the penalty would cause or
28 exacerbate financial hardship for the person.

29 (4) If an annual tax return is filed and property is
30 either omitted from it or undervalued, then a specific penalty
31 shall be charged. The specific penalty shall be 15 ~~30~~ percent

1 of the tax attributable to each omitted item or to each
2 undervaluation. No delinquency or late filing penalty shall be
3 charged with respect to any undervaluation. The department may
4 waive the specific penalty upon a showing that there was
5 reasonable cause for the omission or underevaluation.

6 Section 13. Section 199.2825, Florida Statutes, is
7 created to read:

8 199.2825 Refunds, overpayments; interest on.--If a
9 taxpayer pays more than the amount owed for any annual or
10 nonrecurring tax, the department must refund the overpayment
11 within 60 days after the tax was due or paid, whichever
12 occurred later. Interest, at a rate that is 1 percent lower
13 than the rate determined under s. 220.807, shall run on the
14 balance due the taxpayer from 60 days after the tax was due or
15 paid until the refund is paid in full.

16 Section 14. Section 199.252, Florida Statutes, is
17 created to read:

18 199.252 Assessment of property for back taxes.--
19 (1) When it appears that any annual or nonrecurring
20 tax might have been lawfully assessed or collected upon any
21 intangible personal property in the state, but that such tax
22 was not lawfully assessed or levied, and has not been
23 collected for any year within a period of 2 years next
24 preceding the year in which it is ascertained that such tax
25 has not been assessed, or levied, or collected, the authorized
26 officers shall make the assessment of taxes upon the property
27 in addition to the assessment of the property for the current
28 year, if appropriate, and shall assess the tax separately for
29 such property as may have escaped taxation at and upon the
30 basis of valuation applied to the property for the year or
31 years in which it escaped taxation, noting distinctly the year

1 when the property escaped taxation, and the assessment has the
2 same force and effect as it would have had if it had been made
3 in the year in which the property escaped taxation, and taxes
4 must be levied and collected thereon in like manner and
5 together with taxes for the current year in which the
6 assessment is made. However, property may not be assessed for
7 more than 2 years' arrears of taxation under this chapter, and
8 all property so escaping taxation is subject to such taxation
9 to be assessed in whoever's hands or possession the property
10 is found; however, a purchaser of tangible personal property
11 acquired in good faith is not liable for the payment of back
12 taxes for any time prior to the time of his or her purchase,
13 but the individual or corporation liable for any such
14 assessment continues to be personally liable for paying the
15 arrearages.

16 (2) This section applies to all property upon which
17 tax is assessable under this chapter.

18 Section 15. Section 201.16, Florida Statutes, is
19 amended to read:

20 201.16 Other laws made applicable to chapter.--

21 (1) Except as provided in subsection (2), all revenue
22 laws relating to the assessment and collection of taxes are
23 hereby extended to and made a part of this chapter, so far as
24 applicable, for the purpose of collecting stamp taxes omitted
25 through mistake or fraud from any instrument, document, paper,
26 or writing named in this chapter ~~herein~~.

27 (2) When it appears that the excise tax on documents
28 might have been lawfully assessed or collected, but that the
29 tax was not lawfully assessed or levied, and has not been
30 collected, within a period of 2 years next preceding the year
31 in which it is ascertained that the tax has not been assessed,

1 or levied, or collected, the authorized officers shall make
2 the assessment of taxes upon the document at the rate
3 prevailing in the year the document escaped taxation. This
4 assessment in arrears has the same force and effect as it
5 would have had if it had been made in the year in which the
6 document escaped taxation.

7 Section 16. Section 201.17, Florida Statutes, is
8 amended to read:

9 201.17 Penalties for failure to pay tax required.--

10 (1) Whoever makes, signs, issues, or accepts, or
11 causes to be made, signed, issued, or accepted, any
12 instrument, document, or paper of any kind or description
13 whatsoever, without the full amount of the tax herein imposed
14 thereon being fully paid, or whoever makes use of any adhesive
15 stamp to denote any tax imposed by this chapter without
16 canceling or obliterating such stamps as herein provided, is
17 guilty of a misdemeanor of the first degree, punishable as
18 provided in s. 775.082 or s. 775.083.

19 (2) If any document, instrument, or paper upon which
20 the tax under this chapter is imposed, upon audit or at time
21 of recordation, does not show the proper amount of tax paid,
22 or if the tax imposed by this chapter on any document,
23 instrument, or paper is not timely reported and paid as
24 required by s. 201.133, the person or persons liable for the
25 tax upon the document, instrument, or paper shall be subject
26 to:

27 (a) Payment of the tax not paid.

28 (b) A specific penalty added to the tax in the amount
29 of 5 ~~10~~ percent per month or part of a month of any unpaid tax
30 ~~if the failure is for not more than 30 days, with an~~
31 ~~additional 10 percent of any unpaid tax for each additional 30~~

1 ~~days, or fraction thereof~~, during the time which the failure
2 continues, not to exceed a total penalty of 25 ~~50~~ percent, in
3 the aggregate, of any unpaid tax. In no event shall the
4 penalty be less than \$10 for failure to timely file a tax
5 return required. If it is determined by clear and convincing
6 evidence that any part of a deficiency is due to fraud, there
7 shall be added to the tax as a civil penalty, in lieu of the
8 aforementioned penalty under this paragraph, an amount equal
9 to 200 percent of the deficiency. These penalties are to be
10 in addition to, and not in lieu of, any other penalties
11 imposed by law.

12 (c) Payment of interest to the Department of Revenue,
13 accruing from the date the tax is due until paid, at the rate
14 determined under s. 220.807 ~~of 1 percent per month~~, based on
15 the amount of tax not paid.

16 (3) The department may settle or compromise any
17 interest or penalties pursuant to s. 213.21.

18 (4) Upon a showing of reasonable cause for not timely
19 paying the tax imposed under this chapter, a person is exempt
20 from penalties under this section, but the person must
21 promptly pay the unpaid tax as soon as the reasonable cause
22 for delay no longer applies.

23 Section 17. Section 205.053, Florida Statutes, is
24 amended to read:

25 205.053 Occupational licenses; dates due and
26 delinquent; penalties.--

27 (1) All licenses shall be sold by the appropriate tax
28 collector beginning August 1 of each year, are due and payable
29 on or before September 30 of each year, and expire on
30 September 30 of the succeeding year. If September 30 falls on
31 a weekend or holiday, the tax is due and payable on or before

1 the first working day following September 30. Provisions for
2 partial licenses may be made in the resolution or ordinance
3 authorizing such licenses. Licenses that are not renewed when
4 due and payable are delinquent and subject to a delinquency
5 penalty of ~~10 percent for the month of October, plus an~~
6 additional 5 percent per ~~penalty for each subsequent~~ month of
7 delinquency until paid. However, the total delinquency
8 penalty may not exceed 25 percent of the occupational license
9 tax for the delinquent establishment.

10 (2) Any person who engages in or manages any business,
11 occupation, or profession without first obtaining a local
12 occupational license, if required, is subject to a penalty of
13 5 percent per month of the license fee due, not exceeding 25
14 percent in the aggregate ~~of the license due~~, in addition to
15 any other penalty provided by law or ordinance.

16 (3) Any person who engages in any business,
17 occupation, or profession covered by this chapter, who does
18 not pay the required occupational license tax within 6 months
19 ~~150 days~~ after the initial notice of tax due, and who does not
20 obtain the required occupational license is subject to civil
21 actions and penalties, including court costs, reasonable
22 attorneys' fees, additional administrative costs incurred as a
23 result of collection efforts, and a penalty of up to \$250.

24 (4) In order to impose a local occupational license
25 tax for a license that was required to be obtained or renewed
26 in any year preceding the current year, but was not obtained
27 or renewed, the appropriate tax collector must have discovered
28 the failure to pay the required tax and must have given notice
29 of delinquency to the licensee within 2 years after the date
30 on which the license should have been obtained or renewed.

31

1 Section 18. Paragraph (a) of subsection (2) and
2 subsection (4) of section 212.12, Florida Statutes, are
3 amended to read:

4 212.12 Dealer's credit for collecting tax; penalties
5 for noncompliance; powers of Department of Revenue in dealing
6 with delinquents; brackets applicable to taxable transactions;
7 records required.--

8 (2)(a) When any person, firm, or corporation required
9 hereunder to make any return or to pay any tax or fee imposed
10 by this chapter fails to timely file such return or fails to
11 pay the tax or fee due within the time required hereunder, in
12 addition to all other penalties provided herein and by the
13 laws of this state in respect to such taxes or fees, a
14 specific penalty shall be added to the tax or fee in the
15 amount of 5 ~~10~~ percent per month or part of a month of any
16 unpaid tax or fee ~~if the failure is for not more than 30 days,~~
17 ~~with an additional 10 percent of any unpaid tax or fee for~~
18 ~~each additional 30 days, or fraction thereof,~~ during the time
19 which the failure continues, not to exceed a total penalty of
20 25 ~~50~~ percent, in the aggregate, of any unpaid tax or fee. ~~In~~
21 ~~no event may~~ The penalty may not be less than \$10 for failure
22 to timely file a tax return required by s. 212.11(1)(b) or \$5
23 for failure to timely file a tax return authorized by s.
24 212.11(1)(c) or (d), if tax is owed. There is no penalty for a
25 taxpayer's failing to make a return under this chapter for a
26 period in which he or she owes no taxes under this chapter.
27 In the case of a false or fraudulent return or a willful
28 intent to evade payment of any tax or fee imposed under this
29 chapter, in addition to the other penalties provided by law,
30 the person making such false or fraudulent return or willfully
31 attempting to evade the payment of such a tax or fee shall be

1 liable for a specific penalty of 100 percent of the tax bill
2 or fee and for fine and punishment as provided by law for a
3 conviction of a misdemeanor of the first degree.

4 (4)(a) All penalties and interest imposed by this
5 chapter shall be payable to and collectible by the department
6 in the same manner as if they were a part of the tax imposed.
7 The department may settle or compromise any such interest or
8 penalties pursuant to s. 213.21.

9 (b) Upon a showing of reasonable cause for failure to
10 make a required return or to pay taxes owed under this
11 chapter, the person or entity that is required to make the
12 return or pay the taxes is exempt from penalties and interest
13 under this chapter; however, the person or entity must
14 promptly make the return and pay the delinquent taxes as soon
15 as the reasonable cause no longer applies.

16 Section 19. Section 212.125, Florida Statutes, is
17 created to read:

18 212.125 Refunds, overpayments; interest on.--If a
19 taxpayer pays more than the amount owed for taxes imposed
20 under this chapter, the department must refund the overpayment
21 within 60 days after the tax was due or paid, whichever
22 occurred later. Interest, at a rate 1 percent lower than the
23 adjusted rate determined under s. 220.807, shall run on the
24 balance due the taxpayer from 60 days after the tax was due or
25 paid until the refund is paid in full.

26 Section 20. Section 220.211, Florida Statutes, is
27 amended to read:

28 220.211 Penalties; incomplete return.--

29 (1) If ~~in the case where~~ an incomplete return is made,
30 unless notwithstanding that no tax is finally determined to be
31 due for the taxable year, there shall be added to the amount

1 of tax, penalty, and interest otherwise due a penalty in the
2 amount of 5 percent per month, not exceeding an aggregate of
3 ~~\$300~~ or 10 percent, of the tax finally determined to be due,
4 ~~whichever is greater~~; however, such a penalty must ~~shall~~ not
5 exceed \$10,000, and the taxpayer is exempt from this penalty
6 if a penalty is imposed on him or her under s. 220.801 with
7 respect to the same return. The department may settle or
8 compromise such penalties pursuant to s. 213.21.

9 (2) As used in An "incomplete return" is, ~~for the~~
10 ~~purposes of this code, the term "incomplete return" means a~~
11 return that lacks which is lacking such uniformity,
12 completeness, and arrangement to the extent that physical
13 handling, verification, or review of the return may not be
14 readily accomplished.

15 Section 21. Section 220.222, Florida Statutes, is
16 amended to read:

17 220.222 Returns; time and place for filing.--

18 (1) Returns required by this code shall be filed with
19 the office of the department in Leon County or at such other
20 place as the department may by regulation prescribe. All
21 returns required for a DISC (Domestic International Sales
22 Corporation) under paragraph 6011(c)(2) of the Internal
23 Revenue Code shall be filed on or before the 1st day of the
24 10th month following the close of the taxable year; all
25 partnership information returns shall be filed on or before
26 the 1st day of the 5th month following the close of the
27 taxable year; and all other returns shall be filed on or
28 before the 1st day of the 4th month following the close of the
29 taxable year or the 15th day following the due date, without
30 extension, for the filing of the related federal return for
31 the taxable year, unless under subsection (2) one or more

1 ~~extensions of time, not to exceed 6 months in the aggregate,~~
2 for any such filing is granted.

3 (2)(a) When a taxpayer has been granted an extension
4 or extensions of time within which to file its federal income
5 tax return for any taxable year, and if the requirements of s.
6 220.32 are met, ~~the filing of a written request for such~~
7 ~~extension or extensions with the department shall~~
8 ~~automatically extend~~ the due date of the return required under
9 this code is automatically extended until 15 days after the
10 expiration of the federal extension, provided that the
11 taxpayer has sent to the department, by the original due date
12 of the return, a copy of the taxpayer's application for a
13 federal extension. If the taxpayer does not timely send a copy
14 of the federal application to the department, the department
15 may deny the extension of time for filing a return required
16 under this code, and may impose penalties for late filing
17 which are otherwise prescribed by law or until the expiration
18 of 6 months from the original due date, whichever first
19 occurs.

20 (b) ~~The department may grant an extension or~~
21 ~~extensions of time for the filing of any return required under~~
22 ~~this code upon receiving a prior written request therefor if~~
23 ~~good cause for an extension is shown. However, the aggregate~~
24 ~~extensions of time under paragraphs (a) and (b) shall not~~
25 ~~exceed 6 months. No extension granted under this paragraph~~
26 ~~shall be valid unless the taxpayer complies with the~~
27 ~~requirements of s. 220.32.~~

28 Section 22. Paragraph (a) of subsection (2) of section
29 220.34, Florida Statutes, is amended to read:

30 220.34 Special rules relating to estimated tax.--

31

1 (2) No interest or penalty shall be due or paid with
2 respect to a failure to pay estimated taxes except the
3 following:

4 (a) Except as provided in paragraph (d), the taxpayer
5 shall be liable for interest at the rate determined under s.
6 220.807 ~~of 12 percent per year~~ and for a penalty in an amount
7 computed determined at the rate determined under s. 220.807 ~~of~~
8 ~~12 percent per year~~ upon the amount of any underpayment of
9 estimated tax determined under this subsection.

10 Section 23. Section 220.723, Florida Statutes, is
11 amended to read:

12 220.723 Overpayments; interest.--

13 (1) The department must refund interest shall be
14 ~~allowed and paid in accordance with the provisions of s.~~
15 ~~220.807~~ upon any overpayment of a tax imposed by this chapter
16 within 60 days after the tax was due or paid, whichever
17 occurred later. ~~However, if any overpayment is refunded or~~
18 ~~credited within 3 months after the date upon which the~~
19 ~~taxpayer files written notice advising the department of such~~
20 ~~overpayment, no interest shall be allowed on such overpayment.~~

21 (2) Interest, at a rate that is 1 percent lower than
22 the rate determined under s. 220.807, shall run on the balance
23 due the taxpayer from 60 days after the tax was due or accrue
24 ~~from the date upon which the taxpayer files a written notice~~
25 ~~advising the department of the overpayment. Interest shall be~~
26 ~~paid until such date as determined by the department, which~~
27 ~~shall be no more than 7 days prior to the date of the issuance~~
28 ~~by the Comptroller of the refund is paid in full warrant.~~

29 (3) For purposes of this section, a payment no amount
30 of tax for any taxable year may not shall be treated as having
31 been paid before the date on which the tax return for that

1 ~~such~~ year was due under applicable law or the date the payment
2 was actually made, whichever is later.

3 Section 24. Section 220.737, Florida Statutes, is
4 amended to read:

5 220.737 Amounts less than ~~\$20~~\$1.--A taxpayer need not
6 file a tax return, or pay any tax, under this chapter if the
7 amount that the taxpayer owes under this chapter is less than
8 \$20.

9 ~~(1) The department may by regulation provide that if a~~
10 ~~total amount of less than \$1 is payable, refundable, or~~
11 ~~creditable, such amount either may be disregarded or shall be~~
12 ~~disregarded if it is less than 50 cents and increased to \$1 if~~
13 ~~it is 50 cents or more.~~

14 ~~(2) The department may by regulation provide that any~~
15 ~~amount which is required to be shown or reported on any return~~
16 ~~or other document required under this chapter shall, if such~~
17 ~~amount is not a whole dollar, be increased to the nearest~~
18 ~~whole dollar when the fractional part of a dollar is 50 cents~~
19 ~~or more and decreased to the nearest whole dollar when the~~
20 ~~fractional part of a dollar is less than 50 cents.~~

21 Section 25. Section 220.801, Florida Statutes, is
22 amended to read:

23 220.801 Penalties; failure to timely file returns.--

24 (1) In case of failure to file any tax return required
25 under this chapter on the date prescribed therefor, including
26 any extensions thereof, there must ~~shall~~ be added ~~as a penalty~~
27 to the amount of tax due with such a return a penalty in the
28 amount of 5 ~~10~~ percent of the amount of the ~~such~~ tax, ~~if the~~
29 ~~failure is not for more than 1 month, plus an additional 10~~
30 ~~percent for each additional month or fraction thereof during~~
31 which the ~~such~~ failure continues, not exceeding 25 ~~50~~ percent

1 in the aggregate. The department may settle or compromise such
2 penalties pursuant to s. 213.21. There is no penalty for a
3 taxpayer's failing to file a return under this chapter for a
4 period in which he or she owes no taxes under this chapter.

5 For purposes of this section, the amount of tax due with any
6 return must ~~shall~~ be reduced by any part of the tax which is
7 paid on or before the date prescribed for payment of the tax
8 and by the amount of any credit against the tax which was
9 properly allowable on the date the return was required to be
10 filed.

11 ~~(2) In case of failure to file any tax return required~~
12 ~~by this chapter, notwithstanding that no tax is shown to be~~
13 ~~due thereon, a penalty in the amount of \$50 for each month or~~
14 ~~portion thereof, not to exceed \$300 in the aggregate, shall be~~
15 ~~assessed and paid for each such failure to file. This~~
16 ~~subsection shall only apply to corporations when they also are~~
17 ~~required to file a federal income tax return.~~

18 ~~(3) If any penalty is assessed under subsection (1)~~
19 ~~for failure to file a return by the prescribed date, no~~
20 ~~penalty under subsection (2) for failure to file a return with~~
21 ~~no tax shown to be due shall be assessed with respect to the~~
22 ~~same return.~~

23 ~~(2)(4) The provisions of This section shall~~
24 ~~specifically applies apply to the notice of federal change~~
25 ~~required under s. 220.23, and to any tax returns required~~
26 ~~under chapter 221, relating to the emergency excise tax.~~

27 Section 26. Section 220.8051, Florida Statutes, is
28 created to read:

29 220.8051 Waiver of penalties.--Upon a showing of
30 reasonable cause for a taxpayer's filing of an incomplete
31 return or failure to timely file a return required or pay tax

1 owed under this chapter, the department shall waive the
2 applicable penalties; however, the taxpayer must promptly file
3 the return and pay the overdue tax as soon as the reasonable
4 cause no longer applies.

5 Section 27. Section 220.809, Florida Statutes, is
6 amended to read:

7 220.809 Interest on deficiencies.--

8 (1) If any amount of tax imposed by this chapter is
9 not paid on or before the date, determined without regard to
10 any extensions, prescribed for payment of that such tax,
11 interest must shall be paid in accordance with the provisions
12 of s. 220.807 on the unpaid amount from the due such date to
13 the date of payment.

14 (2) Interest prescribed by this section on any tax or
15 penalty is considered to shall be ~~deemed~~ assessed upon the
16 assessment of the tax or penalty to which the such interest
17 relates, and must shall be collected and paid in the same
18 manner as taxes. Any reference in this chapter to the tax
19 imposed by this chapter is to shall be considered deemed a
20 reference to interest imposed by this section.

21 (3) ~~No~~ Interest may not shall be imposed upon the
22 interest provided by this section or upon any penalty imposed
23 under this chapter.

24 ~~(4) Interest shall be paid in respect to any penalty~~
25 ~~which is not paid within 20 days of the notice and demand~~
26 ~~therefor, but only for the period from the date of the notice~~
27 ~~and demand to the date of payment.~~

28 ~~(4)(5)~~ If notice and demand is made for the payment of
29 any amount due under this chapter, and if that such amount is
30 paid within 30 days after the date of the such notice and
31 demand, interest under this section on the amount so paid

1 shall not be imposed for the period after the date of the ~~such~~
2 notice and demand.

3 ~~(6) Any tax, interest, or penalty imposed by this~~
4 ~~chapter which has been erroneously refunded and which is~~
5 ~~recoverable by the department shall bear interest computed as~~
6 ~~provided in s. 220.807 from the date of payment of such~~
7 ~~refund.~~

8 (5)~~(7)~~ The department may settle or compromise
9 interest imposed under this section ~~herein~~ pursuant to s.
10 213.21.

11 Section 28. Section 221.02, Florida Statutes, is
12 amended to read:

13 221.02 Credit for emergency excise tax paid.--The
14 emergency excise tax paid pursuant to s. 221.01 plus any
15 credit or carryover properly applied to reduce the amount of
16 the emergency excise tax due for the taxable year shall be
17 allowed as a credit against the emergency excise tax, if any,
18 to be charged and collected pursuant to this chapter for the
19 return filed for the fifth taxable year following the taxable
20 year for which the tax was paid or, if earlier, the taxable
21 year for which a final return is required. To the extent that
22 the credit exceeds the emergency excise tax, if any, for the
23 return filed for the fifth taxable year following the taxable
24 year for which the tax was paid or, if earlier, the taxable
25 year for which a final return is required, such excess shall
26 be allowed as a reduction of, and credit against, any tax
27 imposed by chapter 220 upon the taxpayer for the fifth taxable
28 year following the taxable year for which the tax was paid or,
29 if earlier, the taxable year for which a final return is
30 required. If the taxpayer is unable to fully utilize the
31 credit in the year in which it is first allowed, it may be

1 | carried over until the credit is fully used ~~to each of the 5~~
2 | ~~taxable years immediately thereafter.~~

3 | Section 29. Subsection (4) of section 236.081, Florida
4 | Statutes, is amended to read:

5 | 236.081 Funds for operation of schools.--If the annual
6 | allocation from the Florida Education Finance Program to each
7 | district for operation of schools is not determined in the
8 | annual appropriations act or the substantive bill implementing
9 | the annual appropriations act, it shall be determined as
10 | follows:

11 | (4) COMPUTATION OF DISTRICT REQUIRED LOCAL
12 | EFFORT.--The Legislature shall prescribe the aggregate
13 | required local effort for all school districts collectively as
14 | an item in the General Appropriations Act for each fiscal
15 | year, but the aggregate required local effort may not exceed
16 | an amount that, based on the most current information
17 | available, would result in an aggregate required-local-effort
18 | millage in excess of 6.029 mills. The amount that each
19 | district shall provide annually toward the cost of the Florida
20 | Education Finance Program for kindergarten through grade 12
21 | programs shall be calculated as follows:

22 | (a) Estimated taxable value calculations.--

23 | 1.a. Not later than 2 working days prior to July 19,
24 | the Department of Revenue shall certify to the Commissioner of
25 | Education its most recent estimate of the taxable value for
26 | school purposes in each school district and the total for all
27 | school districts in the state for the current calendar year
28 | based on the latest available data obtained from the local
29 | property appraisers. Not later than July 19, the commissioner
30 | shall compute a millage rate, rounded to the next highest one
31 | one-thousandth of a mill, which, when applied to 95 percent of

1 the estimated state total taxable value for school purposes,
2 would generate the prescribed aggregate required local effort
3 for that year for all districts. The commissioner shall
4 certify to each district school board the millage rate,
5 computed as prescribed in this subparagraph, as the minimum
6 millage rate necessary to provide the district required local
7 effort for that year.

8 b. For the 1997-1998 fiscal year only, the General
9 Appropriations Act may direct the computation of the statewide
10 adjusted aggregate amount for required local effort for all
11 school districts collectively from ad valorem taxes to ensure
12 that no school district's revenue from required local effort
13 millage will produce more than 90 percent of the district's
14 total Florida Education Finance Program calculation, and the
15 adjustment of the required local effort millage rate of each
16 district that produces more than 90 percent of its total
17 Florida Education Finance Program entitlement to a level that
18 will produce only 90 percent of its total Florida Education
19 Finance Program entitlement. This sub-subparagraph is
20 repealed on July 1, 1998, unless enacted in other legislation.

21 2. As revised data are received from property
22 appraisers, the Department of Revenue shall amend the
23 certification of the estimate of the taxable value for school
24 purposes. The Commissioner of Education, in administering the
25 provisions of subparagraph (10)(a)2., shall use the most
26 recent taxable value for the appropriate year.

27 (b) Final calculation.--

28 1. The Department of Revenue shall, upon receipt of
29 the official final assessed value of property from each of the
30 property appraisers, certify to the commissioner the taxable
31 value total for school purposes in each school district,

1 subject to the provisions of paragraph (d). The commissioner
2 shall use the official final taxable value for school purposes
3 for each school district in the final calculation of the
4 annual K-12 Florida Education Finance Program allocations.

5 2. For the purposes of this paragraph, the official
6 final taxable value for school purposes shall be the taxable
7 value for school purposes on which the tax bills are computed
8 and mailed to the taxpayers, adjusted to reflect final
9 administrative actions of value adjustment boards and judicial
10 decisions pursuant to part I of chapter 194. By September 1 of
11 each year, the Department of Revenue shall certify to the
12 commissioner the official prior year final taxable value for
13 school purposes. For each county that has not submitted a
14 revised tax roll reflecting final value adjustment board
15 actions and final judicial decisions, the Department of
16 Revenue shall certify the most recent revision of the official
17 taxable value for school purposes. The certified value shall
18 be the final taxable value for school purposes and no further
19 adjustments shall be made, except those made pursuant to
20 subparagraph (10)(a)2.

21 (c) Equalization of required local effort.--

22 1. The Department of Revenue shall include with its
23 certifications provided pursuant to paragraph (a) its most
24 recent determination of the assessment level of the prior
25 year's assessment roll for each county and for the state as a
26 whole.

27 2. The commissioner shall adjust the required local
28 effort millage of each district for the current year, computed
29 pursuant to paragraph (a), as follows:

30 a. The equalization factor for the prior year's
31 assessment roll of each district shall be multiplied by 95

1 percent of the taxable value for school purposes shown on that
2 roll and by the prior year's required local-effort millage,
3 exclusive of any equalization adjustment made pursuant to this
4 paragraph. The dollar amount so computed shall be the
5 additional required local effort for equalization for the
6 current year.

7 b. Such equalization factor shall be computed as the
8 quotient of the prior year's assessment level of the state as
9 a whole divided by the prior year's assessment level of the
10 county, from which quotient shall be subtracted 1.

11 c. The dollar amount of additional required local
12 effort for equalization for each district shall be converted
13 to a millage rate, based on 95 percent of the current year's
14 taxable value for that district, and added to the required
15 local effort millage determined pursuant to paragraph (a).

16 3. Notwithstanding the limitations imposed pursuant to
17 s. 236.25(1), the total required local-effort millage,
18 including additional required local effort for equalization,
19 shall be an amount not to exceed 10 minus the maximum millage
20 allowed as nonvoted discretionary millage, exclusive of
21 millage authorized pursuant to s. 236.25(2). Nothing herein
22 shall be construed to allow a millage in excess of that
23 authorized in s. 9, Art. VII of the State Constitution.

24 4. For the purposes of this chapter, the term
25 "assessment level" means the value-weighted mean assessment
26 ratio for the county or state as a whole, as determined
27 pursuant to s. 195.096, or as subsequently adjusted. In the
28 event a court has adjudicated that the department failed to
29 establish an accurate estimate of an assessment level of a
30 county and recomputation resulting in an accurate estimate
31 based upon the evidence before the court was not possible,

1 that county shall be presumed to have an assessment level
2 equal to that of the state as a whole.

3 5. If, in the prior year, taxes were levied against an
4 interim assessment roll pursuant to s. 193.1145, the
5 assessment level and prior year's nonexempt assessed valuation
6 used for the purposes of this paragraph shall be those of the
7 interim assessment roll.

8 (d) Exclusion.--In those instances in which:

9 1. There is litigation either attacking the authority
10 of the property appraiser to include certain property on the
11 tax assessment roll as taxable property or contesting the
12 assessed value of certain property on the tax assessment roll;
13 and

14 2. The assessed value of the property in contest
15 involves more than 10 percent of the total nonexempt
16 assessment roll;

17
18 the assessed value of the property in contest shall be
19 excluded from the taxable value for school purposes for
20 purposes of computing the district required local effort.

21 (e) Recomputation.--Following final adjudication of
22 any litigation on the basis of which an adjustment in taxable
23 value was made pursuant to paragraph (d), the department shall
24 recompute the required local effort for each district for each
25 year affected by such adjustments, utilizing taxable values
26 approved by the court, and shall adjust subsequent allocations
27 to such districts accordingly.

28 Section 30. For the 1998-1999 fiscal year only, the
29 base student allocation determined under section 236.081(1),
30 Florida Statutes, may not be less than the base student

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1 allocation in the 1997-1998 fiscal year adjusted for
2 inflation.

3 Section 31. This act shall take effect July 1, 1998.

4

5 *****

6 SENATE SUMMARY

7 Revises provisions relating to penalties and interest
8 payable on taxes owed on real and personal property, on
9 excise taxes owed, on occupational license taxes, and on
10 the tax on sales, use, and other transactions. Eliminates
11 penalties for failure to file a tax return if no tax is
12 due. Provides for further extensions of time to file
13 certain taxes. Provides a reasonable-cause exception from
14 specified taxes. Decreases statutes of limitation for
15 assessment of taxes in certain circumstances. Eliminates
16 the tolling of the statute of limitations for certain
17 causes. Exempts from the nonrecurring tax on certain
18 documents transfers made as part of a dissolution of
19 marriage. Provides other exemptions from specified taxes.
20 Reduces the aggregate required-local-effort millage rate
21 for school funding and provides a minimum base student
22 allocation for fiscal year 1998-1999.

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