

By Senator Forman

32-52B-98

1 A bill to be entitled
2 An act relating to taxation; creating s.
3 197.4155, F.S.; authorizing county tax
4 collectors to implement an installment payment
5 program for delinquent personal property taxes;
6 providing conditions under which the program is
7 available to delinquent personal property
8 taxpayers; providing requirements for applying
9 for participation in the program; providing a
10 deadline for filing such an application;
11 providing for a tax collector to prescribe an
12 installment payment plan within a specified
13 time period; allowing flexibility; prescribing
14 limitations upon the duration of an installment
15 plan; providing that tax warrants must not be
16 enforced in certain circumstances; authorizing
17 a tax collector to use all legally available
18 enforcement methods if taxes due under an
19 installment plan are not paid in full; amending
20 s. 197.432, F.S.; revising requirements for
21 calculating the rate of interest on void tax
22 certificates; prohibiting holders of tax
23 certificates from contacting property owners
24 and demanding payment without the approval of
25 the Department of Revenue; amending s. 197.472,
26 F.S.; specifying the amount of interest earned
27 when a tax certificate is redeemed and
28 eliminating a mandatory minimum charge;
29 amending s. 197.172, F.S., relating to interest
30 on tax certificates, to conform; creating s.
31 213.68, F.S.; specifying the garnishment

1 authority and procedures applicable to counties
2 that self-administer the local option tourist
3 development tax; providing an effective date.
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5 Be It Enacted by the Legislature of the State of Florida:
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7 Section 1. Section 197.4155, Florida Statutes, is
8 created to read:

9 197.4155 Delinquent personal property taxes;
10 installment payment program.--

11 (1) A county tax collector may implement an
12 installment payment program for the payment of delinquent
13 personal property taxes. If implemented, the program must be
14 available, upon application to the tax collector, to each
15 delinquent personal property taxpayer whose delinquent
16 personal property taxes exceed \$1,000. The tax collector shall
17 require each taxpayer who requests to participate in the
18 program to submit an application on a form prescribed by the
19 tax collector which, at a minimum, must include the name,
20 address, and telephone number of the taxpayer, a full
21 description of the property that is subject to personal
22 property taxes, the tax year involved, and the amount of the
23 personal property taxes owed by the taxpayer. The application
24 must be made within 180 days after the date the taxes become
25 delinquent.

26 (2) Within 10 days after a taxpayer who owes
27 delinquent personal property taxes submits the required
28 application, the tax collector shall prescribe an installment
29 payment plan for the full payment of the taxpayer's delinquent
30 personal property taxes, including any delinquency charges,
31 interest, and costs allowed by this chapter. The plan must be

1 in writing and must be delivered to the taxpayer after it is
2 prescribed. At the time the plan is developed, the tax
3 collector may consider a taxpayer's current and anticipated
4 future ability to pay over the time period of a potential
5 installment payment plan. The plan must provide that if the
6 taxpayer does not follow the payment terms or fails to timely
7 file returns or pay current obligations after the date of the
8 payment plan, the taxpayer will be considered delinquent under
9 the terms of the plan, and any unpaid balance of tax, penalty,
10 or interest scheduled in the payment plan will be due and
11 payable immediately. The plan must also provide that unpaid
12 tax amounts bear interest as provided by law. In prescribing
13 such an installment payment plan, the tax collector may
14 exercise flexibility as to the dates, amounts, and number of
15 payments to collect all delinquent personal property taxes
16 owed by the taxpayer, except that the plan must provide for
17 the full satisfaction of all amounts owed by the taxpayer by
18 no later than 3 years after the due date of the first payment
19 under the plan.

20 (3) If a tax warrant is issued under s. 197.413
21 against a delinquent taxpayer who is participating in an
22 installment payment plan under this section, the tax warrant
23 must not be enforced as long as the taxpayer is neither
24 delinquent under the terms of the installment payment plan nor
25 removing, disposing, or attempting to remove or dispose of the
26 personal property that is subject to the tax warrant.

27 (4) If the amounts due under the installment payment
28 plan are not paid in full in accordance with the terms of the
29 plan, the tax collector may use all enforcement methods
30 available under the law.

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1 Section 2. Subsection (10) of section 197.432, Florida
2 Statutes, is amended, and subsection (14) is added to that
3 section, to read:

4 197.432 Sale of tax certificates for unpaid taxes.--

5 (10) Any tax certificates issued pursuant to this
6 section after January 1, 1977, which are void due to an error
7 of the property appraiser, the tax collector, any other county
8 official, or any municipal official and which are subsequently
9 canceled, or which are corrected, pursuant to this chapter or
10 chapter 196 shall earn interest at the rate of 8 percent per
11 year, simple interest, or the rate of interest bid at the tax
12 certificate sale, whichever is less, calculated from the date
13 the certificate was purchased until the date the refund is
14 ordered. Refunds made on tax certificates that are corrected
15 or void shall be processed in accordance with the procedure
16 set forth in s. 197.182, except that the 4-year time period
17 provided for in s. 197.182(1)(c) does not apply to or bar
18 refunds resulting from correction or cancellation of
19 certificates and release of tax deeds as authorized herein.

20 (14) The holder of a tax certificate or his or her
21 agent may not contact the owner of property upon which he or
22 she holds a tax certificate and demand payment unless the
23 Department of Revenue approves the contact.

24 Section 3. Subsection (2) of section 197.472, Florida
25 Statutes, is amended to read:

26 197.472 Redemption of tax certificates.--

27 (2) When a tax certificate is redeemed, ~~and~~ the
28 interest earned shall be the amount bid at the tax certificate
29 sale, calculated in accordance with s. 197.172(2) ~~on the tax~~
30 ~~certificate is less than 5 percent of the face amount of the~~
31 ~~certificate, a mandatory charge of 5 percent shall be levied~~

1 ~~upon the tax certificate. The person redeeming the tax~~
2 ~~certificate shall pay the interest rate due on the certificate~~
3 ~~or the 5-percent mandatory charge, whichever is greater. This~~
4 ~~subsection applies to all county-held tax certificates and all~~
5 ~~individual tax certificates except those with an interest rate~~
6 ~~bid of zero percent.~~

7 Section 4. Subsection (2) of section 197.172, Florida
8 Statutes, is amended to read:

9 197.172 Interest rate; calculation and minimum.--

10 (2) The maximum rate of interest on a tax certificate
11 shall be 18 percent per year; however, a tax certificate shall
12 not bear interest ~~nor shall the mandatory charge as provided~~
13 ~~by s. 197.472(2) be levied~~ during the 60-day period of time
14 following from the date of delinquency, except the 3 percent
15 mandatory charge under subsection (1). No tax certificate
16 sold before March 23, 1992, shall bear interest ~~nor shall the~~
17 ~~mandatory charge as provided by s. 197.472(2) be levied~~ in
18 excess of the interest or charge provided herein, except as to
19 those tax certificates upon which charges ~~the mandatory charge~~
20 ~~as provided by s. 197.472(2) shall have been collected and~~
21 paid.

22 Section 5. Section 213.68, Florida Statutes, is
23 created to read:

24 213.68 Garnishment; collecting entity of counties that
25 self-administer collection of tourist development tax.--The
26 collecting entity of a county that self-administers the
27 collection of the tourist development tax under s. 125.0104
28 has the same authority and shall use the same procedure as
29 described in s. 213.67.

30 Section 6. This act shall take effect October 1, 1998.

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SENATE SUMMARY

Authorizes county tax collectors to implement an installment payment program for delinquent personal property taxes. Provides conditions under which the program is available to delinquent personal property taxpayers. Provides requirements for applying to participate in the program. Provides for a tax collector to prescribe an installment payment plan within a specified time period. Allows the tax collector flexibility in establishing the terms of repayment, except that the bill prescribes a maximum duration for such installment plans. Provides that tax warrants are unenforceable against a taxpayer who is complying with the terms of a plan and is not attempting to remove or dispose of the subject personal property. Authorizes a tax collector to use all legally available enforcement methods if taxes due under an installment plan are not paid in full. Revises requirements for calculating the rate of interest on void tax certificates. Prohibits holders of tax certificates from contacting property owners and demanding payment without the approval of the Department of Revenue. Specifies the amount of interest earned when a tax certificate is redeemed and eliminates a mandatory minimum charge. Specifies the garnishment authority and procedures applicable to counties that self-administer the local option tourist development tax.