

By Senator Horne

6-427-99

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,
4 199.057, 199.062, 199.185, 199.282, 201.16,
5 201.17, 205.053, 212.02, 212.05, 212.06,
6 212.08, 212.12, 213.04, 220.211, 220.222,
7 220.34, 220.723, 220.737, 220.801, 220.809,
8 221.02, F.S.; creating ss. 199.252, 199.2825,
9 212.125, 220.8051, F.S.; amending certain
10 statutes of limitation; eliminating the tolling
11 of the statute of limitations for specified
12 causes; prescribing circumstances for the
13 tolling of the statute of limitations as a
14 result of administrative or judicial
15 proceedings; limiting the period for which
16 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; increasing the amounts of certain
30 exemptions from the annual and nonrecurring
31 taxes on certain property; allowing extensions

1 of deadlines for providing certain annual tax
2 information reports; allowing an extension of
3 the deadline by which a corporation must elect
4 to pay the annual tax on behalf of its
5 stockholders and specifying conditions for
6 making such election; exempting taxpayers from
7 paying certain taxes upon a showing of
8 reasonable cause, for so long as the reasonable
9 cause applies; providing exceptions to payment
10 of certain taxes or penalties; allowing certain
11 penalties to be waived; providing for payment
12 on interest by the state with respect to
13 overpayments of taxes; prescribing limitations
14 upon the assessment of back taxes; prescribing
15 penalties for failing to pay taxes; providing
16 exemptions from specified taxes; providing for
17 the establishment of a cost-price amount for
18 the purpose of sales and use taxation; limiting
19 the aggregate amount of certain penalties that
20 may be imposed; providing that a federal
21 extension of the deadline for paying certain
22 taxes acts as a state extension, under
23 specified conditions; deleting the requirement
24 to pay interest on certain penalties; providing
25 for credits for emergency excise taxes to be
26 carried over; amending s. 236.081, F.S.;
27 reducing the aggregate required-local-effort
28 millage rate; providing a minimum base student
29 allocation for fiscal year 1999-2000; providing
30 an effective date.

31

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

2
3 Section 1. Subsections (3) and (4) of section 95.091,
4 Florida Statutes, are amended to read:

5 95.091 Limitation on actions to collect taxes.--

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

15 a. For taxes due before July 1, 1999, within 5 years
16 after the date the tax is due, any return with respect to the
17 tax is due, or such return is filed, whichever occurs later;
18 and for taxes due on or after July 1, 1999, within 3 years
19 after the date the tax is due, any return with respect to the
20 tax is due, or such return is filed, whichever occurs later;

21 b. For taxes due before July 1, 1999, within 6 years
22 after the date the taxpayer either makes a substantial
23 underpayment of tax, or files a substantially incorrect
24 return;

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

27 d. For taxes due before July 1, 1999, at any time
28 after the taxpayer has filed a grossly false return;

29 ~~e.d.~~ At any time after the taxpayer has failed to make
30 any required payment of the tax, has failed to file a required
31 return, or has filed a ~~grossly false or~~ fraudulent return,

1 except that for taxes due on or after July 1, 1999, the
2 limitation prescribed in sub-subparagraph a. applies if the
3 taxpayer has disclosed in writing the tax liability to the
4 department before the department has given the taxpayer notice
5 of that liability; or

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

8 (I) For taxes due before July 1, 1999, within 5 years
9 after making such refund; and

10 (II) For taxes due on or after July 1, 1999, within 3
11 years after making such refund,

12
13 or at any time after making such refund if it appears that any
14 part of the refund was induced by fraud or the
15 misrepresentation of a material fact.

16 2. For the purpose of this paragraph, a tax return
17 filed before the last day prescribed by law, including any
18 extension thereof, shall be deemed to have been filed on such
19 last day, and payments made prior to the last day prescribed
20 by law shall be deemed to have been paid on such last day.

21 (b) The limitations in this subsection shall be tolled
22 for a period of 2 years with respect to taxes due before July
23 1, 1999, if the Department of Revenue has issued a notice of
24 intent to conduct an audit or investigation of the taxpayer's
25 account within the applicable period of time as specified in
26 this subsection. The department shall commence an audit
27 within 120 days after it issues a notice of intent to conduct
28 an audit, unless the taxpayer requests a delay. If the
29 taxpayer does not request a delay and the department does not
30 begin the audit within 120 days after issuing the notice, the
31 tolling period shall terminate.

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

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

14 193.062 Dates for filing returns.--All returns shall
15 be filed according to the following schedule:

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

24 Section 3. Section 193.063, Florida Statutes, is
25 amended to read:

26 193.063 Extension of date for filing tangible personal
27 property tax returns.--The property appraiser may, at her or
28 his discretion, grant an extension for the filing of a
29 tangible personal property tax return for up to 6 months ~~45~~
30 ~~days~~. A request for extension must be made in time for the
31 property appraiser to consider the request and act on it

1 before the regular due date of the return. A request for
2 extension may be signed by the taxpayer, by a tax preparer, or
3 by an individual authorized by the taxable entity, and must
4 include the name of the taxable entity, the tax identification
5 number of the taxable entity, and the reason an extension
6 should be granted.

7 Section 4. Section 194.192, Florida Statutes, is
8 amended to read:

9 194.192 Costs; interest on unpaid taxes; penalty.--

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

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

24 (3) If the court finds that the amount of tax owed by
25 the taxpayer is less than the amount paid by the taxpayer, it
26 shall order a refund to the taxpayer in the amount of the
27 overpayment, plus interest at a rate that is 1 percent lower
28 than the rate determined under s. 220.807 from the date the
29 court order is issued until the refund is paid in full.

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

1 197.172 Interest rate; calculation and minimum.--
2 (3)(a) Delinquent personal property taxes shall bear
3 interest at the rate determined under s. 220.807 ~~of 18 percent~~
4 ~~per year~~ from the date of delinquency until paid or barred
5 under chapter 95.

6 (b) Overpayments of personal property taxes shall bear
7 interest at a rate that is 1 percent lower than the rate
8 determined under s. 220.807 from the date on which a court
9 orders a refund or a state agency determines that a refund is
10 due a taxpayer, whichever is earlier, until the refund is paid
11 in full.

12 Section 6. Notwithstanding chapter 199, Florida
13 Statutes, the maximum tax under that chapter on any nonsecured
14 loan is \$1,000.

15 Section 7. Subsections (1) and (2) of section 199.185,
16 Florida Statutes, 1998 Supplement, are amended to read:

17 199.185 Property exempted from annual and nonrecurring
18 taxes.--

19 (1) The following intangible personal property shall
20 be exempt from the annual and nonrecurring taxes imposed by
21 this chapter:

22 (a) Money.

23 (b) Money equivalent held by a bank, savings and loan
24 association, investment and securities company, or other
25 financial institution.

26 (c)(b) Franchises.

27 (d)(c) Any interest as a partner in a partnership,
28 either general or limited, other than any interest as a
29 limited partner in a limited partnership registered with the
30 Securities and Exchange Commission pursuant to the Securities
31 Act of 1933, as amended.

1 (e)~~(d)~~ Notes, bonds, and other obligations issued by
2 the State of Florida or its municipalities, counties, and
3 other taxing districts, or by the United States Government and
4 its agencies.

5 (f)~~(e)~~ Intangible personal property held in trust
6 pursuant to any stock bonus, pension, or profit-sharing plan
7 or any individual retirement account which is qualified under
8 s. 530, s. 401, s. 408, or s. 408A of the United States
9 Internal Revenue Code, 26 U.S.C. ss. 530, 401, 408, and 408A,
10 as amended.

11 (g)~~(f)~~ Intangible personal property held under a
12 retirement plan of a Florida-based corporation exempt from
13 federal income tax under s. 501(c)(6) of the United States
14 Internal Revenue Code, 26 U.S.C., if the primary purpose of
15 the corporation is to support the promotion of professional
16 sports and the retirement plan is either a qualified plan
17 under s. 457 of the United States Internal Revenue Code or the
18 contributions to the plan, pursuant to a ruling by the United
19 States Internal Revenue Service, are not taxable to plan
20 participants until actual receipt or withdrawal by the
21 participant.

22 (h)~~(g)~~ Notes and other obligations, except bonds, to
23 the extent that such notes and obligations are secured by
24 mortgage, deed of trust, or other lien upon real property
25 situated outside the state.

26 (i)~~(h)~~ The assets of a corporation registered under
27 the Investment Company Act of 1940, 15 U.S.C. s. 80a-1-52, as
28 amended.

29 (j)~~(i)~~ All intangible personal property issued in or
30 arising out of any international banking transaction and owned
31 by a banking organization.

1 (k)~~(j)~~ Units of a unit investment trust organized
2 under an agreement or declaration of trust and registered
3 under the Investment Company Act of 1940, as amended, whose
4 portfolio of assets consists solely of assets exempt under
5 this section.

6 (l)~~(k)~~ Interests in real estate securitizations,
7 including, but not limited to, real estate mortgage investment
8 conduits (REMIC) and financial asset securitization trusts
9 (FASITS), which are directly or indirectly secured by or
10 payable from notes and obligations that are in turn secured
11 solely by a mortgage, deed of trust, or other lien upon real
12 property situated in or outside the state, including, but not
13 limited to, mortgage pools, participations, and derivatives.

14 (m)~~(l)~~ One-third of the accounts receivable arising or
15 acquired in the ordinary course of a trade or business which
16 are owned, controlled, or managed by a taxpayer on January 1,
17 1999, and thereafter. It is the intent of the Legislature
18 that, pursuant to future legislative action, the portion of
19 such accounts receivable exempt from taxation be increased to
20 two-thirds for taxes levied on January 1, 2000, and further
21 increased to all such accounts receivable on January 1, 2001,
22 and thereafter. This exemption does not apply to accounts
23 receivable which arise outside the taxpayer's ordinary course
24 of trade or business. For the purposes of this chapter, the
25 term "accounts receivable" means a business debt that is owed
26 by another to the taxpayer or the taxpayer's assignee in the
27 ordinary course of trade or business and is not supported by
28 negotiable instruments. Accounts receivable include, but are
29 not limited to, credit card receivables, charge card
30 receivables, credit receivables, margin receivables, inventory
31 or other floor plan financing, lease payments past due,

1 conditional sales contracts, retail installment sales
2 agreements, financing lease contracts, and a claim against a
3 debtor usually arising from sales or services rendered and
4 which is not necessarily due or past due. The examples
5 specified in this paragraph shall be deemed not to be
6 supported by negotiable instruments. The term "negotiable
7 instrument" means a written document that is legally capable
8 of being transferred by indorsement or delivery. The term
9 "indorsement" means the act of a payee or holder in writing
10 his or her name on the back of an instrument without further
11 qualifying words other than "pay to the order of" or "pay to"
12 whereby the property is assigned and transferred to another.

13 (n)~~(m)~~ Stock options granted to employees by their
14 employer pursuant to an incentive plan, if the employees
15 cannot transfer, sell, or mortgage the options. Stock
16 purchased by an employee from an employer pursuant to an
17 incentive plan shall be treated as a nontaxable stock option
18 if part of the purchase price of the stock is nonrecourse debt
19 secured by the stock and the stock cannot be sold,
20 transferred, or assigned by the employee until the nonrecourse
21 debt is discharged. Such stock becomes taxable stock when it
22 can be sold, transferred, or assigned by the employee.

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

28 ~~(b) With respect to the last mill of the annual tax,~~
29 Every natural person, Florida trust or estate, or Florida
30 corporation or partnership is entitled each year to an
31 exemption of the first \$100,000 of the value of property

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

3
4 Agents and fiduciaries, other than guardians and custodians
5 under a gifts-to-minors act, filing as such may not claim this
6 exemption on behalf of their principals or beneficiaries;
7 however, if the principal or beneficiary returns the property
8 held by the agent or fiduciary and is a natural person, the
9 principal or beneficiary may claim the exemption. ~~No taxpayer~~
10 ~~shall be entitled to more than one exemption under paragraph~~
11 ~~(a) and one exemption under paragraph (b).~~ This exemption
12 shall not apply to that intangible personal property described
13 in s. 199.023(1)(d).

14 Section 8. Section 199.062, Florida Statutes, is
15 amended to read:

16 199.062 Annual tax information reports.--

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

28 (a) Which is regularly listed on a public stock
29 exchange or traded over-the-counter, unless the shares are
30 subject to restrictions and the value returnable by the
31 stockholder is less than the published price; or

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

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

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

30 (b)1. The department may require security dealers and
31 investment advisers registered in this state to transmit once

1 every 2 years a copy of the department's intangible tax
2 brochure to each customer whose mailing address is in this
3 state.

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

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

22 Section 9. Section 199.057, Florida Statutes, is
23 amended to read:

24 199.057 Corporate election to pay stockholders' annual
25 tax.--

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

30 (2) To make the election, the corporation shall:
31

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

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

6 (c) Furnish its Florida stockholders with written
7 notice, on or before April 15 ~~April 1~~ of the year for which
8 the election is made, that the election is being made,
9 including a description of the class or classes of stock which
10 are affected. An electing corporation shall certify on its
11 notice to the department that its stockholders were timely
12 notified of the election.

13 (3) An ~~No~~ election is invalid ~~shall be valid~~ unless
14 timely notice is given to the department under paragraph
15 (2)(a). However, if the corporation, no later than April 15,
16 requests an extension of the deadline set forth in paragraph
17 (2)(c) and shows good cause therefor, the department may
18 extend the deadline for up to 45 days. If such an extension is
19 granted, the written notice required under paragraph (2)(a)
20 must be filed with the department no later than 90 days after
21 the date by which the Florida stockholders are to be notified
22 of the election. Once made, an election may not be amended or
23 revoked, and it is binding for the tax year.

24 Section 10. Subsections (2), (3), and (4) of section
25 199.282, Florida Statutes, 1998 Supplement, are amended to
26 read:

27 199.282 Penalties for violation of this chapter.--

28 (2) If any annual or nonrecurring tax is not paid by
29 the statutory due date, then despite any extension granted
30 under s. 199.232(6), interest shall run on the unpaid balance
31

1 from such due date until paid at the rate determined under s.
2 220.807 of 12 percent per year.

3 (3)(a) If any annual or nonrecurring tax is not paid
4 by the due date, a delinquency penalty shall be charged. The
5 delinquency penalty shall be 5 ~~10~~ percent of the delinquent
6 tax for each calendar month or portion thereof from the due
7 date until paid, up to a limit of 25 ~~50~~ percent of the total
8 tax not timely paid. Upon a showing of reasonable cause for
9 failure to pay the annual or recurring tax by the due date, a
10 person is exempt from the delinquency penalty imposed under
11 this paragraph; however, the person must promptly pay the
12 unpaid balance of taxes due as soon as the reasonable cause
13 for delay no longer applies. A person is exempt from the
14 delinquency penalty if payment of the penalty would cause or
15 exacerbate financial hardship for the person.

16 (b) If any annual tax return required by this chapter
17 is not filed by the due date, a penalty of 10 percent of the
18 tax due with the return shall be charged for each calendar
19 month or portion thereof during which the return remains
20 unfiled, up to a limit of 50 percent of the total tax due.

21
22 For any penalty assessed under this subsection, the combined
23 total for all penalties assessed under paragraphs (a) and (b)
24 shall not exceed 10 percent per calendar month, up to a limit
25 of 50 percent of the total tax due.

26 (4) If an annual tax return is filed and property is
27 either omitted from it or undervalued, then a specific penalty
28 shall be charged. The specific penalty shall be 10 percent of
29 the tax attributable to each omitted item or to each
30 undervaluation. The department may waive the specific penalty
31 upon a showing that there was reasonable cause for the

1 omission or undervaluation. No delinquency or late filing
2 penalty shall be charged with respect to any undervaluation.

3 Section 11. Section 199.2825, Florida Statutes, is
4 created to read:

5 199.2825 Refunds, overpayments; interest on.--If a
6 taxpayer pays more than the amount owed for any annual or
7 nonrecurring tax, the department must refund the overpayment
8 within 60 days after the tax was due or paid, whichever
9 occurred later. Interest, at a rate that is 1 percent lower
10 than the rate determined under s. 220.807, shall run on the
11 balance due the taxpayer from 60 days after the tax was due or
12 paid until the refund is paid in full.

13 Section 12. Section 199.252, Florida Statutes, is
14 created to read:

15 199.252 Assessment of property for back taxes.--
16 (1) When it appears that any annual or nonrecurring
17 tax might have been lawfully assessed or collected upon any
18 intangible personal property in the state, but that such tax
19 was not lawfully assessed or levied, and has not been
20 collected for any year within a period of 2 years next
21 preceding the year in which it is ascertained that such tax
22 has not been assessed, or levied, or collected, the authorized
23 officers shall make the assessment of taxes upon the property
24 in addition to the assessment of the property for the current
25 year, if appropriate, and shall assess the tax separately for
26 such property as may have escaped taxation at and upon the
27 basis of valuation applied to the property for the year or
28 years in which it escaped taxation, noting distinctly the year
29 when the property escaped taxation, and the assessment has the
30 same force and effect as it would have had if it had been made
31 in the year in which the property escaped taxation, and taxes

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

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

15 Section 13. Section 201.16, Florida Statutes, is
16 amended to read:

17 201.16 Other laws made applicable to chapter.--

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

24 (2) When it appears that the excise tax on documents
25 might have been lawfully assessed or collected, but that the
26 tax was not lawfully assessed or levied, and has not been
27 collected, within a period of 2 years next preceding the year
28 in which it is ascertained that the tax has not been assessed,
29 or levied, or collected, the authorized officers shall make
30 the assessment of taxes upon the document at the rate
31 prevailing in the year the document escaped taxation. This

1 assessment in arrears has the same force and effect as it
2 would have had if it had been made in the year in which the
3 document escaped taxation.

4 Section 14. Section 201.17, Florida Statutes, is
5 amended to read:

6 201.17 Penalties for failure to pay tax required.--

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

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

24 (a) Payment of the tax not paid.

25 (b) A specific penalty added to the tax in the amount
26 of 5 ~~10~~ percent per month or part of a month of any unpaid tax
27 ~~if the failure is for not more than 30 days, with an~~
28 ~~additional 10 percent of any unpaid tax for each additional 30~~
29 ~~days, or fraction thereof, during the time which the failure~~
30 continues, not to exceed a total penalty of 25 ~~50~~ percent, in
31 the aggregate, of any unpaid tax. In no event shall the

1 penalty be less than \$10 for failure to timely file a tax
2 return required. If it is determined by clear and convincing
3 evidence that any part of a deficiency is due to fraud, there
4 shall be added to the tax as a civil penalty, in lieu of the
5 aforementioned penalty under this paragraph, an amount equal
6 to 200 percent of the deficiency. These penalties are to be
7 in addition to, and not in lieu of, any other penalties
8 imposed by law.

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

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

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

20 Section 15. Section 205.053, Florida Statutes, is
21 amended to read:

22 205.053 Occupational licenses; dates due and
23 delinquent; penalties.--

24 (1) All licenses shall be sold by the appropriate tax
25 collector beginning August 1 of each year, are due and payable
26 on or before September 30 of each year, and expire on
27 September 30 of the succeeding year. If September 30 falls on
28 a weekend or holiday, the tax is due and payable on or before
29 the first working day following September 30. Provisions for
30 partial licenses may be made in the resolution or ordinance
31 authorizing such licenses. Licenses that are not renewed when

1 due and payable are delinquent and subject to a delinquency
2 penalty of ~~10 percent for the month of October, plus an~~
3 ~~additional 5 percent~~ per ~~penalty for each subsequent~~ month of
4 delinquency until paid. However, the total delinquency
5 penalty may not exceed 25 percent of the occupational license
6 tax for the delinquent establishment.

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

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

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

28 Section 16. Paragraph (a) of subsection (2) and
29 subsection (4) of section 212.12, Florida Statutes, 1998
30 Supplement, are amended to read:

31

1 212.12 Dealer's credit for collecting tax; penalties
2 for noncompliance; powers of Department of Revenue in dealing
3 with delinquents; brackets applicable to taxable transactions;
4 records required.--

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

24 In the case of a false or fraudulent return or a willful
25 intent to evade payment of any tax or fee imposed under this
26 chapter, in addition to the other penalties provided by law,
27 the person making such false or fraudulent return or willfully
28 attempting to evade the payment of such a tax or fee shall be
29 liable for a specific penalty of 100 percent of the tax bill
30 or fee and for fine and punishment as provided by law for a
31 conviction of a misdemeanor of the first degree.

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

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

13 Section 17. Section 212.125, Florida Statutes, is
14 created to read:

15 212.125 Refunds, overpayments; interest on.--If a
16 taxpayer pays more than the amount owed for taxes imposed
17 under this chapter, the department must refund the overpayment
18 within 60 days after the tax was due or paid, whichever
19 occurred later. Interest, at a rate 1 percent lower than the
20 adjusted rate determined under s. 220.807, shall run on the
21 balance due the taxpayer from 60 days after the tax was due or
22 paid until the refund is paid in full.

23 Section 18. Section 220.211, Florida Statutes, is
24 amended to read:

25 220.211 Penalties; incomplete return.--

26 (1) If ~~In the case where~~ an incomplete return is made,
27 unless notwithstanding that no tax is finally determined to be
28 due for the taxable year, there shall be added to the amount
29 of tax, penalty, and interest otherwise due a penalty in the
30 amount of 5 percent per month, not exceeding an aggregate of
31 ~~\$300 or 10 percent,~~ of the tax finally determined to be due,

1 ~~whichever is greater~~; however, such a penalty must ~~shall~~ not
2 exceed \$10,000, and the taxpayer is exempt from this penalty
3 if a penalty is imposed on him or her under s. 220.801 with
4 respect to the same return. The department may settle or
5 compromise such penalties pursuant to s. 213.21.

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

12 Section 19. Section 220.222, Florida Statutes, 1998
13 Supplement, is amended to read:

14 220.222 Returns; time and place for filing.--

15 (1) Returns required by this code shall be filed with
16 the office of the department in Leon County or at such other
17 place as the department may by regulation prescribe. All
18 returns required for a DISC (Domestic International Sales
19 Corporation) under paragraph 6011(c)(2) of the Internal
20 Revenue Code shall be filed on or before the 1st day of the
21 10th month following the close of the taxable year; all
22 partnership information returns shall be filed on or before
23 the 1st day of the 5th month following the close of the
24 taxable year; and all other returns shall be filed on or
25 before the 1st day of the 4th month following the close of the
26 taxable year or the 15th day following the due date, without
27 extension, for the filing of the related federal return for
28 the taxable year, unless under subsection (2) one or more
29 extensions of time, ~~not to exceed 6 months in the aggregate,~~
30 for any such filing is granted.

31

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

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

26 (b)(c) For purposes of this subsection, a taxpayer is
27 not in compliance with the requirements of s. 220.32 if the
28 taxpayer underpays the required payment by more than the
29 greater of \$2,000 or 30 percent of the tax shown on the return
30 when filed.

31

1 Section 20. Paragraph (a) of subsection (2) of section
2 220.34, Florida Statutes, is amended to read:

3 220.34 Special rules relating to estimated tax.--

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

7 (a) Except as provided in paragraph (d), the taxpayer
8 shall be liable for interest at the rate determined under s.
9 220.807 of 12 percent per year and for a penalty in an amount
10 computed determined at the rate determined under s. 220.807 of
11 12 percent per year upon the amount of any underpayment of
12 estimated tax determined under this subsection.

13 Section 21. Section 220.723, Florida Statutes, is
14 amended to read:

15 220.723 Overpayments; interest.--

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

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

1 (3) For purposes of this section, a payment ~~no amount~~
2 of tax for any taxable year may not ~~shall~~ be treated as having
3 been paid before the date on which the tax return for that
4 ~~such~~ year was due under applicable law or the date the payment
5 was actually made, whichever is later.

6 Section 22. Section 220.737, Florida Statutes, is
7 amended to read:

8 220.737 Amounts less than \$20~~\$1~~.--A taxpayer need not
9 file a tax return, or pay any tax, under this chapter if the
10 amount that the taxpayer owes under this chapter is less than
11 \$20.

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

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

24 Section 23. Section 220.801, Florida Statutes, is
25 amended to read:

26 220.801 Penalties; failure to timely file returns.--

27 (1) In case of failure to file any tax return required
28 under this chapter on the date prescribed therefor, including
29 any extensions thereof, there must ~~shall~~ be added ~~as a penalty~~
30 to the amount of tax due with such a return a penalty in the
31 amount of 5 ~~10~~ percent of the amount of the ~~such~~ tax, ~~if the~~

1 ~~failure is not for more than 1 month, plus an additional 10~~
2 ~~percent for each additional month or fraction thereof during~~
3 ~~which the such failure continues, not exceeding 25 50 percent~~
4 ~~in the aggregate. The department may settle or compromise such~~
5 ~~penalties pursuant to s. 213.21. There is no penalty for a~~
6 ~~taxpayer's failing to file a return under this chapter for a~~
7 ~~period in which he or she owes no taxes under this chapter.~~
8 For purposes of this section, the amount of tax due with any
9 return must ~~shall~~ be reduced by any part of the tax which is
10 paid on or before the date prescribed for payment of the tax
11 and by the amount of any credit against the tax which was
12 properly allowable on the date the return was required to be
13 filed.

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

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

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

30 Section 24. Section 220.8051, Florida Statutes, is
31 created to read:

1 220.8051 Waiver of penalties.--Upon a showing of
2 reasonable cause for a taxpayer's filing of an incomplete
3 return or failure to timely file a return required or pay tax
4 owed under this chapter, the department shall waive the
5 applicable penalties; however, the taxpayer must promptly file
6 the return and pay the overdue tax as soon as the reasonable
7 cause no longer applies.

8 Section 25. Section 220.809, Florida Statutes, is
9 amended to read:

10 220.809 Interest on deficiencies.--

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

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

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

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

31

1 (4)~~(5)~~ If notice and demand is made for the payment of
2 any amount due under this chapter, and if that ~~such~~ amount is
3 paid within 30 days after the date of the ~~such~~ notice and
4 demand, interest under this section on the amount so paid
5 shall not be imposed for the period after the date of the ~~such~~
6 notice and demand.

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

12 (5)~~(7)~~ The department may settle or compromise
13 interest imposed under this section ~~herein~~ pursuant to s.
14 213.21.

15 Section 26. Section 221.02, Florida Statutes, is
16 amended to read:

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

1 year following the taxable year for which the tax was paid or,
2 if earlier, the taxable year for which a final return is
3 required. If the taxpayer is unable to fully utilize the
4 credit in the year in which it is first allowed, it may be
5 carried over until the credit is fully used ~~to each of the 5~~
6 ~~taxable years immediately thereafter.~~

7 Section 27. Subsection (4) of section 236.081, Florida
8 Statutes, 1998 Supplement, is amended to read:

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

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

26 (a) Estimated taxable value calculations.--

27 1.a. Not later than 2 working days prior to July 19,
28 the Department of Revenue shall certify to the Commissioner of
29 Education its most recent estimate of the taxable value for
30 school purposes in each school district and the total for all
31 school districts in the state for the current calendar year

1 based on the latest available data obtained from the local
2 property appraisers. Not later than July 19, the commissioner
3 shall compute a millage rate, rounded to the next highest one
4 one-thousandth of a mill, which, when applied to 95 percent of
5 the estimated state total taxable value for school purposes,
6 would generate the prescribed aggregate required local effort
7 for that year for all districts. The commissioner shall
8 certify to each district school board the millage rate,
9 computed as prescribed in this subparagraph, as the minimum
10 millage rate necessary to provide the district required local
11 effort for that year.

12 b. The General Appropriations Act shall direct the
13 computation of the statewide adjusted aggregate amount for
14 required local effort for all school districts collectively
15 from ad valorem taxes to ensure that no school district's
16 revenue from required local effort millage will produce more
17 than 90 percent of the district's total K-12 Florida Education
18 Finance Program calculation, and the adjustment of the
19 required local effort millage rate of each district that
20 produces more than 90 percent of its total Florida Education
21 Finance Program entitlement to a level that will produce only
22 90 percent of its total Florida Education Finance Program
23 entitlement.

24 2. As revised data are received from property
25 appraisers, the Department of Revenue shall amend the
26 certification of the estimate of the taxable value for school
27 purposes. The Commissioner of Education, in administering the
28 provisions of subparagraph (9)(a)2., shall use the most recent
29 taxable value for the appropriate year.

30 (b) Final calculation.--

31

1 1. The Department of Revenue shall, upon receipt of
2 the official final assessed value of property from each of the
3 property appraisers, certify to the commissioner the taxable
4 value total for school purposes in each school district,
5 subject to the provisions of paragraph (d). The commissioner
6 shall use the official final taxable value for school purposes
7 for each school district in the final calculation of the
8 annual K-12 Florida Education Finance Program allocations.

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

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

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

31

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

4 a. The equalization factor for the prior year's
5 assessment roll of each district shall be multiplied by 95
6 percent of the taxable value for school purposes shown on that
7 roll and by the prior year's required local-effort millage,
8 exclusive of any equalization adjustment made pursuant to this
9 paragraph. The dollar amount so computed shall be the
10 additional required local effort for equalization for the
11 current year.

12 b. Such equalization factor shall be computed as the
13 quotient of the prior year's assessment level of the state as
14 a whole divided by the prior year's assessment level of the
15 county, from which quotient shall be subtracted 1.

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

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

29 4. For the purposes of this chapter, the term
30 "assessment level" means the value-weighted mean assessment
31 ratio for the county or state as a whole, as determined

1 pursuant to s. 195.096, or as subsequently adjusted. In the
2 event a court has adjudicated that the department failed to
3 establish an accurate estimate of an assessment level of a
4 county and recomputation resulting in an accurate estimate
5 based upon the evidence before the court was not possible,
6 that county shall be presumed to have an assessment level
7 equal to that of the state as a whole.

8 5. If, in the prior year, taxes were levied against an
9 interim assessment roll pursuant to s. 193.1145, the
10 assessment level and prior year's nonexempt assessed valuation
11 used for the purposes of this paragraph shall be those of the
12 interim assessment roll.

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

14 1. There is litigation either attacking the authority
15 of the property appraiser to include certain property on the
16 tax assessment roll as taxable property or contesting the
17 assessed value of certain property on the tax assessment roll,
18 and

19 2. The assessed value of the property in contest
20 involves more than 6 percent of the total nonexempt assessment
21 roll,

22
23 the assessed value of the property in contest shall be
24 excluded from the taxable value for school purposes for
25 purposes of computing the district required local effort.

26 (e) Recomputation.--Following final adjudication of
27 any litigation on the basis of which an adjustment in taxable
28 value was made pursuant to paragraph (d), the department shall
29 recompute the required local effort for each district for each
30 year affected by such adjustments, utilizing taxable values

31

1 approved by the court, and shall adjust subsequent allocations
2 to such districts accordingly.

3 Section 28. For the 1999-2000 fiscal year only, the
4 base student allocation determined under section 236.081(1),
5 Florida Statutes, may not be less than the base student
6 allocation in the 1998-1999 fiscal year adjusted for
7 inflation.

8 Section 29. This act shall take effect July 1, 1999.

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SENATE SUMMARY

Revises provisions relating to penalties and interest payable on taxes owed on real and personal property, on excise taxes owed, on occupational license taxes, and on the tax on sales, use, and other transactions. Eliminates penalties for failure to file a tax return if no tax is due. Provides for further extensions of time to file certain taxes. Provides a reasonable-cause exception from specified taxes. Decreases statutes of limitation for assessment of taxes in certain circumstances. Eliminates the tolling of the statute of limitations for certain causes. Exempts from the nonrecurring tax on certain documents transfers made as part of a dissolution of marriage. Provides other exemptions from specified taxes. Reduces the aggregate required-local-effort millage rate for school funding and provides a minimum base student allocation for fiscal year 1999-2000.