

1 A bill to be entitled
2 An act relating to taxation; amending ss.
3 95.091, 193.063, 212.07, 212.11, 212.18,
4 213.053, 215.26, 561.501, 561.121, F.S.;
5 creating ss. 213.235, 213.245, 213.255,
6 213.251, F.S.; amending certain statutes of
7 limitations; reducing the period for tolling of
8 the statute of limitations; prescribing
9 circumstances for the tolling of the statute of
10 limitations as a result of administrative or
11 judicial proceedings; providing for an
12 extension for filing tangible personal property
13 tax returns; providing for the annual issuance
14 of resale certificates to active accounts;
15 prescribing the methods by which dealers are to
16 calculate their estimated tax liability;
17 increasing the minimum threshold for requiring
18 payment of estimated taxes; authorizing the
19 Department of Revenue to disclose to a dealer
20 or taxpayer whether a specified certificate is
21 active, canceled, inactive, or invalid;
22 providing for periodic adjustment of the rate
23 of interest to be charged on certain tax
24 deficiencies; providing circumstances under
25 which the Department of Revenue is to pay
26 interest to the taxpayer; specifying when
27 applications for refunds must be filed;
28 directing the Department of Revenue to
29 establish a toll-free number for the
30 verification of valid registration numbers and
31 resale certificates; directing the Department

1 of Revenue to establish a system for receiving
2 information from dealers regarding certificate
3 numbers; directing the Department of Revenue to
4 expand its dealer education program regarding
5 the proper use of resale certificates; reducing
6 the surcharges on liquor, wine, cider, and beer
7 sold for consumption on the premises;
8 increasing the portion of the surcharge which
9 is transferred to the Children and Adolescents
10 Substance Abuse Trust Fund; creating the
11 Florida School Construction Financing
12 Commission; providing appropriations;
13 authorizing an annual distribution to
14 consolidated governments; providing effective
15 dates.

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

18
19 Section 1. Subsections (3) and (4) of section 95.091,
20 Florida Statutes, are amended to read:

21 95.091 Limitation on actions to collect taxes.--
22 (3)(a)~~1~~. With the exception of taxes levied under
23 chapter 198 and tax adjustments made pursuant to s. 220.23,
24 the Department of Revenue may determine and assess the amount
25 of any tax, penalty, or interest due under any tax enumerated
26 in s. 72.011 which it has authority to administer and the
27 Department of Business and Professional Regulation may
28 determine and assess the amount of any tax, penalty, or
29 interest due under any tax enumerated in s. 72.011 which it
30 has authority to administer:

31

1 1.a. For taxes due before July 1, 1999, within 5 years
2 after the date the tax is due, any return with respect to the
3 tax is due, or such return is filed, whichever occurs later;
4 and for taxes due on or after July 1, 1999, within 3 years
5 after the date the tax is due, any return with respect to the
6 tax is due, or such return is filed, whichever occurs later;

7 2.b. For taxes due before July 1, 1999, within 6 years
8 after the date the taxpayer either makes a substantial
9 underpayment of tax, or files a substantially incorrect
10 return;

11 3.c. At any time while the right to a refund or credit
12 of the tax is available to the taxpayer;

13 4. For taxes due before July 1, 1999, at any time
14 after the taxpayer has filed a grossly false return;

15 5.d. At any time after the taxpayer has failed to make
16 any required payment of the tax, has failed to file a required
17 return, or has filed a ~~grossly false~~ or fraudulent return,
18 except that for taxes due on or after July 1, 1999, the
19 limitation prescribed in sub-subparagraph a. applies if the
20 taxpayer has disclosed in writing the tax liability to the
21 department before the department has contacted the taxpayer;
22 or

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

25 a. For refunds made before July 1, 1999, within 5
26 years after making such refund; and

27 b. For refunds made on or after July 1, 1999, within 3
28 years after making such refund,

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1 or at any time after making such refund if it appears that any
2 part of the refund was induced by fraud or the
3 misrepresentation of a material fact.

4 ~~(b)2.~~ For the purpose of this paragraph, a tax return
5 filed before the last day prescribed by law, including any
6 extension thereof, shall be deemed to have been filed on such
7 last day, and payments made prior to the last day prescribed
8 by law shall be deemed to have been paid on such last day.

9 ~~(b) The limitations in this subsection shall be tolled
10 for a period of 2 years if the Department of Revenue has
11 issued a notice of intent to conduct an audit or investigation
12 of the taxpayer's account within the applicable period of time
13 as specified in this subsection. The department shall
14 commence an audit within 120 days after it issues a notice of
15 intent to conduct an audit, unless the taxpayer requests a
16 delay. If the taxpayer does not request a delay and the
17 department does not begin the audit within 120 days after
18 issuing the notice, the tolling period shall terminate.~~

19 (4) If administrative or judicial proceedings for
20 review of the tax assessment or collection are initiated by a
21 taxpayer begun within the a period of limitation prescribed in
22 this section, the running of the period shall be tolled during
23 the pendency of the proceeding. Administrative proceedings
24 shall include taxpayer protest proceedings initiated under s.
25 213.21 and department rules.

26 Section 2. Section 193.063, Florida Statutes, is
27 amended to read:

28 193.063 Extension of date for filing tangible personal
29 property tax returns.--The property appraiser shall grant an
30 extension for the filing of a tangible personal property tax
31 return for 30 days and may, at her or his discretion, grant an

1 additional extension for the filing of a tangible personal
2 property tax return for up to 15 additional ~~45~~ days. A request
3 for extension must be made in time for the property appraiser
4 to consider the request and act on it before the regular due
5 date of the return. However, a property appraiser may not
6 require that a request for extension be made more than 10 days
7 before the due date of the return.A request for extension, at
8 the option of the property appraiser, shall ~~must~~ include any
9 or all of the following:the name of the taxable entity, the
10 tax identification number of the taxable entity, and the
11 reason a discretionary ~~an~~ extension should be granted.

12 Section 3. Effective February 1, 2000, paragraph (b)
13 of subsection (1) of section 212.07, Florida Statutes, 1998
14 Supplement, is amended to read:

15 212.07 Sales, storage, use tax; tax added to purchase
16 price; dealer not to absorb; liability of purchasers who
17 cannot prove payment of the tax; penalties; general
18 exemptions.--

19 (1)

20 (b) A resale must be in strict compliance with s.
21 212.18 and the rules and regulations, and any dealer who makes
22 a sale for resale which is not in strict compliance with s.
23 212.18 and the rules and regulations shall himself or herself
24 be liable for and pay the tax. A dealer who makes a sale for
25 resale shall document the exempt status of the transaction, as
26 established by rules adopted by the department, by retaining a
27 copy of the purchaser's resale certificate. In lieu of
28 maintaining a copy of the certificate, a dealer may document,
29 before the sale, an authorization number provided by the
30 department electronically or telephonically, or by other means
31 established by the department by rule. The department may

1 adopt rules that provide that, for purchasers who continually
2 purchase on account from a dealer, the dealer may rely on a
3 resale certificate issued under s. 212.18(3)(c) which is valid
4 at the time of receipt from the purchaser, without seeking
5 annual verification of the resale certificate.A dealer may,
6 through the informal protest provided for in s. 213.21 and the
7 rules of the Department of Revenue, provide the department
8 with evidence of the exempt status of a sale. ~~The Department~~
9 ~~of Revenue shall adopt rules which provide that valid resale~~
10 ~~certificates and~~ Consumer certificates of exemption executed
11 by those ~~dealers or~~ exempt entities that ~~which~~ were registered
12 with the department at the time of sale, resale certificates
13 provided by purchasers who were active dealers at the time of
14 sale, and verification by the department of a purchaser's
15 active dealer status at the time of sale in lieu of a resale
16 certificate shall be accepted by the department when submitted
17 during the protest period, but may not be accepted in any
18 proceeding under chapter 120 or any circuit court action
19 instituted under chapter 72.

20 Section 4. Effective January 1, 2000, subsection (3)
21 of section 212.18, Florida Statutes, 1998 Supplement, is
22 amended to read:

23 212.18 Administration of law; registration of dealers;
24 rules.--

25 (3)(a) Every person desiring to engage in or conduct
26 business in this state as a dealer, as defined in this
27 chapter, or to lease, rent, or let or grant licenses in living
28 quarters or sleeping or housekeeping accommodations in hotels,
29 apartment houses, roominghouses, or tourist or trailer camps
30 that are subject to tax under s. 212.03, or to lease, rent, or
31 let or grant licenses in real property, as defined in this

1 chapter, and every person who sells or receives anything of
2 value by way of admissions, must file with the department an
3 application for a certificate of registration for each place
4 of business, showing the names of the persons who have
5 interests in such business and their residences, the address
6 of the business, and such other data as the department may
7 reasonably require. However, owners and operators of vending
8 machines or newspaper rack machines are required to obtain
9 only one certificate of registration for each county in which
10 such machines are located. The department, by rule, may
11 authorize a dealer that uses independent sellers to sell its
12 merchandise to remit tax on the retail sales price charged to
13 the ultimate consumer in lieu of having the independent seller
14 register as a dealer and remit the tax. The department may
15 appoint the county tax collector as the department's agent to
16 accept applications for registrations. The application must be
17 made to the department before the person, firm, copartnership,
18 or corporation may engage in such business, and it must be
19 accompanied by a registration fee of \$5. However, a
20 registration fee is not required to accompany an application
21 to engage in or conduct business to make mail order sales.

22 (b) The department, upon receipt of such application,
23 will grant to the applicant a separate certificate of
24 registration for each place of business, which certificate may
25 be canceled by the department or its designated assistants for
26 any failure by the certificateholder to comply with any of the
27 provisions of this chapter. The certificate is not assignable
28 and is valid only for the person, firm, copartnership, or
29 corporation to which issued. The certificate must be placed in
30 a conspicuous place in the business or businesses for which it
31 is issued and must be displayed at all times. Except as

1 provided in this subsection ~~paragraph~~, no person shall engage
2 in business as a dealer or in leasing, renting, or letting of
3 or granting licenses in living quarters or sleeping or
4 housekeeping accommodations in hotels, apartment houses,
5 roominghouses, tourist or trailer camps, or real property as
6 hereinbefore defined, nor shall any person sell or receive
7 anything of value by way of admissions, without first having
8 obtained such a certificate or after such certificate has been
9 canceled; no person shall receive any license from any
10 authority within the state to engage in any such business
11 without first having obtained such a certificate or after such
12 certificate has been canceled. The engaging in the business of
13 selling or leasing tangible personal property or services or
14 as a dealer, as defined in this chapter, or the engaging in
15 leasing, renting, or letting of or granting licenses in living
16 quarters or sleeping or housekeeping accommodations in hotels,
17 apartment houses, roominghouses, or tourist or trailer camps
18 that are taxable under this chapter, or real property, or the
19 engaging in the business of selling or receiving anything of
20 value by way of admissions, without such certificate first
21 being obtained or after such certificate has been canceled by
22 the department, is prohibited. The failure or refusal of any
23 person, firm, copartnership, or corporation to so qualify when
24 required hereunder is a misdemeanor of the first degree,
25 punishable as provided in s. 775.082 or s. 775.083, or subject
26 to injunctive proceedings as provided by law. Such failure or
27 refusal also subjects the offender to a \$100 initial
28 registration fee in lieu of the \$5 registration fee authorized
29 in ~~this~~ paragraph(a). However, the department may waive the
30 increase in the registration fee if it is determined by the
31 department that the failure to register was due to reasonable

1 cause and not to willful negligence, willful neglect, or
2 fraud.

3 (c) In addition to the certificate of registration,
4 the department shall provide to each newly registered dealer
5 an initial resale certificate that is valid for the remainder
6 of the period of issuance. The department shall provide each
7 active dealer with an annual resale certificate. As used in
8 this section, the term "active dealer" means a person who is
9 currently registered with the department and who complies with
10 the requirement to file at least once during each applicable
11 reporting period.

12 (d)~~(b)~~ The department may revoke any dealer's
13 certificate of registration when the dealer fails to comply
14 with this chapter. Prior to revocation of a dealer's
15 certificate of registration, the department must schedule an
16 informal conference at which the dealer may present evidence
17 regarding the department's intended revocation or enter into a
18 compliance agreement with the department. The department must
19 notify the dealer of its intended action and the time, place,
20 and date of the scheduled informal conference by written
21 notification sent by United States mail to the dealer's last
22 known address of record furnished by the dealer on a form
23 prescribed by the department. The dealer is required to attend
24 the informal conference and present evidence refuting the
25 department's intended revocation or enter into a compliance
26 agreement with the department which resolves the dealer's
27 failure to comply with this chapter. The department shall
28 issue an administrative complaint under s. 120.60 if the
29 dealer fails to attend the department's informal conference,
30 fails to enter into a compliance agreement with the department
31

1 resolving the dealer's noncompliance with this chapter, or
2 fails to comply with the executed compliance agreement.

3 (e)~~(c)~~ As used in this paragraph, the term "exhibitor"
4 means a person who enters into an agreement authorizing the
5 display of tangible personal property or services at a
6 convention or a trade show. The following provisions apply to
7 the registration of exhibitors as dealers under this chapter:

8 1. An exhibitor whose agreement prohibits the sale of
9 tangible personal property or services subject to the tax
10 imposed in this chapter is not required to register as a
11 dealer.

12 2. An exhibitor whose agreement provides for the sale
13 at wholesale only of tangible personal property or services
14 subject to the tax imposed in this chapter must obtain a
15 resale certificate from the purchasing dealer but is not
16 required to register as a dealer.

17 3. An exhibitor whose agreement authorizes the retail
18 sale of tangible personal property or services subject to the
19 tax imposed in this chapter must register as a dealer and
20 collect the tax imposed under this chapter on such sales.

21 4. Any exhibitor who makes a mail order sale pursuant
22 to s. 212.0596 must register as a dealer.

23

24 Any person who conducts a convention or a trade show must make
25 their exhibitor's agreements available to the department for
26 inspection and copying.

27 Section 5. Effective January 1, 2000, paragraph (a) of
28 subsection (1) and subsection (4) of section 212.11, Florida
29 Statutes, 1998 Supplement, are amended to read:

30 212.11 Tax returns and regulations.--

31

1 (1)(a) Each dealer shall calculate his or her
2 estimated tax liability for any month by one of the following
3 methods:

4 1. Sixty ~~Sixty-six~~ percent of the current month's
5 liability pursuant to this chapter as shown on the tax return;

6 2. Sixty ~~Sixty-six~~ percent of the tax reported on the
7 tax return pursuant to this chapter by a dealer for the
8 taxable transactions occurring during the corresponding month
9 of the preceding calendar year; or

10 3. Sixty ~~Sixty-six~~ percent of the average tax
11 liability pursuant to this chapter for those months during the
12 preceding calendar year in which the dealer reported taxable
13 transactions.

14 (4)(a) Each dealer who is subject to the tax imposed
15 by this chapter and who paid such tax for the preceding state
16 fiscal year in an amount greater than or equal to \$200,000
17 ~~\$100,000~~ shall calculate the amount of estimated tax due
18 pursuant to this section for any month as provided in
19 paragraph (1)(a).

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

27 (c) Any dealer who is eligible to file a consolidated
28 return and who paid the tax imposed by this chapter for the
29 immediately preceding state fiscal year in an amount greater
30 than or equal to \$200,000 ~~\$100,000~~ or would have paid the tax
31 in such amount if he or she had filed a consolidated return

1 shall be subject to the provisions of this subsection
2 notwithstanding an election by the dealer in any month to file
3 a separate return.

4 (d) A dealer engaged in the business of selling boats,
5 motor vehicles, or aircraft who made at least one sale of a
6 boat, motor vehicle, or aircraft with a sales price of
7 \$200,000~~\$100,000~~ or greater in the previous state fiscal year
8 may qualify for payment of estimated sales tax pursuant to the
9 provisions of this paragraph. To qualify, a dealer must apply
10 annually to the department prior to October 1, and, if
11 qualified, the department must grant the application for
12 payment of estimated sales tax pursuant to this paragraph for
13 the following calendar year. In lieu of the method for
14 calculating estimated sales tax liability pursuant to
15 subparagraph (1)(a)3., a qualified dealer must calculate that
16 option as 60 ~~66~~ percent of the average tax liability pursuant
17 to this chapter for all sales excluding the sale of each boat,
18 motor vehicle, or aircraft with a sales price of \$200,000
19 ~~\$100,000~~ or greater during the state fiscal year ending the
20 year in which the application is made. A qualified dealer
21 must also remit the sales tax for each sale of a boat, motor
22 vehicle, or aircraft with a sales price of \$200,000~~\$100,000~~
23 or greater by either electronic funds transfer on the date of
24 the sale or on a form prescribed by the department and
25 postmarked on the date of the sale.

26 (e) The penalty provisions of this chapter, except s.
27 212.12(2)(c), apply to the provisions of this subsection.

28 Section 6. Effective January 1, 2000, subsection (10)
29 of section 213.053, Florida Statutes, 1998 Supplement, is
30 amended to read:

31 213.053 Confidentiality and information sharing.--

1 (10) Notwithstanding any other provision of this
2 section, with respect to a request for verification of a
3 certificate of registration issued pursuant to s. 212.18 to a
4 specified dealer or taxpayer or with respect to a request by a
5 law enforcement officer for verification of a certificate of
6 registration issued pursuant to s. 538.09 to a specified
7 secondhand dealer or pursuant to s. 538.25 to a specified
8 secondary metals recycler, the department may disclose whether
9 the specified person holds a valid certificate or whether a
10 specified certificate number is valid, canceled, inactive, or
11 invalid and the name of the holder of the ~~such~~ certificate.
12 This subsection shall not be construed to create a duty to
13 request verification of any certificate of registration.

14 Section 7. Effective January 1, 2000, section 213.235,
15 Florida Statutes, is created to read:

16 213.235 Determination of interest on deficiencies.--

17 (1) Notwithstanding any other provision of law, the
18 annual rate of interest applicable to tax payment deficiencies
19 that arise on or after January 1, 2000, shall be the adjusted
20 rate established by the executive director of the department
21 under subsection (2), unless a lower rate for the particular
22 tax is specifically provided for in law, in which case the
23 lower rate applies. This annual rate of interest applies to
24 all taxes enumerated in s. 213.05.

25 (2) If the adjusted prime rate charged by banks,
26 rounded to the nearest full percent, during either:

27 (a) The 6-month period ending on September 30 of any
28 calendar year, or

29 (b) The 6-month period ending on March 31 of any
30 calendar year

31

1 differs from the interest rate in effect on either such date,
2 the executive director of the department shall, within 20
3 days, establish an adjusted rate of interest equal to such
4 adjusted prime rate.

5 (3) An adjusted rate of interest established under
6 this section becomes effective:

7 (a) On January 1 of the succeeding year, if based upon
8 the adjusted prime rate for the 6-month period ending on
9 September 30; or

10 (b) On July 1 of the same calendar year, if based upon
11 the adjusted prime rate for the 6-month period ending on March
12 31.

13 (4) As used in this section, the term "adjusted prime
14 rate charged by banks" means the average predominant prime
15 rate quoted by commercial banks to large businesses, as
16 determined by the Board of Governors of the Federal Reserve
17 System.

18 (5) Once established, an adjusted rate of interest
19 remains in effect until further adjusted under subsection (2).

20 (6) The interest rate determined for the 6-month
21 period pursuant to this section shall apply only to taxes,
22 returns, and information reports due during the same 6-month
23 period, regardless of the interest rate that is in effect at
24 the time an audit or other taxpayer review is conducted.

25 Section 8. Section 213.345, Florida Statutes, is
26 created to read:

27 213.345 Tolling of periods during an audit.--The
28 limitations in s. 95.091(3) and the period for filing a claim
29 for refund as required by s. 215.26(2) shall be tolled for a
30 period of 1 year if the Department of Revenue has, on or after
31 July 1, 1999, issued a notice of intent to conduct an audit or

1 investigation of the taxpayer's account within the applicable
2 period of time. The department must commence an audit within
3 120 days after it issues a notice of intent to conduct an
4 audit, unless the taxpayer requests a delay. If the taxpayer
5 does not request a delay and the department does not begin the
6 audit within 120 days after issuing the notice, the tolling
7 period shall terminate unless the taxpayer and the department
8 enter into an agreement to extend the period pursuant to s.
9 213.23.

10 Section 9. Effective January 1, 2000, section 213.255,
11 Florida Statutes, is created to read:

12 213.255 Interest.--Interest shall be paid on
13 overpayments of taxes, payment of taxes not due, or taxes paid
14 in error, subject to the following conditions:

15 (1) A refund application must be filed with the
16 department within the time specified by s. 215.26.

17 (2) A refund application shall not be processed until
18 it is determined complete. A refund application is complete
19 if it is filed on a permitted form and contains:

20 (a) The taxpayer's name, address, identifying number,
21 and signature.

22 (b) Sufficient information, whether on the application
23 or attachments, to permit mathematical verification of the
24 amount of the refund.

25 (c) The amount claimed.

26 (d) The specific grounds upon which the refund is
27 claimed.

28 (e) The taxable years or periods involved.

29 (3) Within 30 days after receipt of the refund
30 application, the department shall examine the application and
31 notify the applicant of any apparent errors or omissions and

1 request any additional information the department is permitted
2 by law to require. An application shall be considered
3 complete upon receipt of all requested information and
4 correction of any error or omission for which the applicant
5 was timely notified, or when the time for such notification
6 has expired, whichever is later.

7 (4) Interest shall not commence until 90 days after a
8 complete refund application has been filed and the amount of
9 overpayment has not been refunded to the taxpayer or applied
10 as a credit to the taxpayer's account. If the department and
11 the taxpayer mutually agree that an audit or verification is
12 necessary in order to determine the taxpayer's entitlement to
13 the refund, interest shall not commence until the audit or
14 verification of the claim is final.

15 (5) If a tax is adjudicated unconstitutional and
16 refunds are ordered by the court, interest shall not commence
17 on complete applications until 90 days after the adjudication
18 becomes final and unappealable or 90 days after a complete
19 application has been filed, whichever is later.

20 (6) Interest shall be paid until a date determined by
21 the department which shall be no more than 7 days prior to the
22 date of the issuance of the refund warrant by the Comptroller.

23 (7) If the department intends to pay a refund claim
24 prior to completion of an audit, the department may condition
25 its payment of the refund claim upon the person filing a cash
26 bond or surety bond in the amount of the refund claimed or
27 making such other security arrangements satisfactory to
28 protect the state's interests. The department may impose this
29 condition only when it has reasonable cause to believe that it
30 could not recover the amount of any refund paid in error from
31 the person claiming the refund. The cash or surety bond shall

1 be endorsed by a surety company authorized to do business in
2 this state and shall be conditioned upon payment in full of
3 the amount of any refund paid in error for any reason. The
4 department shall provide a written notice of its determination
5 that a cash or surety bond is required as a condition of
6 payment prior to audit, in which event interest shall not
7 commence until the person filing the claim satisfies this
8 requirement. Such bond shall remain in place while the
9 department retains a right pursuant to s. 95.091(3) to audit
10 the refund claim. Upon completion of an audit of the claim,
11 the department shall agree to a reduction in the bond amount
12 equal to the portion of the refund claim approved by the
13 department.

14 (8) Nothing in this section is intended to alter the
15 department's right to audit or verify refund claims either
16 before or after they are paid.

17 (9) In the event that the department pays a refund
18 claim that is later determined to have been paid in error, the
19 person to whom the refund was paid shall be assessed interest
20 on the amount of the erroneous refund payment, commencing with
21 the date of the erroneous payment and continuing until the
22 erroneous payment amount is repaid to the department. If the
23 department determines that the erroneous refund claim was not
24 due to reasonable cause, there shall be added a penalty in the
25 amount of 10 percent of the erroneously refunded tax. If the
26 department determines that the erroneous refund claim was due
27 to fraud, there shall be added a penalty in the amount of 100
28 percent of the erroneously refunded tax.

29 (10) The provisions of this section shall apply with
30 regard to refund claims filed on or after January 1, 2000, and
31 beginning July 1, 2000, shall apply with regard to any then

1 pending refund claims that were filed with the department
2 prior to January 1, 2000.

3 (11) The department is authorized to adopt such rules,
4 not inconsistent with the provisions of this section, as are
5 necessary for the implementation of this section including, but
6 not limited to, rules establishing the information necessary
7 for a complete refund application, the procedures for denying
8 an incomplete application, and the standards and guidelines to
9 be applied in determining when to require a bond under the
10 provisions of subsection (7).

11 (12) The rate of interest shall be the adjusted rate
12 established pursuant to s. 213.235, except that the annual
13 rate of interest shall never be greater than 11 percent. This
14 annual rate of interest shall be applied to all refunds of
15 taxes administered by the department except for corporate
16 income taxes and emergency excise taxes governed by ss.
17 220.721 and 220.723.

18 Section 10. Subsection (2) of section 215.26, Florida
19 Statutes, is amended to read:

20 215.26 Repayment of funds paid into State Treasury
21 through error.--

22 (2) Application for refunds as provided by this
23 section must be filed with the Comptroller, except as
24 otherwise provided in this subsection, within 3 years after
25 the right to the refund has accrued or else the right is
26 barred. Except as provided in chapter 198 and s. 220.23, an
27 application for a refund of a tax enumerated in s. 72.011,
28 which tax was paid after September 30, 1994, and before July
29 1, 1999, must be filed with the Comptroller within 5 years
30 after the date the tax is paid, and within 3 years after the
31 date the tax was paid for taxes paid on or after July 1, 1999.

1 The Comptroller may delegate the authority to accept an
2 application for refund to any state agency, or the judicial
3 branch, vested by law with the responsibility for the
4 collection of any tax, license, or account due. The
5 application for refund must be on a form approved by the
6 Comptroller and must be supplemented with additional proof the
7 Comptroller deems necessary to establish the claim; provided,
8 the claim is not otherwise barred under the laws of this
9 state. Upon receipt of an application for refund, the judicial
10 branch or the state agency to which the funds were paid shall
11 make a determination of the amount due. If an application for
12 refund is denied, in whole or in part, the judicial branch or
13 such state agency shall notify the applicant stating the
14 reasons therefor. Upon approval of an application for refund,
15 the judicial branch or such state agency shall furnish the
16 Comptroller with a properly executed voucher authorizing
17 payment.

18 Section 11. Effective January 1, 2000, the Department
19 of Revenue shall establish a toll-free number for the
20 verification of valid registration numbers and resale
21 certificates. The system must be adequate to guarantee a low
22 busy rate, must respond to keypad inquiries, and must provide
23 data that is updated daily.

24 Section 12. The Department of Revenue shall establish
25 a system, effective January 1, 2000, for receiving information
26 from dealers regarding certificate numbers of those who are
27 seeking to make purchases for resale. The department must
28 provide such dealers, free of charge, with verification of
29 those numbers that are canceled or invalid.

30 Section 13. Effective July 1, 1999, the Department of
31 Revenue shall expand its dealer education program regarding

1 the proper use of resale certificates. The expansion must
2 include, but need not be limited to, revision of the
3 registration application for clarity, development of
4 industry-specific brochures, development of a media campaign
5 to heighten awareness of resale fraud and its consequences,
6 outreach to business and professional organizations, and
7 creation of seminars and continuing-education programs for
8 taxpayers and licensed professionals.

9 Section 14. Effective September 1, 1999, subsection
10 (1) of section 561.501, Florida Statutes, is amended to read:

11 561.501 Surcharge on sale of alcoholic beverages for
12 consumption on the premises; penalty.--

13 (1) Notwithstanding s. 561.50 or any other provision
14 of the Beverage Law, a surcharge of 6.67 ~~10~~ cents is imposed
15 upon each ounce of liquor and each 4 ounces of wine, a
16 surcharge of 4 ~~6~~ cents is imposed on each 12 ounces of cider,
17 and a surcharge of 2.67 ~~4~~ cents is imposed on each 12 ounces
18 of beer sold at retail for consumption on premises licensed by
19 the division as an alcoholic beverage vendor.

20 Section 15. Effective September 1, 1999, paragraph (a)
21 of subsection (4) of section 561.121, Florida Statutes, is
22 amended to read:

23 561.121 Deposit of revenue.--

24 (4) State funds collected pursuant to s. 561.501 shall
25 be paid into the State Treasury and credited to the following
26 accounts:

27 (a) Thirteen and six-tenths percent ~~Nine and~~
28 ~~eight-tenths~~ of the surcharge on the sale of alcoholic
29 beverages for consumption on premises shall be transferred to
30 the Children and Adolescents Substance Abuse Trust Fund, which
31 shall remain with the Department of Children and Family Health

1 ~~and Rehabilitative~~ Services for the purpose of funding
2 programs directed at reducing and eliminating substance abuse
3 problems among children and adolescents.

4 Section 16. A school impact fee or an increase in a
5 school impact fee shall take effect as scheduled where the
6 ordinance was adopted prior to May 1, 1999. However, a new
7 impact fee or an increase to an existing school impact fee
8 adopted by a county ordinance subsequent to May 1, 1999, shall
9 not take effect until July 1, 2000.

10 Section 17. (1) Effective upon this act becoming a
11 law, the Florida School Construction Finance Commission is
12 created, to serve through June 30, 2000.

13 (2)(a) The Commission is to be composed of the
14 following 15 members, who must be appointed within 30 days
15 after the effective date of this section:

16 1. Six members selected by the Governor, none of whom
17 may be a member of the Legislature at the time of appointment,
18 as follows: one member of a local school board, and five
19 members at large.

20 2. Four members selected by the President of the
21 Senate as follows: one member of the majority party and one
22 member of the minority party of the Senate, one member of a
23 local school board, and one member at large.

24 3. Four members selected by the Speaker of the House
25 of Representatives, as follows: one member of the majority
26 party and one member of the minority party of the House of
27 Representatives, one member of a local school board, and one
28 member at large.

29 4. The Commissioner of Education or the Commissioner's
30 designee.

31

1 (b) Vacancies in the membership of the commission are
2 to be filled in the same manner as the original appointments.

3 (c) All state agencies are directed to cooperate with
4 and assist the commission to the fullest extent possible. All
5 local governments are encouraged to assist and cooperate with
6 the commission as necessary.

7 (d) The Legislative Committee on Intergovernmental
8 Relations is authorized to employ technical support and to
9 expend funds appropriated to the committee for carrying out
10 the official duties of the commission.

11 (e) Commission members shall not receive remuneration
12 for their services, but are entitled to be reimbursed by the
13 Legislative Committee on Intergovernmental Relations for
14 travel and per diem expenses in accordance with section
15 112.061, Florida Statutes.

16 (3)(a) The commission shall act as an advisory and
17 recommendatory body to the Governor and the Legislature.

18 (b) The commission shall convene its initial meeting
19 within 60 days after the effective date of this section. At
20 its initial meeting, the commission shall select a chair and
21 shall adopted rules of procedure. Thereafter, the commission
22 shall convene at the call of its chair.

23 (c) The commission shall study alternative methods of
24 funding school construction and the pros and cons of each
25 method of funding.

26 (d) The commission shall formulate revenue policies
27 that consider such construction revenue needs, the
28 availability of alternative funding mechanisms, and other
29 accepted policy goals, including fairness and ease of
30 administration.

31

1 (e) The commission shall issue a report to the
2 Governor, the President of the Senate, and The Speaker of the
3 House of Representatives by February 1, 2000, summarizing its
4 findings, stating its conclusions, and presenting its
5 recommendations.

6 Section 18. The sum of \$150,000 is appropriated to the
7 Legislative Committee on Intergovernmental Relations from the
8 General Revenue Fund to be used for the Florida School
9 Construction Financing Commission.

10 Section 19. (1) There is appropriated from the
11 General Revenue Fund to the Department of Revenue in fiscal
12 year 1999-2000, to be used in implementing the changes to the
13 resale certificate and related provisions of this act:

14 (2) One and one-half full-time-equivalent positions
15 and the sum of \$211,065 to be used for salaries, benefits, and
16 expenses; and

17 (3) The sum of \$23,455 to be used for operating
18 capital outlay.

19 Section 20. Section 218.251, Florida Statutes, is
20 created to read:

21 218.251 Revenue sharing with consolidated
22 governments.--

23 (1) Beginning in state fiscal year 1999-2000, an
24 additional distribution in the amount of \$6.24 times the
25 population shall be annually appropriated to any consolidated
26 government, as provided by s. 3, Article VIII of the State
27 Constitution. In order to be eligible for this distribution,
28 such consolidation must have occurred prior to January 1,
29 1999. This distribution shall be subject to annual
30 appropriation.

31

1 (2) As used in this section, the term "population"
2 refers to the latest official population of the consolidated
3 government determined pursuant to s. 186.901.

4 Section 21. Except as otherwise expressly provided in
5 this act, this act shall take effect July 1, 1999.

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