

By the Committee on Finance & Taxation and Representatives  
Albright, Logan, Fasano and Brown

1                                   A bill to be entitled  
2           An act relating to tax administration; amending  
3           s. 212.11, F.S.; revising the filing deadline  
4           applicable to sales tax dealers who are  
5           required to calculate and pay estimated tax  
6           liability; increasing the threshold for  
7           determining whether a dealer is subject to said  
8           requirement; amending ss. 212.04 and 212.15,  
9           F.S., to conform; creating s. 213.235, F.S.;  
10          providing for determination of the annual rate  
11          of interest applicable to tax payment  
12          deficiencies; creating s. 213.255, F.S.;  
13          providing for payment of interest on  
14          overpayments of taxes, payment of taxes not  
15          due, or taxes paid in error with respect to  
16          taxes administered by the Department of Revenue  
17          if refund is not made within a specified  
18          period; providing requirements for refund  
19          applications and determination of completeness  
20          thereof; requiring a bond or other security  
21          under certain conditions; providing for  
22          interest and penalties with respect to refunds  
23          paid in error; providing application; providing  
24          for rules; amending ss. 198.15 and 198.18,  
25          F.S., relating to the rate of interest on  
26          delinquent estate taxes and taxes for which an  
27          extension is granted, s. 198.155, F.S.,  
28          relating to the rate of interest on delinquent  
29          tax on generation-skipping transfers, s.  
30          198.16, F.S., relating to the rate of interest  
31          on deficiencies in such taxes, s. 199.282,

1 F.S., relating to the rate of interest on  
2 delinquent intangible personal property taxes,  
3 s. 201.17, F.S., relating to the rate of  
4 interest on delinquent excise taxes on  
5 documents, and s. 203.06, F.S., relating to the  
6 rate of interest on delinquent gross receipts  
7 taxes, to conform; reenacting s. 203.62, F.S.,  
8 relating to the gross receipts tax on  
9 interstate and international telecommunications  
10 services, to incorporate the amendment to s.  
11 203.06, F.S., in a reference thereto; amending  
12 s. 206.44, F.S., relating to the rate of  
13 interest on delinquent motor fuel taxes, to  
14 conform; reenacting ss. 206.06(1), 206.94,  
15 206.97, 206.9915(3), 336.021(2)(a), and  
16 336.025(2)(a), F.S., relating to estimated fuel  
17 taxes, tax on diesel fuel, tax on fuel and  
18 other pollutants, the ninth-cent fuel tax on  
19 motor and diesel fuel, and the local option tax  
20 on motor and diesel fuel for county  
21 transportation systems, to incorporate the  
22 amendment to s. 206.44, F.S., in references  
23 thereto; amending s. 207.007, F.S., relating to  
24 the rate of interest on delinquent tax on the  
25 operation of commercial motor vehicles, ss.  
26 211.076 and 211.33, F.S., relating to the rate  
27 of interest on delinquent taxes and  
28 underpayment of estimated taxes on oil and gas  
29 production and severance of minerals, and s.  
30 212.12, F.S., relating to the rate of interest  
31 on delinquent taxes on sales, use, and other

1 transactions, to conform; reenacting ss.  
2 193.501(6)(e), 193.503(9)(b), and 193.505(8),  
3 F.S., relating to the interest on a deferred  
4 tax liability due upon a change in assessment  
5 status of certain conservation or recreation  
6 land or historic properties, and s.  
7 196.1997(7), F.S., relating to the interest on  
8 taxes which become due when property is no  
9 longer eligible for a historic property tax  
10 exemption, to incorporate the amendment to s.  
11 212.12, F.S., in references thereto; amending  
12 s. 220.807, F.S., relating to the interest rate  
13 applicable to the corporate income tax code,  
14 and s. 624.5092, F.S., relating to the rate of  
15 interest on delinquent insurance premium taxes,  
16 to conform; directing the Department of Revenue  
17 to examine and report on the impact of the act;  
18 providing an effective date.

19

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

21

22 Section 1. Subsections (1) and (4) of section 212.11,  
23 Florida Statutes, 1998 Supplement, are amended to read:

24 212.11 Tax returns and regulations.--

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

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

30 2. Sixty-six percent of the tax reported on the tax  
31 return pursuant to this chapter by a dealer for the taxable

1 transactions occurring during the corresponding month of the  
2 preceding calendar year; or  
3           3. Sixty-six percent of the average tax liability  
4 pursuant to this chapter for those months during the preceding  
5 calendar year in which the dealer reported taxable  
6 transactions.  
7           (b) For the purpose of ascertaining the amount of tax  
8 payable under this chapter, it shall be the duty of all  
9 dealers to file a return and remit the tax, on or before the  
10 20th day of the month, or on or before the 28th day of the  
11 month if the dealer is complying with paragraph (a), to the  
12 department, upon forms prepared and furnished by it or in a  
13 format prescribed by it. Such return must show the rentals,  
14 admissions, gross sales, or purchases, as the case may be,  
15 arising from all leases, rentals, admissions, sales, or  
16 purchases taxable under this chapter during the preceding  
17 calendar month.  
18           (c) However, the department may require:  
19           1. A quarterly return and payment when the tax  
20 remitted by the dealer for the preceding four calendar  
21 quarters did not exceed \$1,000.  
22           2. A semiannual return and payment when the tax  
23 remitted by the dealer for the preceding four calendar  
24 quarters did not exceed \$500.  
25           3. An annual return and payment when the tax remitted  
26 by the dealer for the preceding four calendar quarters did not  
27 exceed \$100.  
28           4. A quarterly return and monthly payment when the tax  
29 remitted by the dealer for the preceding four calendar  
30 quarters exceeded \$1,000 but did not exceed \$12,000.  
31

1           (d) The department may authorize dealers who are newly  
2 required to file returns and pay tax quarterly to file returns  
3 and remit the tax for the 3-month periods ending in February,  
4 May, August, and November, and may authorize dealers who are  
5 newly required to file returns and pay tax semiannually to  
6 file returns and remit the tax for the 6-month periods ending  
7 in May and November.

8           (e) The department shall accept returns, except those  
9 required to be initiated through an electronic data  
10 interchange, as timely if postmarked on or before the 20th day  
11 of the month, or on or before the 28th day of the month if the  
12 dealer is required to file under paragraph (a); if the filing  
13 date deadline ~~20th day~~ falls on a Saturday, Sunday, or federal  
14 or state legal holiday, returns shall be accepted as timely if  
15 postmarked on the next succeeding workday. Any dealer who  
16 operates two or more places of business for which returns are  
17 required to be filed with the department and maintains records  
18 for such places of business in a central office or place shall  
19 have the privilege on each reporting date of filing a  
20 consolidated return for all such places of business in lieu of  
21 separate returns for each such place of business; however,  
22 such consolidated returns must clearly indicate the amounts  
23 collected within each county of the state. Any dealer who  
24 files a consolidated return shall calculate his or her  
25 estimated tax liability for each county by the same method the  
26 dealer uses to calculate his or her estimated tax liability on  
27 the consolidated return as a whole. Each dealer shall file a  
28 return for each tax period even though no tax is due for such  
29 period.

30           (f)1. A taxpayer who is required to remit taxes by  
31 electronic funds transfer shall make a return in a manner that

1 is initiated through an electronic data interchange. The  
2 acceptable method of transfer, the method, form, and content  
3 of the electronic data interchange, giving due regard to  
4 developing uniform standards for formats as adopted by the  
5 American National Standards Institute, the circumstances under  
6 which an electronic data interchange shall serve as a  
7 substitute for the filing of another form of return, and the  
8 means, if any, by which taxpayers will be provided with  
9 acknowledgments, shall be as prescribed by the department. The  
10 department must accept such returns as timely if initiated and  
11 accepted on or before the 20th day of the month, or on or  
12 before the 28th day of the month if the dealer is required to  
13 file under paragraph (a). If the filing date deadline ~~20th day~~  
14 falls on a Saturday, Sunday, or federal or state legal  
15 holiday, returns must be accepted as timely if initiated and  
16 accepted on the next succeeding workday.

17         2. The department may waive the requirement to make a  
18 return through an electronic data interchange due to problems  
19 arising from the taxpayer's computer capabilities, data  
20 systems changes, and taxpayer operating procedures. To obtain  
21 a waiver, the taxpayer shall demonstrate in writing to the  
22 department that such circumstances exist.

23         (4)(a) Each dealer who is subject to the tax imposed  
24 by this chapter and who paid such tax for the preceding state  
25 fiscal year in an amount greater than or equal to \$200,000  
26 ~~\$100,000~~ shall calculate the amount of estimated tax due  
27 pursuant to this section for any month as provided in  
28 paragraph (1)(a).

29         (b) The amount of any estimated tax shall be due,  
30 payable, and remitted by electronic funds transfer by the 28th  
31 ~~20th~~ day of the month for which it is estimated. The

1 difference between the amount of estimated tax paid and the  
2 actual amount of tax due under this chapter for such month  
3 shall be due and payable by the first day of the following  
4 month and remitted by electronic funds transfer by the 28th  
5 ~~20th~~ day thereof.

6 (c) Any dealer who is eligible to file a consolidated  
7 return and who paid the tax imposed by this chapter for the  
8 immediately preceding state fiscal year in an amount greater  
9 than or equal to \$200,000~~\$100,000~~ or would have paid the tax  
10 in such amount if he or she had filed a consolidated return  
11 shall be subject to the provisions of this subsection  
12 notwithstanding an election by the dealer in any month to file  
13 a separate return.

14 (d) A dealer engaged in the business of selling boats,  
15 motor vehicles, or aircraft who made at least one sale of a  
16 boat, motor vehicle, or aircraft with a sales price of  
17 \$200,000~~\$100,000~~ or greater in the previous state fiscal year  
18 may qualify for payment of estimated sales tax pursuant to the  
19 provisions of this paragraph. To qualify, a dealer must apply  
20 annually to the department prior to October 1, and, if  
21 qualified, the department must grant the application for  
22 payment of estimated sales tax pursuant to this paragraph for  
23 the following calendar year. In lieu of the method for  
24 calculating estimated sales tax liability pursuant to  
25 subparagraph (1)(a)3., a qualified dealer must calculate that  
26 option as 66 percent of the average tax liability pursuant to  
27 this chapter for all sales excluding the sale of each boat,  
28 motor vehicle, or aircraft with a sales price of \$200,000  
29 ~~\$100,000~~ or greater during the state fiscal year ending the  
30 year in which the application is made. A qualified dealer  
31 must also remit the sales tax for each sale of a boat, motor

1 vehicle, or aircraft with a sales price of \$200,000~~\$100,000~~  
2 or greater by either electronic funds transfer on the date of  
3 the sale or on a form prescribed by the department and  
4 postmarked on the date of the sale.

5 (e) The penalty provisions of this chapter, except s.  
6 212.12(2)(c), apply to the provisions of this subsection.

7 Section 2. Subsection (4) of section 212.04, Florida  
8 Statutes, 1998 Supplement, is amended to read:

9 212.04 Admissions tax; rate, procedure, enforcement.--

10 (4) Each person who exercises the privilege of  
11 charging admission taxes, as herein defined, shall apply for,  
12 and at that time shall furnish the information and comply with  
13 the provisions of s. 212.18 not inconsistent herewith and  
14 receive from the department, a certificate of right to  
15 exercise such privilege, which certificate shall apply to each  
16 place of business where such privilege is exercised and shall  
17 be in the manner and form prescribed by the department. Such  
18 certificate shall be issued upon payment to the department of  
19 a registration fee of \$5 by the applicant. Each person  
20 exercising the privilege of charging such admission taxes as  
21 herein defined shall cause to be kept records and accounts  
22 showing the admission which shall be in the form as the  
23 department may from time to time prescribe, inclusive of  
24 records of all tickets numbered and issued for a period of not  
25 less than the time within which the department may, as  
26 permitted by s. 95.091(3), make an assessment with respect to  
27 any admission evidenced by such records and accounts, and  
28 inclusive of all bills or checks of customers who are charged  
29 any of the taxes defined herein, showing the charge made to  
30 each for that period. The department is empowered to use each  
31 and every one of the powers granted herein to the department



1 to discover the amount of tax to be paid by each such person  
2 and to enforce the payment thereof as are hereby granted the  
3 department for the discovery and enforcement of the payment of  
4 taxes hereinafter levied on the sales of tangible personal  
5 property. The failure of any person to pay such taxes before  
6 the 21st day of the succeeding month after the taxes are  
7 collected, except as otherwise provided in this chapter, shall  
8 render such person liable to the same penalties that are  
9 hereafter imposed upon such person for being delinquent in the  
10 payment of taxes imposed upon the sales of tangible personal  
11 property; the failure of any person to render returns and to  
12 pay taxes as prescribed herein shall render such person  
13 subject to the same penalties, by way of charges for  
14 delinquencies, at the rate of 10 percent per month for a total  
15 amount of tax delinquent up to a total of 50 percent of such  
16 tax and at the rate of 100-percent penalty for attempted  
17 evasion of payment of any such tax or for any attempt to file  
18 false or misleading returns that are required to be filed by  
19 the department.

20 Section 3. Subsection (1) of section 212.15, Florida  
21 Statutes, is amended to read:

22 212.15 Taxes declared state funds; penalties for  
23 failure to remit taxes; due and delinquent dates; judicial  
24 review.--

25 (1) The taxes imposed by this chapter shall, except as  
26 provided in s. 212.06(5)(a)2.e., become state funds at the  
27 moment of collection and shall for each month be due to the  
28 department on the first day of the succeeding month and be  
29 delinquent on the 21st day of such month, except as otherwise  
30 provided in this chapter. All returns postmarked after the  
31

1 20th day of such month are delinquent, except as otherwise  
2 provided in this chapter.

3 Section 4. Section 213.235, Florida Statutes, is  
4 created to read:

5 213.235 Determination of interest on deficiencies.--

6 (1) The annual rate of interest applicable to tax  
7 payment deficiencies shall be the adjusted rate established by  
8 the executive director of the department under subsection (2).  
9 This annual rate of interest is applicable to all taxes  
10 enumerated in s. 213.05 unless otherwise provided.

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

13 (a) The 6-month period ending on September 30 of any  
14 calendar year; or

15 (b) The 6-month period ending on March 31 of any  
16 calendar year,

17  
18 differs from the interest rate in effect on such date, the  
19 executive director of the department shall, within 20 days,  
20 establish an adjusted rate of interest equal to such adjusted  
21 prime rate.

22 (3) An adjusted rate of interest established under  
23 this section shall become effective:

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

27 (b) On July 1 of the same calendar year, if based upon  
28 the adjusted prime rate for the 6-month period ending on March  
29 31.

30 (4) For the purposes of this section, "adjusted prime  
31 rate charged by banks" means the average predominant prime

1 rate quoted by commercial banks to large businesses, as  
2 determined by the Board of Governors of the Federal Reserve  
3 System.

4 (5) Once established, an adjusted rate of interest  
5 shall remain in effect until an adjustment is made under  
6 subsection (2).

7 Section 5. Section 213.255, Florida Statutes, is  
8 created to read:

9 213.255 Interest.--Interest shall be paid on  
10 overpayments of taxes, payment of taxes not due, or taxes paid  
11 in error, subject to the following conditions:

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

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

17 (a) The taxpayer's name, address, identifying number,  
18 and signature.

19 (b) Sufficient information, whether on the application  
20 or attachments, to permit mathematical verification of the  
21 amount of the refund.

22 (c) The amount claimed.

23 (d) The specific grounds upon which the refund is  
24 claimed.

25 (e) The taxable years or periods involved.

26 (3) Within 30 days after receipt of the refund  
27 application, the department shall examine the application and  
28 notify the applicant of any apparent errors or omissions and  
29 request any additional information the department is permitted  
30 by law to require. An application shall be considered  
31 complete upon receipt of all requested information and

1 correction of any error or omission for which the applicant  
2 was timely notified, or when the time for such notification  
3 has expired, whichever is later.

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

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

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

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

1 department shall provide a written notice of its determination  
2 that a cash or surety bond is required as a condition of  
3 payment prior to audit, in which event interest shall not  
4 commence until the person filing the claim satisfies this  
5 requirement. Such bond shall remain in place while the  
6 department retains a right pursuant to s. 95.091(3) to audit  
7 the refund claim. Upon completion of an audit of the claim,  
8 the department shall agree to a reduction in the bond amount  
9 equal to the portion of the refund claim approved by the  
10 department.

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

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

26 (10) The provisions of this section shall apply with  
27 regard to refund claims filed on or after July 1, 1999, and  
28 beginning July 1, 2000, shall apply with regard to any then  
29 pending refund claims that were filed with the department  
30 prior to July 1, 1999.

31

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

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

16       Section 6. Subsection (1) of section 198.15, Florida  
17 Statutes, is amended to read:

18       198.15 When tax due; extension; interest; penalty.--

19       (1) The tax imposed by this chapter is due and payable  
20 on or before the last day prescribed by law for paying the  
21 federal estate tax pursuant to the initial estate tax return  
22 and shall be paid by the personal representative to the  
23 department. The department shall extend the time for payment  
24 of the tax or any part of the tax if the time for paying the  
25 federal estate tax is extended, provided the personal  
26 representative files with the department a copy of the  
27 approved federal extension notice within 30 days after  
28 receiving such notice. No extension shall be for more than 1  
29 year, and the aggregate of extensions with respect to any  
30 estate shall not exceed 10 years from the due date. In such  
31 case, the amount in respect of which the extension is granted

1 shall be paid on or before the date of the expiration of the  
2 period of the extension, unless a further extension is  
3 granted. If the time for the payment is thus extended, there  
4 shall be collected, as part of such amount, interest thereon  
5 at the adjusted rate established pursuant to s. 213.235 ~~of 1~~  
6 ~~percent per month of the amount due~~ from the due date of the  
7 tax to the date the same is paid.

8 Section 7. Subsection (5) of section 198.155, Florida  
9 Statutes, is amended to read:

10 198.155 Payment of tax on generation-skipping  
11 transfers.--

12 (5) If the tax, or any portion thereof, is not paid  
13 before it becomes delinquent, it shall bear interest from the  
14 due date until paid at the adjusted rate established pursuant  
15 to s. 213.235 ~~of 1 percent per month for each month or~~  
16 ~~fraction thereof that it is delinquent.~~

17 Section 8. Subsection (3) of section 198.16, Florida  
18 Statutes, is amended to read:

19 198.16 Notice of determination of deficiency in  
20 federal tax to be filed with department.--

21 (3) If, based upon any deficiency and the ground  
22 therefor, it shall appear that the amount of tax previously  
23 paid is less than the amount of tax owing, the difference,  
24 together with interest at the adjusted rate established  
25 pursuant to s. 213.235 ~~of 1 percent per month~~ from the due  
26 date of the tax, shall be paid upon notice and demand by the  
27 department. In the event the personal representative or person  
28 required to return and pay such tax shall fail to give the  
29 notice required by this section, any additional tax which  
30 shall be owing may be assessed, or a proceeding in court for  
31 the collection of such tax may be begun without assessment at

1 any time prior to the filing of such notice or within 30 days  
2 after the delinquent filing of such notice, notwithstanding  
3 the provisions of s. 198.28.

4 Section 9. Subsection (2) of section 198.18, Florida  
5 Statutes, is amended to read:

6 198.18 Failure to pay tax; penalties; delinquent or  
7 deficient taxes, interest.--

8 (2) Any deficiency in tax or any tax payment not  
9 received by the department on or before the due date as  
10 provided in s. 198.15, in addition to any other penalties,  
11 shall bear interest at the adjusted rate established pursuant  
12 to s. 213.235 ~~of 1 percent per month of the amount due~~ from  
13 the due date until paid. The department may settle or  
14 compromise such interest pursuant to s. 213.21.

15 Section 10. Subsection (2) of section 199.282, Florida  
16 Statutes, 1998 Supplement, is amended to read:

17 199.282 Penalties for violation of this chapter.--

18 (2) If any annual or nonrecurring tax is not paid by  
19 the statutory due date, then despite any extension granted  
20 under s. 199.232(6), interest shall run on the unpaid balance  
21 from such due date until paid at the adjusted rate established  
22 pursuant to s. 213.235 ~~of 12 percent per year~~.

23 Section 11. Paragraph (c) of subsection (2) of section  
24 201.17, Florida Statutes, is amended to read:

25 201.17 Penalties for failure to pay tax required.--

26 (2) If any document, instrument, or paper upon which  
27 the tax under this chapter is imposed, upon audit or at time  
28 of recordation, does not show the proper amount of tax paid,  
29 or if the tax imposed by this chapter on any document,  
30 instrument, or paper is not timely reported and paid as  
31 required by s. 201.133, the person or persons liable for the



1 tax upon the document, instrument, or paper shall be subject  
2 to:

3 (c) Payment of interest to the Department of Revenue,  
4 accruing from the date the tax is due until paid, at the  
5 adjusted rate established pursuant to s. 213.235 ~~of 1 percent~~  
6 ~~per month~~, based on the amount of tax not paid.

7 Section 12. Section 203.06, Florida Statutes, is  
8 amended to read:

9 203.06 Interest on delinquent payments.--Any payments  
10 as imposed in this chapter, if not received by the Department  
11 of Revenue on or before the due date as provided by law, shall  
12 include, as an additional part of such amount due, interest at  
13 the adjusted rate established pursuant to s. 213.235 ~~of 1~~  
14 ~~percent per month~~, accruing from the date due until paid.

15 Section 13. For the purpose of incorporating the  
16 amendment to section 203.06, Florida Statutes, in a reference  
17 thereto, section 203.62, Florida Statutes, is reenacted to  
18 read:

19 203.62 Applicability of specified sections of part  
20 I.--The provisions of ss. 203.01, 203.012, 203.013, 203.02,  
21 203.03, 203.04, 203.06, and 203.07 shall be applicable to the  
22 levy and collection of taxes imposed pursuant to this part as  
23 if fully set out in this part.

24 Section 14. Subsection (2) of section 206.44, Florida  
25 Statutes, is amended to read:

26 206.44 Penalty and interest for failure to report on  
27 time; penalty and interest on tax deficiencies.--

28 (2) Any payment that is not received by the department  
29 on or before the due date as provided in s. 206.43 shall bear  
30 interest at the adjusted rate established pursuant to s.  
31 213.235 ~~of 1 percent per month~~, from the date due until paid.

1 Interest on any delinquent tax shall be calculated beginning  
2 on the 21st day of the month for which the tax is due, except  
3 as otherwise provided in this part.

4 Section 15. For the purpose of incorporating the  
5 amendment to section 206.44, Florida Statutes, in a reference  
6 thereto, subsection (1) of section 206.06, Florida Statutes,  
7 is reenacted to read:

8 206.06 Estimate of amount of fuel taxes due and  
9 unpaid.--

10 (1) Whenever any terminal supplier, importer,  
11 exporter, or wholesaler neglects or refuses to make and file  
12 any report for any calendar month, as required by the fuel tax  
13 laws of this state, or files an incorrect or fraudulent  
14 report, or is in default in the payment of any fuel taxes and  
15 penalties thereon payable under the laws of this state, the  
16 department shall, from any information it may be able to  
17 obtain from its office or elsewhere, estimate the number of  
18 gallons of motor fuel with respect to which the terminal  
19 supplier, importer, exporter, or wholesaler has become liable  
20 for taxes under the fuel tax laws of this state and the amount  
21 of taxes due and payable thereon, to which sum shall be added  
22 a penalty and interest as provided in s. 206.44.

23 Section 16. For the purpose of incorporating the  
24 amendment to section 206.44, Florida Statutes, in a reference  
25 thereto, section 206.94, Florida Statutes, is reenacted to  
26 read:

27 206.94 Department may estimate diesel fuels sold or  
28 used.--When any person neglects or refuses to file any report  
29 as required by s. 206.91 or files an incorrect or fraudulent  
30 report, the department shall determine, after investigation,  
31 the number of gallons of diesel fuels with respect to which

1 the person has incurred liability under this part for any  
2 particular period and fix the amount of taxes due and payable  
3 thereon, to which taxes due shall be added the penalties and  
4 interest imposed by s. 206.44 as a penalty for the default of  
5 such person. The department may settle or compromise such  
6 penalties pursuant to s. 213.21.

7 Section 17. For the purpose of incorporating the  
8 amendment to section 206.44, Florida Statutes, in a reference  
9 thereto, section 206.97, Florida Statutes, is reenacted to  
10 read:

11 206.97 Applicability of specified sections of part  
12 I.--The provisions of ss. 206.01, 206.02, 206.026, 206.027,  
13 206.028, 206.04, 206.051, 206.052, 206.054, 206.055, 206.07,  
14 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12,  
15 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18,  
16 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22,  
17 206.23, 206.24, 206.25, 206.27, 206.28, 206.41, 206.415,  
18 206.416, 206.43, 206.435, 206.44, 206.48, 206.49, 206.56,  
19 206.59, 206.606, 206.608, 206.61, and 206.62 of part I of this  
20 chapter shall, as far as lawful or practicable, be applicable  
21 to the tax herein levied and imposed and to the collection  
22 thereof as if fully set out in this part. However, no  
23 provision of any such section shall apply if it conflicts with  
24 any provision of this part.

25 Section 18. For the purpose of incorporating the  
26 amendment to section 206.44, Florida Statutes, in a reference  
27 thereto, subsection (3) of section 206.9915, Florida Statutes,  
28 is reenacted to read:

29 206.9915 Legislative intent and general provisions.--  
30 (3) The provisions of ss. 206.01, 206.02, 206.026,  
31 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06,

1 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11,  
2 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175,  
3 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215,  
4 206.22, 206.24, 206.27, 206.28, 206.416, 206.42, 206.425,  
5 206.44, 206.48, 206.49, 206.56, 206.59, 206.86, 206.87,  
6 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.8745,  
7 206.94, 206.945, and 206.9815 shall, as far as lawful or  
8 practicable, be applicable to the levy and collection of taxes  
9 imposed pursuant to this part as if fully set out in this part  
10 and made expressly applicable to the taxes imposed herein.

11 Section 19. For the purpose of incorporating the  
12 amendment to section 206.44, Florida Statutes, in a reference  
13 thereto, paragraph (a) of subsection (2) of section 336.021,  
14 Florida Statutes, as amended by section 16 of chapter 97-54,  
15 Laws of Florida, is reenacted to read:

16 336.021 County transportation system; levy of  
17 ninth-cent fuel tax on motor fuel and diesel fuel.--

18 (2)(a) The tax collected by the department pursuant to  
19 subsection (1) shall be transferred to the Ninth-cent Fuel Tax  
20 Trust Fund, which fund is created for distribution to the  
21 counties pursuant to paragraph (1)(d). The department shall  
22 deduct the administrative costs incurred by it in collecting,  
23 administering, enforcing, and distributing back to the  
24 counties the tax, which administrative costs may not exceed 2  
25 percent of collections authorized by this section. The total  
26 administrative cost shall be prorated among those counties  
27 levying the tax according to the following formula, which  
28 shall be revised on July 1 of each year: Two-thirds of the  
29 amount deducted shall be based on the county's proportional  
30 share of the number of dealers who are registered for purposes  
31 of chapter 212 on June 30th of the preceding state fiscal

1 year, and one-third of the amount deducted shall be based on  
2 the county's share of the total amount of the tax collected  
3 during the preceding state fiscal year. The department has the  
4 authority to prescribe and publish all forms upon which  
5 reports shall be made to it and other forms and records deemed  
6 to be necessary for proper administration and collection of  
7 the tax levied by any county and shall adopt rules necessary  
8 to enforce this section, which rules shall have the full force  
9 and effect of law. The provisions of ss. 206.026, 206.027,  
10 206.028, 206.051, 206.052, 206.054, 206.055, 206.06, 206.07,  
11 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12,  
12 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18,  
13 206.199, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22,  
14 206.24, 206.27, 206.28, 206.41, 206.416, 206.44, 206.45,  
15 206.48, 206.49, 206.56, 206.59, 206.626, 206.87, 206.872,  
16 206.873, 206.8735, 206.874, 206.8741, 206.8745, 206.94, and  
17 206.945 shall, as far as practicable, be applicable to the  
18 levy and collection of the tax imposed pursuant to this  
19 section as if fully set out in this section.

20 Section 20. For the purpose of incorporating the  
21 amendment to section 206.44, Florida Statutes, in a reference  
22 thereto, paragraph (a) of subsection (2) of section 336.025,  
23 Florida Statutes, as amended by section 18 of chapter 97-54,  
24 Laws of Florida, is reenacted to read:

25 336.025 County transportation system; levy of local  
26 option fuel tax on motor fuel and diesel fuel.--

27 (2)(a) The tax levied pursuant to paragraph (1)(a)  
28 shall be collected and remitted in the same manner provided by  
29 ss. 206.41(1)(e) and 206.87(1)(c). The tax levied pursuant to  
30 paragraph (1)(b) shall be collected and remitted in the same  
31 manner provided by s. 206.41(1)(e). The taxes remitted

1 pursuant to this section shall be transferred to the Local  
2 Option Fuel Tax Trust Fund, which fund is created for  
3 distribution to the county and eligible municipal governments  
4 within the county in which the tax was collected and which  
5 fund is subject to the service charge imposed in chapter 215.  
6 The tax shall be distributed monthly by the department in the  
7 same manner provided by s. 336.021(1)(c) and (d). The  
8 department shall deduct the administrative costs incurred by  
9 it in collecting, administering, enforcing, and distributing  
10 back to the counties the tax, which administrative costs may  
11 not exceed 2 percent of collections authorized by this  
12 section. The total administrative costs shall be prorated  
13 among those counties levying the tax according to the  
14 following formula, which shall be revised on July 1 of each  
15 year: Two-thirds of the amount deducted shall be based on the  
16 county's proportional share of the number of dealers who are  
17 registered for purposes of chapter 212 on June 30 of the  
18 preceding state fiscal year, and one-third of the amount  
19 deducted shall be based on the county's share of the total  
20 amount of the tax collected during the preceding state fiscal  
21 year. The department has the authority to prescribe and  
22 publish all forms upon which reports shall be made to it and  
23 other forms and records deemed to be necessary for proper  
24 administration and collection of the taxes levied by any  
25 county and shall promulgate such rules as may be necessary for  
26 the enforcement of this section, which rules shall have the  
27 full force and effect of law. The provisions of ss. 206.026,  
28 206.027, 206.028, 206.051, 206.052, 206.054, 206.055, 206.06,  
29 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11,  
30 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175,  
31 206.18, 206.199, 206.20, 206.204, 206.205, 206.21, 206.215,

1 206.22, 206.24, 206.27, 206.28, 206.41, 206.416, 206.44,  
2 206.45, 206.48, 206.49, 206.56, 206.59, 206.626, 206.87,  
3 206.872, 206.873, 206.8735, 206.874, 206.8741, 206.94, and  
4 206.945 shall, as far as practicable, be applicable to the  
5 levy and collection of taxes imposed pursuant to this section  
6 as if fully set out in this section.

7 Section 21. Subsection (2) of section 207.007, Florida  
8 Statutes, is amended to read:

9 207.007 Offenses; penalties and interest.--

10 (2) In addition to any other penalties, any delinquent  
11 tax shall bear interest at the adjusted rate established  
12 pursuant to s. 213.235 ~~of 1 percent per month, or fraction~~  
13 ~~thereof~~, calculated from the date the tax was due. If the  
14 department enters into a cooperative reciprocal agreement  
15 under the provisions of s. 207.0281, the department shall  
16 collect and distribute all interest due to other jurisdictions  
17 at the same rate as if such interest were due to the state.

18 Section 22. Subsection (1) and paragraph (a) of  
19 subsection (4) of section 211.076, Florida Statutes, are  
20 amended to read:

21 211.076 Interest and penalties; failure to pay tax or  
22 file return; estimated tax underpayments.--

23 (1) If any part of the tax imposed by this part is not  
24 paid on or before the due date, interest shall be added to the  
25 amount due at the adjusted rate established pursuant to s.  
26 213.235 ~~of 12 percent per year~~ from the due date until the  
27 date of payment.

28 (4)(a) Except as provided in paragraph (c), the  
29 taxpayer is liable for interest at the adjusted rate  
30 established pursuant to s. 213.235 ~~of 12 percent per year~~ and  
31 a penalty at the rate of 12 percent per year on any

1 underpayment of estimated tax determined under this  
2 subsection.

3 Section 23. Paragraph (f) of subsection (1) and  
4 paragraph (d) of subsection (2) of section 211.33, Florida  
5 Statutes, are amended to read:

6 211.33 Administration of the tax; returns; delinquency  
7 penalties and interest; departmental inspections of records.--

8 (1)

9 (f) Except as provided in subparagraph 3., the  
10 taxpayer shall be liable for interest at the adjusted rate  
11 established pursuant to s. 213.235 ~~of 12 percent per year~~ and  
12 for a penalty in an amount determined at the rate of 20  
13 percent per year upon the amount of any underpayment of  
14 estimated tax determined under this paragraph.

15 1. The amount of any underpayment of estimated tax  
16 shall be the excess of:

17 a. The amount of the installment which would be  
18 required to be paid if the estimated tax were equal to 80  
19 percent of the tax shown on the return for the taxable year  
20 or, if no return were filed, 80 percent of the tax for such  
21 year, over

22 b. The amount, if any, of the installment paid on or  
23 before the last date prescribed for payment.

24 2. The period of the underpayment for which interest  
25 and penalties shall apply shall commence on the date the  
26 installment was required to be paid and shall terminate on the  
27 date on which the amount of underpayment is paid. A payment of  
28 estimated tax on any installment date shall be considered a  
29 payment of any previous underpayment only to the extent such  
30 payment exceeds the amount of the installment determined under  
31 sub-subparagraph 1.a. for such installment date.



1           3. No penalty or interest for underpayment of any  
2 installment of estimated tax shall be imposed if the total  
3 amount of all such payments made on or before the last date  
4 prescribed for the payment of such installment equals or  
5 exceeds the amount which would have been required to be paid  
6 on or before such date if the estimated tax were the lesser  
7 of:

8           a. An amount equal to 80 percent of the tax finally  
9 due for the taxable year; or

10           b. An amount equal to the tax shown on the taxpayer's  
11 return for the preceding taxable year, if a return showing a  
12 liability for tax was filed by the taxpayer for the preceding  
13 year.

14           (2)

15           (d) In addition to the delinquency penalty provided in  
16 paragraph (c), the department shall assess interest on the  
17 unpaid balance of any such tax which becomes delinquent,  
18 without regard to any extensions, at the adjusted rate  
19 established pursuant to s. 213.235 ~~of 12 percent per year~~,  
20 from April 1 to the date of payment. Interest prescribed by  
21 this paragraph shall be deemed assessed upon the assessment of  
22 the tax and shall be collected and paid in the same manner.

23           Section 24. Subsection (3) of section 212.12, Florida  
24 Statutes, 1998 Supplement, is amended to read:

25           212.12 Dealer's credit for collecting tax; penalties  
26 for noncompliance; powers of Department of Revenue in dealing  
27 with delinquents; brackets applicable to taxable transactions;  
28 records required.--

29           (3) When any dealer, or other person charged herein,  
30 fails to remit the tax, or any portion thereof, on or before  
31 the day when such tax is required by law to be paid, there

1 shall be added to the amount due interest on ~~at the rate of 1~~  
2 ~~percent per month of~~ the amount due from the date due until  
3 paid at the adjusted rate established pursuant to s. 213.235.  
4 Interest on the delinquent tax shall be calculated beginning  
5 on the 21st day of the month following the month for which the  
6 tax is due, except as otherwise provided in this chapter.

7 Section 25. For the purpose of incorporating the  
8 amendment to section 212.12, Florida Statutes, 1998  
9 Supplement, in a reference thereto, paragraph (e) of  
10 subsection (6) of section 193.501, Florida Statutes, is  
11 reenacted to read:

12 193.501 Assessment of lands subject to a conservation  
13 easement, environmentally endangered lands, or lands used for  
14 outdoor recreational or park purposes when land development  
15 rights have been conveyed or conservation restrictions have  
16 been covenanted.--

17 (6) The following terms whenever used as referred to  
18 in this section have the following meanings unless a different  
19 meaning is clearly indicated by the context:

20 (e) "Deferred tax liability" means an amount equal to  
21 the difference between the total amount of taxes that would  
22 have been due in March in each of the previous years in which  
23 the conveyance or covenant was in effect if the property had  
24 been assessed under the provisions of s. 193.011 and the total  
25 amount of taxes actually paid in those years when the property  
26 was assessed under the provisions of this section, plus  
27 interest on that difference computed as provided in s.  
28 212.12(3).

29 Section 26. For the purpose of incorporating the  
30 amendment to section 212.12, Florida Statutes, 1998  
31 Supplement, in a reference thereto, paragraph (b) of

1 subsection (9) of section 193.503, Florida Statutes, is  
2 reenacted to read:

3           193.503 Classification and assessment of historic  
4 property used for commercial or certain nonprofit purposes.--

5           (9)

6           (b) For purposes of this subsection, "deferred tax  
7 liability" means an amount equal to the difference between the  
8 total amount of taxes that would have been due in March if the  
9 property had been assessed under the provisions of s. 193.011  
10 and the total amount of taxes actually paid in those years  
11 when the property was assessed under the provisions of this  
12 section, plus interest on that difference computed as provided  
13 in s. 212.12(3).

14           Section 27. For the purpose of incorporating the  
15 amendment to section 212.12, Florida Statutes, 1998  
16 Supplement, in a reference thereto, subsection (8) of section  
17 193.505, Florida Statutes, is reenacted to read:

18           193.505 Assessment of historically significant  
19 property when development rights have been conveyed or  
20 historic preservation restrictions have been covenanted.--

21           (8) For the purposes of this section, the term  
22 "deferred tax liability" means an amount equal to the  
23 difference between the total amount of taxes which would have  
24 been due in March in each of the previous years in which a  
25 covenant executed and accepted pursuant to this section was in  
26 effect if the property had been assessed under the provisions  
27 of s. 193.011 irrespective of any negative impact on fair  
28 market value that restrictions imposed pursuant to this  
29 section may have caused and the total amount of taxes actually  
30 paid in those years, plus interest on that difference computed  
31 as provided in s. 212.12(3).

1           Section 28. For the purpose of incorporating the  
2 amendment to section 212.12, Florida Statutes, 1998  
3 Supplement, in a reference thereto, subsection (7) of section  
4 196.1997, Florida Statutes, is reenacted to read:

5           196.1997 Ad valorem tax exemptions for historic  
6 properties.--

7           (7) To qualify for an exemption, the property owner  
8 must enter into a covenant or agreement with the governing  
9 body for the term for which the exemption is granted. The  
10 form of the covenant or agreement must be established by the  
11 Department of State and must require that the character of the  
12 property, and the qualifying improvements to the property, be  
13 maintained during the period that the exemption is granted.  
14 The covenant or agreement shall be binding on the current  
15 property owner, transferees, and their heirs, successors, or  
16 assigns. Violation of the covenant or agreement results in  
17 the property owner being subject to the payment of the  
18 differences between the total amount of taxes which would have  
19 been due in March in each of the previous years in which the  
20 covenant or agreement was in effect had the property not  
21 received the exemption and the total amount of taxes actually  
22 paid in those years, plus interest on the difference  
23 calculated as provided in s. 212.12(3).

24           Section 29. Section 220.807, Florida Statutes, is  
25 amended to read:

26           220.807 ~~Determination of Rate of interest.--~~

27           (1) The annual rate of interest applicable to this  
28 chapter shall be the adjusted rate established pursuant to s.  
29 213.235 ~~by the executive director of the Department of Revenue~~  
30 ~~under subsection (2).~~

31

1           ~~(2) If the adjusted prime rate charged by banks,~~  
2 ~~rounded to the nearest full percent, during either:~~  
3           ~~(a) The 6-month period ending on September 30 of any~~  
4 ~~calendar year; or~~  
5           ~~(b) The 6-month period ending on March 31 of any~~  
6 ~~calendar year,~~  
7  
8 ~~differs from the interest rate in effect on either such date,~~  
9 ~~the executive director of the Department of Revenue shall,~~  
10 ~~within 20 days, establish an adjusted rate of interest equal~~  
11 ~~to such adjusted prime rate.~~  
12           ~~(3) An adjusted rate of interest established under~~  
13 ~~this section shall become effective:~~  
14           ~~(a) On January 1 of the succeeding year, if based upon~~  
15 ~~the adjusted prime rate for the 6-month period ending on~~  
16 ~~September 30; or~~  
17           ~~(b) On July 1 of the same calendar year, if based upon~~  
18 ~~the adjusted prime rate for the 6-month period ending on March~~  
19 ~~31.~~  
20           ~~(4) For the purposes of this section, "adjusted prime~~  
21 ~~rate charged by banks" means the average predominant prime~~  
22 ~~rate quoted by commercial banks to large business, as~~  
23 ~~determined by the Board of Governors of the Federal Reserve~~  
24 ~~System.~~  
25           ~~(5) Once established, an adjusted rate of interest~~  
26 ~~shall remain in effect until an adjustment is made under~~  
27 ~~subsection (2).~~  
28           Section 30. Paragraph (c) of subsection (2) of section  
29 624.5092, Florida Statutes, is amended to read:  
30           624.5092 Administration of taxes; payments.--  
31           (2)

1           (c) When any taxpayer fails to pay any amount due  
2 under this section, or any portion thereof, on or before the  
3 day when such tax or installment of tax is required by law to  
4 be paid, there shall be added to the amount due interest at  
5 the adjusted rate established pursuant to s. 213.235 ~~of 12~~  
6 ~~percent per year~~ from the date due until paid.

7           Section 31. The Department of Revenue shall examine  
8 the impact of this act and, by January 1, 2000, the executive  
9 director of the Department of Revenue shall submit to the  
10 Speaker of the House of Representatives, the President of the  
11 Senate, and the chairs of the finance and taxation committees  
12 of the Legislature a report containing recommendations for the  
13 effective and efficient implementation of this act and methods  
14 to minimize its fiscal impact. These may include ways to  
15 increase voluntary compliance with the state's tax laws.

16           Section 32. This act shall take effect July 1, 1999.

17  
18           \*\*\*\*\*

19                                 HOUSE SUMMARY

20           Extends the filing deadline applicable to sales tax  
21 dealers who are required to calculate and pay estimated  
22 tax liability from the 20th to the 28th day of the month.  
23           Increases the threshold for determining whether a dealer is  
subject to said requirement from \$100,000 to \$200,000.

24           Provides that the annual rate of interest on tax payment  
25 deficiencies shall be a floating rate based on the prime  
rate.

26           Provides for payment of interest on overpayments of taxes  
27 administered by the Department of Revenue if refund is  
28 not made within a specified period. Provides  
requirements for refund applications.

29           Directs the Department of Revenue to examine and report  
30 on the impact of the act.

31