

1                                   A bill to be entitled  
2           An act relating to tax administration;  
3           repealing s. 198.12, F.S., and amending ss.  
4           198.13, 198.23, 198.26, 198.32, 198.33, 198.39,  
5           F.S.; discontinuing the use of unnecessary  
6           estate tax returns for small estates that owe  
7           no tax; amending s. 199.106, F.S.; granting a  
8           credit against the intangibles tax to natural  
9           persons for an identical tax paid in another  
10          state; creating s. 201.165, F.S.; granting a  
11          credit against the documentary stamp tax for an  
12          identical tax paid in another state; amending  
13          s. 212.02, F.S.; amending the definition of the  
14          term "retail sale" with respect to materials  
15          that are incorporated into repaired motor  
16          vehicles, airplanes, or boats; amending ss.  
17          212.04, 212.12, F.S., and creating s. 213.757,  
18          F.S.; increasing the criminal penalties for  
19          willful violations of certain tax provisions;  
20          amending s. 212.0602, F.S.; providing  
21          additional exemption to facilitate investment  
22          in education and job training; clarifying  
23          qualification requirements for exemption;  
24          amending s. 212.08, F.S.; amending the  
25          exemption for electricity and steam used for  
26          manufacturing; revising provisions which  
27          specify application of tax to the sale of a  
28          motor vehicle in this state to a resident of  
29          another state; revising the time within which  
30          the purchaser must license the vehicle in his  
31          or her home state; providing construction

1 regarding removal of the vehicle from this  
2 state; amending s. 212.11, F.S.; conforming a  
3 cross-reference; amending s. 213.27, F.S.;  
4 authorizing the Department of Revenue to enter  
5 into contracts with private vendors to develop  
6 an automated case-tracking system; amending s.  
7 213.67, F.S.; authorizing the Department of  
8 Revenue to reduce the amount of an  
9 administrative garnishment which is subject to  
10 a freeze to the amount equal to the delinquent  
11 amount; amending ss. 220.151, 220.21, 220.221,  
12 220.222, F.S.; authorizing the Department of  
13 Revenue to accept electronic or telephonic  
14 corporate income tax returns in lieu of written  
15 paper returns; creating s. 166.235, F.S.;  
16 providing procedures for purchasers to obtain  
17 refund of or credit for public service taxes  
18 collected in error; providing transitional  
19 provisions; providing an effective date.  
20

21 Be It Enacted by the Legislature of the State of Florida:  
22

23 Section 1. Section 198.12, Florida Statutes, is  
24 repealed effective January 1, 2000.

25 Section 2. Effective January 1, 2000, section 198.13,  
26 Florida Statutes, is amended to read:

27 198.13 Tax return to be made in certain cases.--

28 (1) The personal representative of every estate  
29 required by the laws of the United States to file a federal  
30 estate tax return shall file with the department, on or before  
31 the last day prescribed by law for filing the initial federal

1 estate tax return for such estate, a return consisting of an  
2 executed copy of the federal estate tax return and shall file  
3 with such return all supplemental data, if any, as may be  
4 necessary to determine and establish the correct tax under  
5 this chapter. Such return shall be made in the case of every  
6 decedent who at the time of death was not a resident of the  
7 United States and whose gross estate includes any real  
8 property situate in the state, tangible personal property  
9 having an actual situs in the state, and intangible personal  
10 property physically present within the state.

11 (2) Whenever it is made to appear to the department  
12 that an estate that has filed a return owes no taxes provided  
13 in this chapter, the department will issue to the personal  
14 representative a certificate in writing to that effect, which  
15 certificate will have the same force and effect as a receipt  
16 showing payment. The certificate will be subject to record and  
17 admissible in evidence in like manner as receipts showing  
18 payment of taxes. A fee of \$5 will be paid to the department  
19 for each certificate so issued.

20 ~~(3)(2)~~ Every person required to file a return  
21 reporting a generation-skipping transfer under applicable  
22 federal statutes and regulations shall file with the  
23 Department of Revenue, on or before the last day prescribed  
24 for filing the federal return, a return consisting of a  
25 duplicate copy of the federal return.

26 Section 3. Effective January 1, 2000, section 198.23,  
27 Florida Statutes, is amended to read:

28 198.23 Personal liability of personal  
29 representative.--If any personal representative shall make  
30 distribution either in whole or in part of any of the property  
31 of an estate to the heirs, next of kin, distributees,

1 legatees, or devisees without having paid or secured the tax  
2 due the state under this chapter, or having obtained the  
3 release of such property from the lien of such tax, either by  
4 the department or pursuant to s. 198.32(2), he or she shall  
5 become personally liable for the tax so due the state, or so  
6 much thereof as may remain due and unpaid, to the full extent  
7 of the full value of any property belonging to such person or  
8 estate which may come into the personal representative's  
9 hands, custody, or control.

10 Section 4. Effective January 1, 2000, section 198.26,  
11 Florida Statutes, is amended to read:

12 198.26 No discharge of personal representative until  
13 tax is paid.--No final account of a personal representative ~~of~~  
14 ~~the estate of a nonresident, nor of the estate of a resident~~  
15 ~~when the value of the gross estate wherever situate exceeds~~  
16 ~~\$60,000~~ shall be allowed by any court unless and until such  
17 account shows, and the judge of said court finds, that the tax  
18 imposed by the provisions of this chapter upon the personal  
19 representative, which has become payable, has been paid. The  
20 certificate of the department of nonliability for the tax or  
21 its receipt for the amount of tax therein certified shall be  
22 conclusive in such proceedings as to the liability or the  
23 payment of the tax to the extent of said certificate. In the  
24 case of a nontaxable estate, the court may consider the  
25 affidavit prepared pursuant to s. 198.32(2) as evidence of the  
26 nonliability for tax.

27 Section 5. Effective January 1, 2000, section 198.32,  
28 Florida Statutes, is amended to read:

29 198.32 Prima facie liability for tax.--

30 (1) The estate of each decedent whose property is  
31 subject to the laws of the state shall be deemed prima facie

1 liable for estate taxes under this chapter and shall be  
2 subject to a lien therefor in such amount as may be later  
3 determined to be due and payable on the estate as provided in  
4 this chapter. This presumption of liability shall begin on  
5 the date of the death of the decedent and shall continue until  
6 the full settlement of all taxes which may be found to be due  
7 under this chapter, the settlement to be shown by receipts for  
8 all taxes due to be issued by the department as provided for  
9 in this chapter. ~~Whenever it is made to appear to the~~  
10 ~~department that an estate is not subject to any tax under this~~  
11 ~~chapter, the department shall issue to the personal~~  
12 ~~representative, administrator, or curator, or to the heirs,~~  
13 ~~devisees, or legatees of the decedent, a certificate in~~  
14 ~~writing to that effect, showing such nonliability to tax,~~  
15 ~~which certificate of nonliability shall have the same force~~  
16 ~~and effect as a receipt showing payment. The certificate of~~  
17 ~~nonliability shall be subject to record and admissible in~~  
18 ~~evidence in like manner as receipts showing payment of taxes.~~  
19 ~~A fee of \$5 shall be paid to the department for each~~  
20 ~~certificate so issued.~~

21 (2) Whenever an estate is not subject to tax under  
22 this chapter and is not required to file a return, the  
23 personal representative may execute an affidavit attesting  
24 that the estate is not taxable. The form of the affidavit will  
25 be prescribed by the department, and will include, but not be  
26 limited to, statements regarding the decedent's domicile,  
27 whether a federal estate tax return will be filed, and  
28 acknowledgment of the personal representative's personal  
29 liability under s. 198.23. Such affidavit shall be subject to  
30 record and admissible in evidence to show nonliability for  
31 tax.

1           Section 6. Effective January 1, 2000, subsection (1)  
2 of section 198.33, Florida Statutes, is amended to read:

3           198.33 Discharge of estate, notice of lien, limitation  
4 on lien, etc.--

5           (1) Where no receipt for the payment of taxes, or no  
6 affidavit or certificate ~~receipt~~ of nonliability for taxes has  
7 been issued or recorded as provided for in this chapter, the  
8 property constituting the estate of the decedent in this state  
9 shall be deemed fully acquitted and discharged of all  
10 liability for estate and inheritance taxes under this chapter  
11 after a lapse of 10 years ~~from the date of the filing with the~~  
12 ~~department of notice of the decedent's death, or after a lapse~~  
13 ~~of 10 years~~ from the date of the filing with the department of  
14 an estate tax return, ~~whichever date shall be earlier,~~ unless  
15 the department shall make out and file and have recorded in  
16 the public records of the county wherein any part of the  
17 estate of the decedent may be situated in this state, a notice  
18 of lien against the property of the estate, specifying the  
19 amount or approximate amount of taxes claimed to be due to the  
20 state under this chapter, which notice of lien shall continue  
21 said lien in force for an additional period of 5 years or  
22 until payment is made. Such notice of lien shall be filed and  
23 recorded in the book of deeds in the office of the clerk of  
24 the circuit court; provided, where no receipt for the payment  
25 of taxes, or no affidavit or certificate of nonliability for  
26 taxes, has been issued or recorded as provided for in this  
27 chapter, the property constituting the estate of the decedent  
28 in this state, if said decedent was a resident of this state  
29 at the time of death, shall be deemed fully acquitted and  
30 discharged of all liability for tax under this chapter after a  
31 lapse of 10 years from the date of the death of the decedent,

1 unless the department shall make out and file and have  
2 recorded notice of lien as herein provided, which notice shall  
3 continue said lien in force against such property of the  
4 estate as is situate in the county wherein said notice of lien  
5 was recorded for an additional period of 5 years or until  
6 payment is made.

7 Section 7. Effective January 1, 2000, section 198.39,  
8 Florida Statutes, is amended to read:

9 198.39 False statement in return; penalty.--Whoever  
10 knowingly makes any false statement in any notice, affidavit,  
11 or return required to be filed or made under this chapter is  
12 guilty of a misdemeanor of the first degree, punishable as  
13 provided in s. 775.082 or s. 775.083.

14 Section 8. Subsections (2) and (3) of section 199.106,  
15 Florida Statutes, are amended to read:

16 199.106 Credit for taxes imposed by other states.--

17 (2) For intangible personal property that has a  
18 taxable situs in this state under s. 199.175(1) or any similar  
19 predecessor statute, a credit against the tax imposed by s.  
20 199.032 is allowed to a taxpayer, ~~other than a natural person,~~  
21 in an amount equal to a like tax lawfully imposed and paid by  
22 that taxpayer on the same property in another state, territory  
23 of the United States, or the District of Columbia when the  
24 other taxing authority is also claiming situs under provisions  
25 similar or identical to those in s. 199.175(1) or any similar  
26 predecessor statute. For purposes of this subsection, "like  
27 tax" means an ad valorem tax on intangible personal property  
28 which is also subject to tax under s. 199.032. The credit may  
29 not exceed the tax imposed on the property under s. 199.032.  
30 Proof of entitlement to such a credit must be made pursuant to  
31 rules and forms adopted by the department.

1           (3) The credits provided by this section ~~subsections~~  
2 ~~(1) and (2)~~ apply retroactively to ~~December 31, 1979~~.

3 However, notwithstanding the retroactivity of these credit  
4 provisions, this section does not reopen a closed period of  
5 nonclaim under s. 215.26 or any other statute or extend the  
6 period of nonclaim under s. 215.26 or any other statute.

7           Section 9. Section 201.165, Florida Statutes, is  
8 created to read:

9           201.165 Credit for tax paid to other states.--

10           (1) With respect to each tax imposed by any section of  
11 this chapter, a credit against the specific tax imposed by  
12 that section is allowed in an amount equal to the amount of a  
13 like tax lawfully imposed and paid on the same document or  
14 instrument in another state or territory of the United States  
15 or in the District of Columbia. As used in this subsection,  
16 the term "like tax" means an excise tax on documents which is  
17 in substance identical to the tax imposed by this chapter on  
18 the same document. The credit may not exceed the amount of the  
19 tax imposed on the document by this chapter. Proof of  
20 entitlement to the credit must be provided to the department.  
21 The department may adopt rules to implement this credit and  
22 designate forms that establish what proof is required.

23           (2) The credit provided by this section applies  
24 retroactively. Notwithstanding the retroactivity of this  
25 credit provision, this section does not reopen a closed period  
26 of nonclaim under s. 215.26 or any other statute, nor does  
27 this section extend the period of nonclaim under s. 215.26 or  
28 any other statute.

29           Section 10. Paragraph (c) of subsection (14) of  
30 section 212.02, Florida Statutes, 1998 Supplement, is amended  
31 to read:



1           212.02 Definitions.--The following terms and phrases  
2 when used in this chapter have the meanings ascribed to them  
3 in this section, except where the context clearly indicates a  
4 different meaning:

5           (14)

6           (c) "Retail sales," "sale at retail," "use,"  
7 "storage," and "consumption" do not include materials,  
8 containers, labels, sacks, bags, or similar items intended to  
9 accompany a product sold to a customer without which delivery  
10 of the product would be impracticable because of the character  
11 of the contents and be used one time only for packaging  
12 tangible personal property for sale or for the convenience of  
13 the customer or for packaging in the process of providing a  
14 service taxable under this chapter. When a separate charge for  
15 packaging materials is made, the charge shall be considered  
16 part of the sales price or rental charge for purposes of  
17 determining the applicability of tax. The terms do ~~term also~~  
18 ~~does~~ not include the sale, use, storage, or consumption of  
19 industrial materials, including chemicals and fuels except as  
20 provided herein, for future processing, manufacture, or  
21 conversion into articles of tangible personal property for  
22 resale when such industrial materials, including chemicals and  
23 fuels except as provided herein, become a component or  
24 ingredient of the finished product ~~and do not include the~~  
25 ~~sale, use, storage, or consumption of materials for use in~~  
26 ~~repairing a motor vehicle, airplane, or boat, when such~~  
27 ~~materials are incorporated into the repaired vehicle,~~  
28 ~~airplane, or boat.~~ However, the terms include the sale, use,  
29 storage, or consumption of tangible personal property,  
30 including machinery and equipment or parts thereof, purchased  
31 electricity, and fuels used to power machinery, when such

1 items are used and dissipated in fabricating, converting, or  
2 processing tangible personal property for sale, even though  
3 they may become ingredients or components of the tangible  
4 personal property for sale through accident, wear, tear,  
5 erosion, corrosion, or similar means. The terms do not include  
6 the sale of materials to a registered repair facility for use  
7 in repairing a motor vehicle, airplane, or boat when such  
8 materials are incorporated into and sold as part of the  
9 repair. Such a sale is to be considered a purchase for resale  
10 by the repair facility even though every material is not  
11 separately stated or separately priced on the repair invoice.

12 Section 11. Effective January 1, 2000, subsections (4)  
13 and (5) of section 212.04, Florida Statutes, 1998 Supplement,  
14 are amended to read:

15 212.04 Admissions tax; rate, procedure, enforcement.--

16 (4) Each person who exercises the privilege of  
17 charging admission taxes, as herein defined, shall apply for,  
18 and at that time shall furnish the information and comply with  
19 the provisions of s. 212.18 not inconsistent herewith and  
20 receive from the department, a certificate of right to  
21 exercise such privilege, which certificate shall apply to each  
22 place of business where such privilege is exercised and shall  
23 be in the manner and form prescribed by the department. Such  
24 certificate shall be issued upon payment to the department of  
25 a registration fee of \$5 by the applicant. Each person  
26 exercising the privilege of charging such admission taxes as  
27 herein defined shall cause to be kept records and accounts  
28 showing the admission which shall be in the form as the  
29 department may from time to time prescribe, inclusive of  
30 records of all tickets numbered and issued for a period of not  
31 less than the time within which the department may, as

1 permitted by s. 95.091(3), make an assessment with respect to  
2 any admission evidenced by such records and accounts, and  
3 inclusive of all bills or checks of customers who are charged  
4 any of the taxes defined herein, showing the charge made to  
5 each for that period. The department is empowered to use each  
6 and every one of the powers granted herein to the department  
7 to discover the amount of tax to be paid by each such person  
8 and to enforce the payment thereof as are hereby granted the  
9 department for the discovery and enforcement of the payment of  
10 taxes hereinafter levied on the sales of tangible personal  
11 property. ~~The failure of any person to pay such taxes before  
12 the 21st day of the succeeding month after the taxes are  
13 collected shall render such person liable to the same  
14 penalties that are hereafter imposed upon such person for  
15 being delinquent in the payment of taxes imposed upon the  
16 sales of tangible personal property; the failure of any person  
17 to render returns and to pay taxes as prescribed herein shall  
18 render such person subject to the same penalties, by way of  
19 charges for delinquencies, at the rate of 10 percent per month  
20 for a total amount of tax delinquent up to a total of 50  
21 percent of such tax and at the rate of 100 percent penalty for  
22 attempted evasion of payment of any such tax or for any  
23 attempt to file false or misleading returns that are required  
24 to be filed by the department.~~

25 (5) All of the provisions of this chapter relating to  
26 collection, investigation, discovery, and aids to collection  
27 of taxes upon sales of tangible personal property shall  
28 likewise apply to all privileges described or referred to in  
29 this section, and the obligations imposed in this chapter upon  
30 retailers are hereby imposed upon the seller of such  
31 admissions. All penalties applicable to a dealer of tangible

1 personal property for failure to meet any such obligation,  
2 including, but not limited to, any failure related to the  
3 filing of returns, the payment of taxes, or the maintenance  
4 and production of records, are applicable to the seller of  
5 admissions.When tickets or admissions are sold and not used  
6 but returned and credited by the seller, the seller may apply  
7 to the department for a credit allowance for such returned  
8 tickets or admissions if advance payments have been made by  
9 the buyer and have been returned by the seller, upon such form  
10 and in such manner as the department may from time to time  
11 prescribe. The department may, upon obtaining satisfactory  
12 proof of the refunds on the part of the seller, credit the  
13 seller for taxes paid upon admissions that have been returned  
14 unused to the purchaser of those admissions. The seller of  
15 admissions, upon the payment of the taxes before they become  
16 delinquent and the rendering of the returns in accordance with  
17 the requirement of the department and as provided in this law,  
18 shall be entitled to a discount of 2.5 percent of the amount  
19 of taxes upon the payment thereof before such taxes become  
20 delinquent, in the same manner as permitted the sellers of  
21 tangible personal property in this chapter. However, if the  
22 amount of the tax due and remitted to the department for the  
23 reporting period exceeds \$1,200, no discount shall be allowed  
24 for all amounts in excess of \$1,200.

25 Section 12. Section 212.0602, Florida Statutes, is  
26 amended to read:

27 212.0602 Education; limited exemption.--To facilitate  
28 investment in education and job training, there is also exempt  
29 from the taxes levied under this chapter, subject to the  
30 provisions of this section, the purchase or lease of  
31 materials, equipment, and other items or the license in or

1 lease of real property by any entity, institution, or  
2 organization that is primarily engaged in teaching students to  
3 perform any of the activities or services described in s.  
4 212.031(1)(a)9., that conducts classes at a fixed location  
5 located in this state, that is licensed under chapter 246, and  
6 that has at least 500 enrolled students. Any entity,  
7 institution, or organization meeting the requirements of this  
8 section shall be deemed to qualify for the exemptions in ss.  
9 212.031(1)(a)9. and 212.08(5)(f) and (12), and to qualify for  
10 an exemption for its purchase or lease of materials,  
11 equipment, and other items used for education or demonstration  
12 of the school's curriculum, including supporting operations.  
13 Nothing in this section shall preclude an entity described in  
14 this section from qualifying for any other exemption provided  
15 for in this chapter.

16 Section 13. Paragraph (ii) of subsection (7) and  
17 subsection (10) of section 212.08, Florida Statutes, 1998  
18 Supplement, are amended to read:

19 212.08 Sales, rental, use, consumption, distribution,  
20 and storage tax; specified exemptions.--The sale at retail,  
21 the rental, the use, the consumption, the distribution, and  
22 the storage to be used or consumed in this state of the  
23 following are hereby specifically exempt from the tax imposed  
24 by this chapter.

25 (7) MISCELLANEOUS EXEMPTIONS.--

26 (ii) Certain electricity or steam uses.--

27 1. Subject to the phase-in provisions in subparagraph  
28 4., charges for electricity or steam used to operate machinery  
29 and equipment at a fixed location in this state when such  
30 machinery and equipment is used to manufacture, process,  
31 compound, produce, or prepare for shipment items of tangible

1 personal property for sale, or to operate pollution control  
2 equipment, recycling equipment, maintenance equipment, or  
3 monitoring or control equipment used in such operations are  
4 exempt to the extent provided in this paragraph. ~~If in order~~  
5 ~~to qualify for this exemption,~~75 percent or more of the  
6 electricity or steam used at the fixed location ~~is~~ ~~must be~~  
7 used to operate qualifying machinery or equipment, 100 percent  
8 of the charges for electricity or steam used at the fixed  
9 location is exempt. If less than 75 percent but 50 percent or  
10 more of the electricity or steam ~~is~~ used at the ~~a~~ fixed  
11 location is used to operate qualifying machinery or equipment,  
12 ~~then it is presumed that~~ 50 percent of the charges for  
13 electricity or steam used at the fixed location is exempt  
14 ~~charge for electricity is for nonexempt purposes.~~ If less than  
15 50 percent of the electricity or steam used at the fixed  
16 location is used to operate qualifying machinery and  
17 equipment, none of the charges for electricity or steam used  
18 at the fixed location is exempt.

19           2. This exemption applies only to industries  
20 classified under SIC Industry Major Group Numbers 10, 12, 13,  
21 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,  
22 35, 36, 37, 38, and 39. As used in this paragraph, "SIC" means  
23 those classifications contained in the Standard Industrial  
24 Classification Manual, 1987, as published by the Office of  
25 Management and Budget, Executive Office of the President.

26           3. Possession by a seller of a written certification  
27 by the purchaser, certifying the purchaser's entitlement to an  
28 exemption permitted by this subsection, relieves the seller  
29 from the responsibility of collecting the tax on the  
30 nontaxable amounts, and the department shall look solely to  
31

1 the purchaser for recovery of such tax if it determines that  
2 the purchaser was not entitled to the exemption.

3 4. Such exemption shall be applied as follows:

4 a. Beginning July 1, 1996, 20 percent of the charges  
5 for such electricity shall be exempt.

6 b. Beginning July 1, 1997, 40 percent of the charges  
7 for such electricity shall be exempt.

8 c. Beginning July 1, 1998, 60 percent of the charges  
9 for such electricity or steam shall be exempt.

10 d. Beginning July 1, 1999, 80 percent of the charges  
11 for such electricity or steam shall be exempt.

12 e. Beginning July 1, 2000, 100 percent of the charges  
13 for such electricity or steam shall be exempt.

14 5. Notwithstanding any other provision in this  
15 paragraph to the contrary, in order to receive the exemption  
16 provided in this paragraph a taxpayer must first register with  
17 the WAGES Program Business Registry established by the local  
18 WAGES coalition for the area in which the taxpayer is located.  
19 Such registration establishes a commitment on the part of the  
20 taxpayer to hire WAGES program participants to the maximum  
21 extent possible consistent with the nature of their business.

22 6.a. In order to determine whether the exemption  
23 provided in this paragraph from the tax on charges for  
24 electricity or steam has an effect on retaining or attracting  
25 companies to this state, the Office of Program Policy Analysis  
26 and Governmental Accountability shall periodically monitor and  
27 report on the industries receiving the exemption.

28 b. The first report shall be submitted no later than  
29 January 1, 1997, and must be conducted in such a manner as to  
30 specifically determine the number of companies within each SIC  
31 Industry Major Group receiving the exemption as of September

1 1, 1996, and the number of individuals employed by companies  
2 within each SIC Industry Major Group receiving the exemption  
3 as of September 1, 1996.

4 c. The second report shall be submitted no later than  
5 January 1, 2001, and must be comprehensive in scope, but, at a  
6 minimum, must be conducted in such a manner as to specifically  
7 determine the number of companies within each SIC Industry  
8 Major Group receiving the exemption as of September 1, 2000,  
9 the number of individuals employed by companies within each  
10 SIC Industry Major Group receiving the exemption as of  
11 September 1, 2000, whether the change, if any, in such number  
12 of companies or employees is attributable to the exemption  
13 provided in this paragraph, whether it would be sound public  
14 policy to continue or discontinue the exemption, and the  
15 consequences of doing so.

16 d. Both reports shall be submitted to the President of  
17 the Senate, the Speaker of the House of Representatives, the  
18 Senate Minority Leader, and the House Minority Leader.

19  
20 Exemptions provided to any entity by this subsection shall not  
21 inure to any transaction otherwise taxable under this chapter  
22 when payment is made by a representative or employee of such  
23 entity by any means, including, but not limited to, cash,  
24 check, or credit card even when that representative or  
25 employee is subsequently reimbursed by such entity.

26 (10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT  
27 OF ANOTHER STATE.--The tax collected on the sale of a new or  
28 used motor vehicle in this state to a resident of another  
29 state shall be an amount equal to the sales tax which would be  
30 imposed on such sale under the laws of the state of which the  
31 purchaser is a resident, except that such tax shall not exceed



1 the tax that would otherwise be imposed under this chapter.  
2 At the time of the sale, the purchaser shall execute a  
3 notarized statement of his or her intent to license the  
4 vehicle in the state of which the purchaser is a resident  
5 within 45 ~~10~~ days of the sale and of the fact of the payment  
6 to the State of Florida of a sales tax in an amount equivalent  
7 to the sales tax of his or her state of residence and shall  
8 submit the statement to the appropriate sales tax collection  
9 agency in his or her state of residence. Nothing in this  
10 subsection shall be construed to require the removal of the  
11 vehicle from this state following the filing of an intent to  
12 license the vehicle in the purchaser's home state if the  
13 purchaser licenses the vehicle in his or her home state within  
14 45 days after the date of sale.

15 Section 14. Effective January 1, 2000, paragraph (e)  
16 of subsection (4) of section 212.11, Florida Statutes, 1998  
17 Supplement, is amended to read:

18 212.11 Tax returns and regulations.--

19 (4)

20 (e) The penalty provisions of this chapter, except s.  
21 212.12(2)(e)~~s. 212.12(2)(e)~~, apply to the provisions of this  
22 subsection.

23 Section 15. Effective January 1, 2000, subsection (2)  
24 of section 212.12, Florida Statutes, 1998 Supplement, is  
25 amended to read:

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

30 (2)(a) When any person, firm, or corporation required  
31 hereunder to make any return or to pay any tax or fee imposed

1 by this chapter fails to timely file such return or fails to  
2 pay the tax or fee due within the time required hereunder, in  
3 addition to all other penalties provided herein and by the  
4 laws of this state in respect to such taxes or fees, a  
5 specific penalty shall be added to the tax or fee in the  
6 amount of 10 percent of any unpaid tax or fee if the failure  
7 is for not more than 30 days, with an additional 10 percent of  
8 any unpaid tax or fee for each additional 30 days, or fraction  
9 thereof, during the time which the failure continues, not to  
10 exceed a total penalty of 50 percent, in the aggregate, of any  
11 unpaid tax or fee. In no event may the penalty be less than  
12 \$10 for failure to timely file a tax return required by s.  
13 212.11(1)(b) or \$5 for failure to timely file a tax return  
14 authorized by s. 212.11(1)(c) or (d).

15 (b) Any person who knowingly and with a willful intent  
16 to evade any tax imposed under this chapter fails to file six  
17 consecutive returns as required by law commits a felony of the  
18 third degree, punishable as provided in s. 775.082 or s.  
19 775.083.

20 (c) Any person who makes a false or fraudulent return  
21 with a willful intent to evade payment of any tax or fee  
22 imposed under this chapter is, in addition to the other  
23 penalties provided by law, liable for a specific penalty of  
24 100 percent of the tax bill or fee and for fine and punishment  
25 as provided in s. 775.082, s. 775.083, or s. 775.084.

26 1. If the total amount of unreported taxes or fees is  
27 less than \$300, the first offense is a misdemeanor of the  
28 second degree, the second offense is a misdemeanor of the  
29 first degree, and the third and each subsequent offense is a  
30 felony of the third degree.

31

1           2. If the total amount of unreported taxes or fees is  
2 at least \$300 but less than \$20,000, the offense is a felony  
3 of the third degree.

4           3. If the total amount of unreported taxes or fees is  
5 at least \$20,000 but less than \$100,000, the offense is a  
6 felony of the second degree.

7           4. If the total amount of unreported taxes or fees is  
8 \$100,000 or more, the offense is a felony of the first degree.

9 ~~In the case of a false or fraudulent return or a willful~~  
10 ~~intent to evade payment of any tax or fee imposed under this~~  
11 ~~chapter, in addition to the other penalties provided by law,~~  
12 ~~the person making such false or fraudulent return or willfully~~  
13 ~~attempting to evade the payment of such a tax or fee shall be~~  
14 ~~liable for a specific penalty of 100 percent of the tax bill~~  
15 ~~or fee and for fine and punishment as provided by law for a~~  
16 ~~conviction of a misdemeanor of the first degree.~~

17           (d)~~(b)~~ When any person, firm, or corporation fails to  
18 timely remit the proper estimated payment required under s.  
19 212.11, a specific penalty shall be added in an amount equal  
20 to 10 percent of any unpaid estimated tax. ~~Beginning with~~  
21 ~~January 1, 1985, returns,~~The department, upon a showing of  
22 reasonable cause, is authorized to waive or compromise  
23 penalties imposed by this paragraph. However, other penalties  
24 and interest shall be due and payable if the return on which  
25 the estimated payment was due was not timely or properly  
26 filed.

27           (e)~~(c)~~ Dealers filing a consolidated return pursuant  
28 to s. 212.11(1)(e)~~s. 212.11(1)(d)~~ shall be subject to the  
29 penalty established in paragraph (b) unless the dealer has  
30 paid the required estimated tax for his or her consolidated  
31 return as a whole without regard to each location. If the

1 dealer fails to pay the required estimated tax for his or her  
2 consolidated return as a whole, each filing location shall  
3 stand on its own with respect to calculating penalties  
4 pursuant to paragraph (b).

5 Section 16. Subsection (8) is added to section 213.27,  
6 Florida Statutes, to read:

7 213.27 Contracts with debt collection agencies.--

8 (8)(a) The executive director of the department may  
9 enter into contracts with private vendors to develop and  
10 implement systems for enhancing tax collections. The vendor's  
11 compensation under such a contract must be funded through  
12 increased tax collections. The amount of the compensation paid  
13 to a vendor must be a percentage of the increase in the amount  
14 of tax collected which is attributable to the system, after  
15 all administrative and judicial appeals are exhausted, and the  
16 total amount of compensation paid to a vendor may not exceed  
17 the maximum amount stated in the contract.

18 (b) A person acting on behalf of the department under  
19 a contract authorized by this section does not exercise any of  
20 the powers of the department, except that the person is an  
21 agent of the department for the purposes of developing and  
22 implementing a system for enhancing tax collections.

23 (c) Disclosure of information under this subsection  
24 must be governed by a written agreement between the executive  
25 director and the private vendor. The vendor is bound by the  
26 confidentiality requirements that apply to the Department of  
27 Revenue. Breach of confidentiality is a misdemeanor of the  
28 first degree, punishable as provided in s. 775.082 or s.  
29 775.083.

30 Section 17. Subsection (1) of section 213.67, Florida  
31 Statutes, 1998 Supplement, is amended to read:

1           213.67 Garnishment.--  
2           (1) If a person is delinquent in the payment of any  
3 taxes, penalties, and interest owed to the department, the  
4 executive director or his or her designee may give notice of  
5 the amount of such delinquency by registered mail to all  
6 persons having in their possession or under their control any  
7 credits or personal property, exclusive of wages, belonging to  
8 the delinquent taxpayer, or owing any debts to such delinquent  
9 taxpayer at the time of receipt by them of such notice.  
10 Thereafter, any person who has been notified may not transfer  
11 or make any other disposition of such credits, other personal  
12 property, or debts until the executive director or his or her  
13 designee consents to a transfer or disposition or until 60  
14 days after the receipt of such notice, except that the amount  
15 by which the value of the credits, other personal property, or  
16 debts, wherever held, exceeds the delinquent amount stipulated  
17 in the notice is exempt from this section if the dealer does  
18 not have a prior history of tax delinquencies. If during the  
19 effective period of the notice to withhold, any person so  
20 notified makes any transfer or disposition of the property or  
21 debts required to be withheld hereunder, he or she is liable  
22 to the state for any indebtedness owed to the department by  
23 the person with respect to whose obligation the notice was  
24 given to the extent of the value of the property or the amount  
25 of the debts thus transferred or paid if, solely by reason of  
26 such transfer or disposition, the state is unable to recover  
27 the indebtedness of the person with respect to whose  
28 obligation the notice was given. If the delinquent taxpayer  
29 contests the intended levy in circuit court or under chapter  
30 120, the notice under this section remains effective until  
31 that final resolution of the contest. Any financial

1 institution receiving such notice will maintain a right of  
2 setoff for any transaction involving a debit card occurring on  
3 or before the date of receipt of such notice.

4 Section 18. Effective January 1, 2000, section  
5 213.757, Florida Statutes, is created to read:

6 213.757 Willful failure to pay over funds or  
7 destruction of records by agent.--Any person who accepts from  
8 a taxpayer money that is due to the department, for the  
9 purpose of acting as the taxpayer's agent to make the payment  
10 to the department, but who willfully fails to remit the  
11 payment to the department when due, commits a felony of the  
12 third degree, punishable as provided in s. 775.082, s.  
13 775.083, or s. 775.084. Any person who has possession as a  
14 taxpayer's agent of the taxpayer's records that are required  
15 to be maintained under the revenue laws of this state and who  
16 intentionally destroys those records with the intent of  
17 depriving the state of tax revenues commits a felony of the  
18 third degree, punishable as provided in s. 775.082, s.  
19 775.083, or s. 775.084.

20 Section 19. Paragraph (b) of subsection (1) of section  
21 220.151, Florida Statutes, is amended to read:

22 220.151 Apportionment; methods for special  
23 industries.--

24 (1)

25 (b) If the principal source of premiums written by an  
26 insurance company consists of premiums for reinsurance  
27 accepted by it, the tax base of such company shall be  
28 apportioned to this state by multiplying such base by a  
29 fraction the numerator of which is the sum of:

30 1. Direct premiums written for insurance upon  
31 properties and risks in this state, plus

1           2. Premiums written for reinsurance, accepted in  
2 respect to properties and risks in this state,  
3  
4 and the denominator of which is the sum of direct premiums  
5 written for insurance upon properties and risks everywhere  
6 plus premiums written for reinsurance accepted in respect to  
7 properties and risks everywhere. For purposes of this  
8 paragraph, premiums written for reinsurance accepted in  
9 respect to properties and risks in this state, whether or not  
10 otherwise determinable, shall ~~may, at the election of the~~  
11 ~~company, either~~ be determined on the basis of the proportion  
12 which premiums written for reinsurance accepted from companies  
13 resident in or having a regional home office in the state  
14 bears to premiums written for reinsurance accepted from all  
15 sources ~~or, alternatively, on the basis of the proportion~~  
16 ~~which the sum of the direct premiums written for insurance~~  
17 ~~upon properties and risks in this state by each ceding company~~  
18 ~~from which reinsurance is accepted bears to the sum of the~~  
19 ~~total direct premiums written by each such ceding company for~~  
20 ~~the taxable year.~~

21           Section 20. Section 220.21, Florida Statutes, is  
22 amended to read:

23           220.21 Returns and records; regulations.--Every  
24 taxpayer liable for the tax imposed by this code shall keep  
25 such records, render such statements, make such returns and  
26 notices, and comply with such rules and regulations, as the  
27 department may from time to time prescribe. The director may  
28 require any taxpayer or class of taxpayers, by notice or by  
29 regulation, to make such returns and notices, render such  
30 statements, and keep such records as the director deems  
31 necessary to determine whether such taxpayer or taxpayers are

1 liable for tax under this code. The department may prescribe  
2 standards for acceptance of electronic or telephonic returns;  
3 however, national standards for taxpayer authentication must  
4 be used in lieu of signature.

5 Section 21. Subsection (3) of section 220.221, Florida  
6 Statutes, is amended to read:

7 220.221 Returns; signing and verification.--

8 (3) Each return or notice required to be filed under  
9 this code shall be verified by ~~a written~~ declaration that it  
10 is made under the penalties of perjury, and if prepared by  
11 someone other than the taxpayer the return shall also contain  
12 a declaration by the preparer that it was prepared on the  
13 basis of all information of which the preparer had knowledge.

14 Section 22. Paragraphs (a) and (b) of subsection (2)  
15 of section 220.222, Florida Statutes, 1998 Supplement, are  
16 amended to read:

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

18 (2)(a) When a taxpayer has been granted an extension  
19 or extensions of time within which to file its federal income  
20 tax return for any taxable year, and if the requirements of s.  
21 220.32 are met, the filing of a ~~written~~ request for such  
22 extension or extensions with the department shall  
23 automatically extend the due date of the return required under  
24 this code until 15 days after the expiration of the federal  
25 extension or until the expiration of 6 months from the  
26 original due date, whichever first occurs.

27 (b) The department may grant an extension or  
28 extensions of time for the filing of any return required under  
29 this code upon receiving a prior ~~written~~ request therefor if  
30 good cause for an extension is shown. However, the aggregate  
31 extensions of time under paragraphs (a) and (b) shall not



1 exceed 6 months. No extension granted under this paragraph  
2 shall be valid unless the taxpayer complies with the  
3 requirements of s. 220.32.

4 Section 23. Section 166.235, Florida Statutes, is  
5 created to read:

6 166.235 Procedure on purchaser's request for refund or  
7 credit.--

8 (1) A purchaser seeking a refund of or credit for  
9 public service taxes shall submit a written request therefor  
10 to the seller within the time prescribed in s. 166.234(6) and  
11 in accordance with this section. A request may not be granted  
12 unless the amount claimed was collected from the purchaser and  
13 was not due to any municipality.

14 (a) The request must be signed by the purchaser and is  
15 considered completed for purposes of this section and the  
16 limitations period if it states the purchaser's name, mailing  
17 address, and account number; the tax amounts claimed; the  
18 specific months during which those amounts were collected; and  
19 the reason for the purchaser's claim that such amounts were  
20 not due to any municipality. Upon receipt of a completed  
21 request, the seller shall ascertain whether it collected the  
22 tax claimed from the purchaser and whether the request is  
23 timely.

24 (b) Within 30 days following receipt of a completed  
25 request, the seller shall determine whether lists available  
26 pursuant to s. 166.233(3) support the purchaser's claim and  
27 whether all or any portion of the tax timely claimed was not  
28 due to any municipality and was collected solely as a result  
29 of the seller's error. The seller shall refund or credit the  
30 purchaser's account for any such amount within 45 days  
31 following its determination thereof.

1           (c) With respect to all amounts timely claimed which  
2 the seller collected from the purchaser and which the seller  
3 has not determined to be subject to refund or credit pursuant  
4 to paragraph (b), the seller shall within 30 days following  
5 receipt of the completed request provide a copy thereof to  
6 each municipality to which the taxes claimed were remitted and  
7 to each municipality that has asserted in writing the right to  
8 impose the tax in a geographic area that includes the  
9 purchaser's billing address or service address, as the case  
10 may be. Within 30 days following receipt of such information,  
11 each such municipality shall notify the seller in writing if  
12 it approves the issuance of a refund or credit for all or a  
13 specified portion of the purchaser's claim. A municipality  
14 shall approve the refund or credit except to the extent that  
15 the tax was due to such municipality. Within 45 days  
16 following receipt of notifications establishing that all of  
17 the municipalities receiving the request have approved a  
18 refund or credit, the seller shall issue a refund or credit  
19 the purchaser's account for the amount approved by all such  
20 municipalities. The seller's obligation to refund or credit  
21 the purchaser's account is limited to amounts approved in  
22 accordance with this section. The seller is entitled to a  
23 corresponding refund or credit from any municipality to which  
24 the tax was remitted.

25           (d) The seller shall issue a written response advising  
26 the purchaser of the disposition of the purchaser's request.  
27 The response shall specify any portion of the tax claimed that  
28 is being refunded or credited to the purchaser's account and  
29 the reason for denial of any portion of the request. Reasons  
30 for denial include untimely submission of the request, the  
31 failure of the seller to collect the tax claimed, the absence

1 of municipal approval to issue a refund or credit, the  
2 previous receipt by the purchaser of a refund of or credit for  
3 the same tax, and the failure to provide information required  
4 to complete the request. A copy of each notification received  
5 from a municipality pursuant to paragraph (c) must accompany  
6 the response. If the seller submitted the request to a  
7 municipality but received no such notification, the response  
8 must so state. With respect to any portion of the request  
9 that is granted, the response must be issued at the time of  
10 refund or credit to the purchaser's account. With respect to  
11 any portion of the request which is denied, the response must  
12 be issued within 90 days following receipt of the purchaser's  
13 completed request.

14 (e) The seller may deduct from any refund or credit  
15 under this section any amount owed by the purchaser to the  
16 seller which is delinquent.

17 (2) This section provides the sole and exclusive  
18 procedure and remedy for a purchaser who claims that a seller  
19 has collected municipal public service taxes that were not  
20 due. An action arising as a result of the claimed collection  
21 of municipal public service taxes that were not due may not be  
22 commenced or maintained by or on behalf of a purchaser against  
23 a seller or a municipality unless the purchaser pleads and  
24 proves that the purchaser has exhausted the procedures in  
25 subsection (1) and that the defendant has failed to comply  
26 with that subsection; however, no determination of a seller  
27 under paragraph (1)(b) shall be deemed to be a failure to  
28 comply with subsection (1) if the seller has complied with  
29 paragraphs (1)(c) and (d). In any such action it is a  
30 complete defense that the seller or municipality has refunded  
31 the taxes claimed or has credited the purchaser's account

1 therewith; and in such an action against a seller it is a  
2 complete defense that the seller collected the tax in reliance  
3 upon written information provided by a municipality pursuant  
4 to s. 166.233(3) or supplementing such information. Such an  
5 action must be commenced within 180 days following the  
6 purchaser's submission of a completed request, or it is  
7 barred. The relief available to a purchaser as a result of  
8 collection of municipal public service taxes that were not due  
9 is limited to a refund of or credit for such taxes.

10           Section 24. Section 166.235, Florida Statutes, as  
11 created by this act, is remedial in nature, and applies to all  
12 claims asserted by purchasers before, on, or after the  
13 effective date of this act based upon the alleged collection  
14 of municipal public service taxes that were not due, except  
15 for claims that have been finally resolved by judgment,  
16 settlement, or the issuance of refunds or credits before the  
17 effective date of this act. With respect to any claim that  
18 was properly asserted before the effective date of this act  
19 and that is the subject of pending litigation in a trial or  
20 appellate court on or after the effective date of this act,  
21 the court shall, upon motion, direct the parties to comply  
22 with the procedures prescribed in section 166.235, Florida  
23 Statutes, as created by this act, and allow such amendments of  
24 the pleadings and enter such other orders as are appropriate  
25 to dispose of the cause in a manner consistent with section  
26 166.235, Florida Statutes, as created by this act.

27           Section 25. Except as otherwise expressly provided in  
28 this act, this act shall take effect July 1, 1999, except that  
29 the amendments made by this act to sections 198.12, 198.13,  
30 198.23, 198.26, 198.32, 198.33, and 198.39, Florida Statutes,  
31 apply to taxes with respect to estates of decedents who have

1 passed away after December 31, 1999, and the law in effect  
2 before January 1, 2000, shall apply to estates of decedents  
3 who have passed away before such date.  
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