

1                                   A bill to be entitled  
2                   An act relating to taxation; amending s.  
3                   95.091, F.S.; specifying the time period within  
4                   which the Department of Revenue and Department  
5                   of Business and Professional Regulation may  
6                   determine and assess the amount of certain  
7                   taxes, penalties, or interest due beginning  
8                   July 1, 2002; correcting a reference; amending  
9                   s. 106.265, F.S.; providing that the Florida  
10                  Elections Commission, rather than the  
11                  Department of Revenue, shall have  
12                  responsibility for collecting civil penalties  
13                  for violation of chapter 104 or chapter 106,  
14                  F.S.; amending s. 166.231(1), F.S.; to allow a  
15                  municipality to levy tax on water service  
16                  outside municipal boundaries if an agreement is  
17                  reached by specific date; amending ss. 175.111  
18                  and 185.09, F.S.; removing a requirement that  
19                  insurers subject to a premium tax for a  
20                  municipal or special district firefighter  
21                  pension plan or a municipal police pension plan  
22                  file an annual premium receipt report with the  
23                  Division of Retirement; amending s. 213.053,  
24                  F.S.; authorizing the Department of Revenue to  
25                  share information regarding such reports with  
26                  the Department of Management Services, and to  
27                  share certain identifying information with the  
28                  Department of Highway Safety and Motor  
29                  Vehicles; creating s. 189.420, F.S.; providing  
30                  requirements with respect to special district  
31                  assessments on facilities regulated under ch.

1 513, F.S.; amending s. 203.01, F.S.;

2 authorizing the department to require

3 quarterly, semiannual, or annual returns for

4 the tax on gross receipts for utility services

5 under certain conditions; amending ss. 206.09

6 and 206.095, F.S.; authorizing the department

7 to suspend a requirement for certain reports

8 from carriers transporting, or terminal

9 operators handling, motor fuel and similar

10 products, under certain conditions; amending s.

11 212.051, F.S.; including specialty chemicals

12 and bioaugmentation products within the sales

13 tax exemption for equipment and machinery used

14 for pollution control in connection with the

15 manufacture of items of tangible personal

16 property for sale; providing definitions;

17 amending s. 212.06, F.S.; clarifying language

18 with respect to the exemption from the indexed

19 tax on manufactured asphalt for asphalt used

20 for government public works projects;

21 specifying that the exemption includes federal

22 projects; amending s. 212.08, F.S.; revising

23 application of the exemption for portable

24 containers used for processing farm products;

25 providing conditions under which the full sales

26 tax exemption for machinery and equipment used

27 to produce electrical or steam energy will

28 apply when both residual and nonresidual fuels

29 are used; revising application of the sales tax

30 exemption for repair and labor charges for

31 certain industrial machinery and equipment;

1 providing intent; providing an exemption for  
 2 people-mover systems and parts thereof  
 3 purchased or manufactured by certain  
 4 contractors; providing an exemption for the  
 5 purchase of component parts by, and other  
 6 manufacturing costs incurred by, certain  
 7 contractors who manufacture and install such  
 8 systems and parts; providing definitions;  
 9 amending s. 212.11, F.S.; authorizing the  
 10 department to allow a sales tax dealer to  
 11 continue to use a filing frequency when the  
 12 dealer exceeds the maximum tax for that  
 13 frequency, under certain conditions; amending  
 14 s. 212.12, F.S.; revising provisions which  
 15 authorize the department to sample a dealer's  
 16 records when such records are adequate but  
 17 voluminous, in order to determine the dealer's  
 18 tax liability; providing that overpayments and  
 19 deficiencies shall be projected over the entire  
 20 audit period, and the tax deficiency reduced or  
 21 refund made as necessary; providing intent;  
 22 amending s. 213.015, F.S.; specifying  
 23 additional taxpayer rights with respect to  
 24 treatment by department personnel and  
 25 explanation of the reason for audit selection;  
 26 amending s. 213.21, F.S.; providing conditions  
 27 under which a taxpayer's liability may be  
 28 compromised when the taxpayer establishes  
 29 reasonable reliance on written advice issued by  
 30 the department; providing application;  
 31 repealing s. 213.235(6), F.S., which relates to

1 application of the annual rate of interest  
 2 applicable to tax payment deficiencies as  
 3 determined under said section; amending s.  
 4 213.27, F.S.; authorizing the department to  
 5 contract with public or private vendors to  
 6 develop and implement a voluntary system for  
 7 sales and use tax collection and  
 8 administration; providing for compensation;  
 9 requiring reports; providing for application of  
 10 provisions of chapter 212, F.S., to system  
 11 users; providing for maintenance of  
 12 confidentiality of certain information;  
 13 providing a penalty; amending s. 220.03, F.S.;  
 14 updating references to the Internal Revenue  
 15 Code for corporate income tax purposes;  
 16 providing for retroactive effect; amending s.  
 17 220.62, F.S.; including savings association  
 18 holding companies registered under the  
 19 Homeowners' Loan Act within the definition of  
 20 "savings association" for purposes of the  
 21 franchise tax on banks and savings  
 22 associations; providing that s. 1 of ch.  
 23 98-187, Laws of Florida, which amends s.  
 24 201.09, F.S., to provide liability for the  
 25 excise tax on documents when a renewal note  
 26 increases the unpaid balance or the original  
 27 face amount of the original contract and  
 28 obligation, applies retroactively to certain  
 29 term obligations; directing the Division of  
 30 Retirement to adjust a municipality's 1997 base  
 31 year revenue for purposes of its own pension

1 plan for firefighters or police officers based  
2 on specified information; authorizing the  
3 department to provide data to the division;  
4 providing that, for a specified period, persons  
5 classified under SIC Industry Group Number 212  
6 who paid tax under ch. 212, F.S., on certain  
7 charges for steam or electrical energy entitled  
8 to exemption are entitled to a refund, and that  
9 such persons who did not pay the tax are not  
10 required to pay the tax, penalty, or interest;  
11 providing that failure to timely file a  
12 consolidated return for intangible personal  
13 property tax for any one or more years shall  
14 not prejudice a taxpayer's right to file a  
15 consolidated return under certain conditions;  
16 providing effective dates.

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

19  
20 Section 1. Paragraph (a) of subsection (3) of section  
21 95.091, Florida Statutes, is amended to read:

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

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

7           b. Effective July 1, 2002, notwithstanding  
8 sub-subparagraph a., within 3 years after the date the tax is  
9 due, any return with respect to the tax is due, or such return  
10 is filed, whichever occurs later;

11           2. For taxes due before July 1, 1999, within 6 years  
12 after the date the taxpayer either makes a substantial  
13 underpayment of tax, or files a substantially incorrect  
14 return;

15           3. At any time while the right to a refund or credit  
16 of the tax is available to the taxpayer;

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

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

26           6. In any case in which there has been a refund of tax  
27 erroneously made for any reason:

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

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

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

5 Section 2. Subsection (2) of section 106.265, Florida  
6 Statutes, is amended to read:

7 106.265 Civil penalties.--

8 (2) If any person, political committee, committee of  
9 continuous existence, or political party fails or refuses to  
10 pay to the commission any civil penalties assessed pursuant to  
11 the provisions of this section, the commission ~~Department of~~  
12 ~~Revenue~~ shall be responsible for collecting the civil  
13 penalties resulting from such action.

14 Section 3. Subsection (1) of section 166.231, Florida  
15 Statutes, is amended, to read:

16 166.231 Municipalities; public service tax.--

17 (1)(a) A municipality may levy a tax on the purchase  
18 of electricity, metered natural gas, liquefied petroleum gas  
19 either metered or bottled, manufactured gas either metered or  
20 bottled, and water service. Except for those municipalities in  
21 which (c) applies, the tax shall be levied only upon purchases  
22 within the municipality and shall not exceed 10 percent of the  
23 payments received by the seller of the taxable item from the  
24 purchaser for the purchase of such service. Municipalities  
25 imposing a tax on the purchase of cable television service as  
26 of May 4, 1977, may continue to levy such tax to the extent  
27 necessary to meet all obligations to or for the benefit of  
28 holders of bonds or certificates which were issued prior to  
29 May 4, 1977. Purchase of electricity means the purchase of  
30 electric power by a person who will consume it within the  
31 municipality.

1 (b) The tax imposed by paragraph (a) shall not be  
2 applied against any fuel adjustment charge, and such charge  
3 shall be separately stated on each bill. The term "fuel  
4 adjustment charge" means all increases in the cost of utility  
5 services to the ultimate consumer resulting from an increase  
6 in the cost of fuel to the utility subsequent to October 1,  
7 1973.

8 (c) The tax in paragraph (a) on water service may be  
9 applied outside municipal boundaries to property included in a  
10 development of regional impact approved pursuant to s. 380.06,  
11 if agreed to in writing by the development of such property  
12 and the municipality prior to March 31, 2000, if a tax levied  
13 pursuant to the subsection is challenged, recovery, if any,  
14 shall be limited to monies paid into an escrow account of the  
15 clerk of the court subsequent to such challenge.

16 Section 4. Section 175.111, Florida Statutes, is  
17 amended to read:

18 175.111 Certified copy of ordinance or resolution  
19 filed; insurance companies' annual report of premiums;  
20 duplicate files; book of accounts.--For any municipality,  
21 special fire control district, chapter plan, local law  
22 municipality, local law special fire control district, or  
23 local law plan under this chapter, whenever any municipality  
24 passes an ordinance or whenever any special fire control  
25 district passes a resolution establishing a chapter plan or  
26 local law plan assessing and imposing the taxes authorized in  
27 s. 175.101, a certified copy of such ordinance or resolution  
28 shall be deposited with the division. Thereafter every  
29 insurance company, association, corporation, or other insurer  
30 carrying on the business of property insurance on real or  
31 personal property, on or before the succeeding March 1 after



1 date of the passage of the ordinance or resolution, shall  
 2 report fully in writing and under oath to the division and the  
 3 Department of Revenue a just and true account of all premiums  
 4 by such insurer received for property insurance policies  
 5 covering or insuring any real or personal property located  
 6 within the corporate limits of each such municipality or  
 7 special fire control district during the period of time  
 8 elapsing between the date of the passage of the ordinance or  
 9 resolution and the end of the calendar year. The report shall  
 10 include the code designation as prescribed by the division for  
 11 each piece of insured property, real or personal, located  
 12 within the corporate limits of each municipality and within  
 13 the legally defined boundaries of each special fire control  
 14 district. The aforesaid insurer shall annually thereafter, on  
 15 March 1, file with ~~the division and~~ the Department of Revenue  
 16 a similar report covering the preceding year's premium  
 17 receipts, and every such insurer at the same time of making  
 18 such reports shall pay to the Department of Revenue the amount  
 19 of the tax hereinbefore mentioned. Every insurer engaged in  
 20 carrying on such insurance business in the state shall keep  
 21 accurate books of accounts of all such business done by it  
 22 within the corporate limits of each such municipality and  
 23 within the legally defined boundaries of each such special  
 24 fire control district, and in such manner as to be able to  
 25 comply with the provisions of this chapter. Based on the  
 26 insurers' reports of premium receipts, the division shall  
 27 prepare a consolidated premium report and shall furnish to any  
 28 municipality or special fire control district requesting the  
 29 same a copy of the relevant section of that report.

30 Section 5. Section 185.09, Florida Statutes, is  
 31 amended to read:

1           185.09 Report of premiums paid; date tax payable.--For  
 2 any municipality, chapter plan, local law municipality, or  
 3 local law plan under this chapter, whenever any municipality  
 4 passes an ordinance establishing a chapter plan or local law  
 5 plan and assessing and imposing the tax authorized in s.  
 6 185.08, a certified copy of such ordinance shall be deposited  
 7 with the division; and thereafter every insurance company,  
 8 corporation, or other insurer carrying on the business of  
 9 casualty insuring, on or before the succeeding March 1 after  
 10 date of the passage of the ordinance, shall report fully in  
 11 writing to the division and the Department of Revenue a just  
 12 and true account of all premiums received by such insurer for  
 13 casualty insurance policies covering or insuring any property  
 14 located within the corporate limits of such municipality  
 15 during the period of time elapsing between the date of the  
 16 passage of the ordinance and the end of the calendar year. The  
 17 aforesaid insurer shall annually thereafter, on March 1, file  
 18 with ~~the division and~~ the Department of Revenue a similar  
 19 report covering the preceding year's premium receipts. Every  
 20 such insurer shall, at the time of making such report, pay to  
 21 the Department of Revenue the amount of the tax heretofore  
 22 mentioned. Every insurer engaged in carrying on a general  
 23 casualty insurance business in the state shall keep accurate  
 24 books of account of all such business done by it within the  
 25 limits of such incorporated municipality in such a manner as  
 26 to be able to comply with the provisions of this chapter.  
 27 Based on the insurers' reports of premium receipts, the  
 28 division shall prepare a consolidated premium report and shall  
 29 furnish to any municipality requesting the same a copy of the  
 30 relevant section of that report.  
 31

1           Section 6. Paragraphs (r) and (s) are added to  
2 subsection (7) of section 213.053, Florida Statutes, to read:

3           213.053 Confidentiality and information sharing.--

4           (7) Notwithstanding any other provision of this  
5 section, the department may provide:

6           (r) Information relative to the returns required by  
7 ss. 175.111 and 185.09 to the Department of Management  
8 Services in the conduct of its official duties. The Department  
9 of Management Services is, in turn, authorized to disclose  
10 payment information to a governmental agency as necessary in  
11 the administration of chapters 175 and 185.

12           (s) Names, addresses, and federal employer  
13 identification numbers, or similar identifiers, to the  
14 Department of Highway Safety and Motor Vehicles for use in the  
15 conduct of its official duties.

16  
17 Disclosure of information under this subsection shall be  
18 pursuant to a written agreement between the executive director  
19 and the agency. Such agencies, governmental or  
20 nongovernmental, shall be bound by the same requirements of  
21 confidentiality as the Department of Revenue. Breach of  
22 confidentiality is a misdemeanor of the first degree,  
23 punishable as provided by s. 775.082 or s. 775.083.

24           Section 7. Section 189.420, Florida Statutes, is  
25 created to read:

26           189.420 Assessments levied on facilities regulated  
27 under chapter 513.--When an independent or dependent special  
28 district levies an assessment on a facility regulated under  
29 chapter 513, the assessment shall not be based on the  
30 assertion that the facility is comprised of residential units.  
31 Instead, facilities regulated under chapter 513 shall be

1 assessed in the same manner as a hotel, motel, or other  
2 similar facility.

3 Section 8. Effective January 1, 2001, paragraph (g) is  
4 added to subsection (1) of section 203.01, Florida Statutes,  
5 to read:

6 203.01 Tax on gross receipts for utility services.--

7 (1)(a) Every person that receives payment for any  
8 utility service shall report by the last day of each month to  
9 the Department of Revenue, under oath of the secretary or some  
10 other officer of such person, the total amount of gross  
11 receipts derived from business done within this state, or  
12 between points within this state, for the preceding month and,  
13 at the same time, shall pay into the State Treasury an amount  
14 equal to a percentage of such gross receipts at the rate set  
15 forth in paragraph (b). Such collections shall be certified  
16 by the Comptroller upon the request of the State Board of  
17 Education.

18 (b) Beginning July 1, 1992, and thereafter, the rate  
19 shall be 2.5 percent.

20 (c) Any person who purchases, installs, rents, or  
21 leases a telephone system or telecommunication system for his  
22 or her own use to provide that person with telephone service  
23 or telecommunication service which is a substitute for any  
24 telephone company switched service or a substitute for any  
25 dedicated facility by which a telephone company provides a  
26 communication path shall register with the Department of  
27 Revenue and pay into the State Treasury a yearly amount equal  
28 to a percentage of the actual cost of operating such system at  
29 the rate set forth in paragraph (b). "Actual cost" includes,  
30 but is not limited to, depreciation, interest, maintenance,  
31 repair, and other expenses directly attributable to the

1 operation of such system. For purposes of this paragraph, the  
2 depreciation expense to be included in actual cost shall be  
3 the depreciation expense claimed for federal income tax  
4 purposes. The total amount of any payment required by a lease  
5 or rental contract or agreement shall be included within the  
6 actual cost. The provisions of this paragraph do not apply to  
7 the use by any local telephone company or any  
8 telecommunication carrier of its own telephone system or  
9 telecommunication system to conduct a telecommunication  
10 service for hire or to the use of any radio system operated by  
11 any county or municipality or by the state or any political  
12 subdivision thereof. If a system described in this paragraph  
13 is located in more than one state, the actual cost of such  
14 system for purposes of this paragraph shall be the actual cost  
15 of the system's equipment located in Florida. The term  
16 "telecommunications carrier" specifically includes cellular  
17 telephone carriers and other radio common carriers.

18 (d) Electricity produced by cogeneration or by small  
19 power producers which is transmitted and distributed by a  
20 public utility between two locations of a customer of the  
21 utility pursuant to s. 366.051 is subject to the tax imposed  
22 by this section. The tax shall be applied to the cost price  
23 of such electricity as provided in s. 212.02(4) and shall be  
24 paid each month by the producer of such electricity.

25 (e) Electricity produced by cogeneration or by small  
26 power producers during the 12-month period ending June 30 of  
27 each year which is in excess of nontaxable electricity  
28 produced during the 12-month period ending June 30, 1990, is  
29 subject to the tax imposed by this section. The tax shall be  
30 applied to the cost price of such electricity as provided in  
31 s. 212.02(4) and shall be paid each month, beginning with the

1 month in which total production exceeds the production of  
 2 nontaxable electricity for the 12-month period ending June 30,  
 3 1990. For purposes of this paragraph, "nontaxable  
 4 electricity" means electricity produced by cogeneration or by  
 5 small power producers which is not subject to tax under  
 6 paragraph (d). Taxes paid pursuant to paragraph (d) may be  
 7 credited against taxes due under this paragraph. Electricity  
 8 generated as part of an industrial manufacturing process which  
 9 manufactures products from phosphate rock, raw wood fiber,  
 10 paper, citrus or any agricultural product shall not be subject  
 11 to the tax imposed by this paragraph. "Industrial  
 12 manufacturing process" means the entire process conducted at  
 13 the location where the process takes place.

14 (f) Any person other than a cogenerator or small power  
 15 producer described in paragraph (e) who produces for his or  
 16 her own use electrical energy which is a substitute for  
 17 electrical energy produced by an electric utility as defined  
 18 in s. 366.02 is subject to the tax imposed by this section.  
 19 The tax shall be applied to the cost price of such electrical  
 20 energy as provided in s. 212.02(4) and shall be paid each  
 21 month. The provisions of this paragraph do not apply to any  
 22 electrical energy produced and used by an electric utility.

23 (g) Notwithstanding any other provision of this  
 24 chapter, with the exception of a telephone or  
 25 telecommunication system described in paragraph (c), the  
 26 department may require:

27 1. A quarterly return and payment when the tax  
 28 remitted for the preceding four calendar quarters did not  
 29 exceed \$1,000;  
 30  
 31

1           2. A semiannual return and payment when the tax  
2 remitted for the preceding four calendar quarters did not  
3 exceed \$500; or

4           3. An annual return and payment when the tax remitted  
5 for the preceding four calendar quarters did not exceed \$100.

6           Section 9. Effective July 1, 2000, section 206.09,  
7 Florida Statutes, is amended to read:

8           206.09 Reports from carriers transporting motor fuel  
9 or similar products.--

10           (1) Every railroad company, pipeline company, water  
11 transportation company, private carrier, and common carrier  
12 transporting motor fuel, casinghead gasoline, natural  
13 gasoline, naphtha, or diesel fuel distillate, either in  
14 interstate or intrastate or foreign commerce, to points within  
15 Florida, and every person transporting motor fuel, casinghead  
16 gasoline, natural gasoline, naphtha, or diesel fuel  
17 distillate, by whatever manner, to a point in Florida from any  
18 point outside of said state, shall file monthly returns  
19 setting forth:

20           (a) The name under which such person is transacting  
21 business within the state.

22           (b) The location with street number address of such  
23 person's principal office or place of business within the  
24 state.

25           (c) The name, federal employer identification number  
26 or, if such number is not available, the social security  
27 number, and business address of the owner or the names and  
28 addresses of the partners, if such person is a partnership, or  
29 the principal officers, if such person is a corporation or  
30 association.

31

1           (2) Such person or company shall report under oath to  
2 the department on forms prescribed by the department all  
3 deliveries of motor fuel, casinghead gasoline, natural  
4 gasoline, naphtha, or diesel fuel distillate so made to points  
5 within the state.

6           (3) Such reports shall cover monthly periods and be  
7 submitted within 20 days after the close of the month covered  
8 by the report and shall show:

9           (a) The name, federal employer identification number  
10 or, if such number is not available, the social security  
11 number, and complete business address of the person to whom  
12 the deliveries of motor fuel, casinghead gasoline, natural  
13 gasoline, naphtha, or diesel fuel distillate have actually and  
14 in fact been made;

15           (b) The name, federal employer identification number  
16 or, if such number is not available, the social security  
17 number, and complete business address of the originally named  
18 consignee, if motor fuel, casinghead gasoline, natural  
19 gasoline, naphtha, or diesel fuel distillate has been  
20 delivered to any person other than the originally named  
21 consignee;

22           (c) The municipality and state of origin, the  
23 municipality, county, and state of delivery, the date of  
24 delivery, and the number and initials of each tank car and the  
25 number of gallons contained therein, if shipped by rail;

26           (d) The name of the boat, barge, or vessel and the  
27 number of gallons contained therein, if shipped by water;

28           (e) The company unit number of each tank truck and the  
29 number of gallons contained therein, if transported by motor  
30 truck;

31



1 (f) If delivered by other means, the manner in which  
2 such delivery is made; and

3 (g) Such other additional information relative to  
4 shipments of motor fuel as the department may require.

5 (4) The department is authorized to suspend the  
6 reporting requirements of this section if substantially the  
7 same data is filed with the Internal Revenue Service and  
8 provided to the department through a national information  
9 reporting system.

10 (5)~~(4)~~ If any such person or company required to file  
11 under this section fails to make a complete report, the  
12 department shall impose, in addition to any other penalty or  
13 interest due, a penalty in the amount of \$200.

14 Section 10. Effective July 1, 2000, section 206.095,  
15 Florida Statutes, is amended to read:

16 206.095 Reports from terminal operators.--

17 (1) Every terminal operator who stores, handles, or  
18 transfers motor fuel, casinghead gasoline, natural gasoline,  
19 naphtha, diesel fuel, kerosene, or other middle distillates  
20 shall file a report on forms prescribed by the department.  
21 The report shall be filed on a monthly basis within 20 days  
22 after the close of the month covered by the report and shall  
23 show:

24 (a) The name, address, and license number of the  
25 terminal supplier, importer, or exporter storing or  
26 transferring such product.

27 (b) The name of the boat, barge, or vessel  
28 transporting the product to the terminal.

29 (c) The number of gallons and type of product which is  
30 being stored.

31

1 (d) Such other additional information relative to  
2 shipments and storage of products as the department may  
3 require.

4 (2) The department is authorized to suspend the  
5 reporting requirements of this section if substantially the  
6 same data is filed with the Internal Revenue Service and  
7 provided to the department through a national information  
8 reporting system.

9 (3)~~(2)~~ If any terminal operator fails to make a  
10 complete report, the department shall impose, in addition to  
11 any other penalty and interest due, a penalty in the amount of  
12 \$100.

13 Section 11. Effective July 1, 2000, section 212.051,  
14 Florida Statutes, is amended to read:

15 212.051 Equipment, or machinery, and other materials  
16 for pollution control; not subject to sales or use tax.--

17 (1) Notwithstanding any provision to the contrary,  
18 sales, use, or privilege taxes shall not be collected with  
19 respect to any facility, device, fixture, equipment, ~~or~~  
20 machinery, specialty chemical, or bioaugmentation product used  
21 primarily for the control or abatement of pollution or  
22 contaminants in manufacturing, processing, compounding, or  
23 producing for sale items of tangible personal property at a  
24 fixed location, or any structure, machinery, or equipment  
25 installed in the reconstruction or replacement of such  
26 facility, device, fixture, equipment, or machinery. To  
27 qualify, such facility, device, fixture, equipment, ~~or~~  
28 structure, specialty chemical, or bioaugmentation product must  
29 be used, installed, or constructed to meet a law implemented  
30 by, or a condition of a permit issued by, the Department of  
31 Environmental Protection; however, such exemption shall not be

1 allowed unless the purchaser signs a certificate stating that  
2 the facility, device, fixture, equipment, ~~or~~ structure,  
3 specialty chemical, or bioaugmentation product to be exempted  
4 is required to meet such law or condition.

5 (2) Equipment, machinery, or materials required to  
6 meet any law implemented by, or any condition of a permit  
7 issued by, the Department of Environmental Protection that are  
8 purchased for the monitoring, prevention, abatement, or  
9 control of pollution or contaminants at privately owned or  
10 operated landfills or construction and demolition debris  
11 disposal facilities shall be exempt from taxation as otherwise  
12 imposed by this chapter; however, such exemption shall not be  
13 allowed unless the purchaser signs a certificate stating that  
14 the equipment, machinery, or materials to be exempted are  
15 required to meet such law or condition. This exemption does  
16 not include solid waste collection vehicles, compactors,  
17 graders, or other earthmoving equipment.

18 (3) For the purposes of this section, "specialty  
19 chemicals" means those chemicals used to enhance or further  
20 treat wastewater, including, but not limited to, defoamers,  
21 nutrients, and polymers, and "bioaugmentation products" means  
22 the microorganisms used in waste treatment plants to break  
23 down solids and consume organic matter.

24 Section 12. (1) Paragraph (c) of subsection (1) of  
25 section 212.06, Florida Statutes, is amended to read:

26 212.06 Sales, storage, use tax; collectible from  
27 dealers; "dealer" defined; dealers to collect from purchasers;  
28 legislative intent as to scope of tax.--

29 (1)

30 (c)1. Notwithstanding the provisions of paragraph (b),  
31 the use tax on asphalt manufactured for one's own use shall be

1 calculated with respect to paragraph (b) only upon the cost of  
 2 materials which become a component part or which are an  
 3 ingredient of the finished asphalt and upon the cost of the  
 4 transportation of such components and ingredients. In  
 5 addition, an indexed tax of 38 cents per ton of such  
 6 manufactured asphalt shall be due at the same time and in the  
 7 same manner as taxes due pursuant to paragraph (b). Beginning  
 8 July 1, 1989, the indexed tax shall be adjusted each July 1 to  
 9 an amount, rounded to the nearest cent, equal to the product  
 10 of 38 cents multiplied by a fraction, the numerator of which  
 11 is the annual average of the "materials and components for  
 12 construction" series of the producer price index, as  
 13 calculated and published by the United States Department of  
 14 Labor, Bureau of Statistics, for the previous calendar year,  
 15 and the denominator of which is the annual average of said  
 16 series for calendar year 1988.

17 2. Beginning July 1, 1999, the indexed tax imposed by  
 18 this paragraph ~~on shall not apply to~~ manufactured asphalt  
 19 which is used for any federal, state, or local government  
 20 public works project shall be reduced by 20 percent. ~~Beginning~~  
 21 ~~July 1, 1999, 20 percent of such amount is exempt.~~

22 (2) It is the intent of the Legislature that the  
 23 amendment to s. 212.06(1)(c), Florida Statutes, by this  
 24 section is remedial in nature and merely clarifies existing  
 25 law.

26 Section 13. (1) Effective July 1, 2000, paragraphs  
 27 (a) and (c) of subsection (5) and paragraph (eee) of  
 28 subsection (7) of section 212.08, Florida Statutes, are  
 29 amended, and paragraph (ggg) is added to subsection (7) of  
 30 said section, to read:

31

1           212.08 Sales, rental, use, consumption, distribution,  
 2 and storage tax; specified exemptions.--The sale at retail,  
 3 the rental, the use, the consumption, the distribution, and  
 4 the storage to be used or consumed in this state of the  
 5 following are hereby specifically exempt from the tax imposed  
 6 by this chapter.

7           (5) EXEMPTIONS; ACCOUNT OF USE.--

8           (a) Items in agricultural use and certain nets.--There  
 9 are exempt from the tax imposed by this chapter nets designed  
 10 and used exclusively by commercial fisheries; disinfectants,  
 11 fertilizers, insecticides, pesticides, herbicides, fungicides,  
 12 and weed killers used for application on crops or groves,  
 13 including commercial nurseries and home vegetable gardens,  
 14 used in dairy barns or on poultry farms for the purpose of  
 15 protecting poultry or livestock, or used directly on poultry  
 16 or livestock; portable containers or moveable receptacles in  
 17 which portable containers are placed, used for processing farm  
 18 products; field and garden seeds, including flower seeds;  
 19 nursery stock, seedlings, cuttings, or other propagative  
 20 material purchased for growing stock; seeds, seedlings,  
 21 cuttings, and plants used to produce food for human  
 22 consumption; cloth, plastic, and other similar materials used  
 23 for shade, mulch, or protection from frost or insects on a  
 24 farm; generators used on poultry farms; and liquefied  
 25 petroleum gas or other fuel used to heat a structure in which  
 26 started pullets or broilers are raised; however, such  
 27 exemption shall not be allowed unless the purchaser or lessee  
 28 signs a certificate stating that the item to be exempted is  
 29 for the exclusive use designated herein. Also exempt are  
 30 cellophane wrappers, glue for tin and glass (apiarists),  
 31 mailing cases for honey, shipping cases, window cartons, and

1 baling wire and twine used for baling hay, when used by a  
2 farmer to contain, produce, or process an agricultural  
3 commodity.

4 (c) Machinery and equipment used in production of  
5 electrical or steam energy.--

6 1. The purchase of machinery and equipment for use at  
7 a fixed location which machinery and equipment are necessary  
8 in the production of electrical or steam energy resulting from  
9 the burning of boiler fuels other than residual oil is exempt  
10 from the tax imposed by this chapter. Such electrical or  
11 steam energy must be primarily for use in manufacturing,  
12 processing, compounding, or producing for sale items of  
13 tangible personal property in this state. Use of a de minimis  
14 amount of residual fuel to facilitate the burning of  
15 nonresidual fuel shall not reduce the exemption otherwise  
16 available under this paragraph.

17 2. In facilities where machinery and equipment are  
18 necessary to burn both residual and nonresidual fuels, the  
19 exemption shall be prorated. Such proration shall be based  
20 upon the production of electrical or steam energy from  
21 nonresidual fuels as a percentage of electrical or steam  
22 energy from all fuels. If it is determined that 15 percent or  
23 less of all electrical or steam energy generated was produced  
24 by burning residual fuel, the full exemption shall apply.  
25 Purchasers claiming a partial exemption shall obtain such  
26 exemption by refund of taxes paid, or as otherwise provided in  
27 the department's rules.

28 3. The department may adopt rules that provide for  
29 implementation of this exemption. Purchasers of machinery and  
30 equipment qualifying for the exemption provided in this  
31 paragraph shall furnish the department with an affidavit

1 stating that the item or items to be exempted are for the use  
2 designated herein. Any person furnishing a false affidavit to  
3 the vendor for the purpose of evading payment of any tax  
4 imposed under this chapter shall be subject to the penalty set  
5 forth in s. 212.085 and as otherwise provided by law.  
6 Purchasers with self-accrual authority shall maintain all  
7 documentation necessary to prove the exempt status of  
8 purchases.

9 (7) MISCELLANEOUS EXEMPTIONS.--

10 (eee) Certain repair and labor charges.--

11 1. Subject to the provisions of subparagraphs 2. and  
12 3., there is exempt from the tax imposed by this chapter all  
13 labor charges for the repair of, and parts and materials used  
14 in the repair of and incorporated into, industrial machinery  
15 and equipment which is used for the manufacture, processing,  
16 compounding, or production, or preparation for shipping of  
17 items of tangible personal property at a fixed location within  
18 this state.

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 and Industry Group Number 212. As used  
23 in this subparagraph, "SIC" means those classifications  
24 contained in the Standard Industrial Classification Manual,  
25 1987, as published by the Office of Management and Budget,  
26 Executive Office of the President.

27 3. This exemption shall be applied as follows:

28 a. Beginning July 1, 1999, 25 percent of such charges  
29 for repair parts and labor shall be exempt.

30 b. Beginning July 1, 2000, 50 percent of such charges  
31 for repair parts and labor shall be exempt.

1 c. Beginning July 1, 2001, 75 percent of such charges  
2 for repair parts and labor shall be exempt.

3 d. Beginning July 1, 2002, 100 percent of such charges  
4 for repair parts and labor shall be exempt.

5 (ggg) People-mover systems.--People-mover systems, and  
6 parts thereof, which are purchased or manufactured by  
7 contractors employed either directly by or as agents for the  
8 United States Government, the state, a county, a municipality,  
9 a political subdivision of the state, or the public operator  
10 of a public-use airport as defined by s. 332.004(14) are  
11 exempt from the tax imposed by this chapter when the systems  
12 or parts go into or become part of publicly owned facilities.  
13 In the case of contractors who manufacture and install such  
14 systems and parts, this exemption extends to the purchase of  
15 component parts and all other manufacturing and fabrication  
16 costs. The department may provide a form to be used by  
17 contractors to provide to suppliers of people-mover systems or  
18 parts to certify the contractors' eligibility for the  
19 exemption provided under this paragraph. As used in this  
20 paragraph, "people-mover systems" includes wheeled passenger  
21 vehicles and related control and power distribution systems  
22 that are part of a transportation system for use by the  
23 general public, regardless of whether such vehicles are  
24 operator-controlled or driverless, self-propelled or propelled  
25 by external power and control systems, or conducted on roads,  
26 rails, guidebeams, or other permanent structures that are an  
27 integral part of such transportation system. "Related control  
28 and power distribution systems" includes any electrical or  
29 electronic control or signaling equipment, but does not  
30 include the embedded wiring, conduits, or cabling used to  
31 transmit electrical or electronic signals among such control



1 equipment, power distribution equipment, signaling equipment,  
2 and wheeled vehicles.

3  
4 Exemptions provided to any entity by this subsection shall not  
5 inure to any transaction otherwise taxable under this chapter  
6 when payment is made by a representative or employee of such  
7 entity by any means, including, but not limited to, cash,  
8 check, or credit card even when that representative or  
9 employee is subsequently reimbursed by such entity.

10 (2) The amendment to s. 212.08(7)(eee)2., Florida  
11 Statutes, by this section is remedial in nature and shall have  
12 the same force and effect as if SIC Industry Major Group  
13 Number 35 had been included from July 1, 1999.

14 Section 14. Effective July 1, 2000, paragraph (c) of  
15 subsection (1) of section 212.11, Florida Statutes, is amended  
16 to read:

17 212.11 Tax returns and regulations.--

18 (1)

19 (c) However, the department may require:

20 1. A quarterly return and payment when the tax  
21 remitted by the dealer for the preceding four calendar  
22 quarters did not exceed \$1,000.

23 2. A semiannual return and payment when the tax  
24 remitted by the dealer for the preceding four calendar  
25 quarters did not exceed \$500.

26 3. An annual return and payment when the tax remitted  
27 by the dealer for the preceding four calendar quarters did not  
28 exceed \$100.

29 4. A quarterly return and monthly payment when the tax  
30 remitted by the dealer for the preceding four calendar  
31 quarters exceeded \$1,000 but did not exceed \$12,000.

1  
 2 The department is authorized to allow a dealer filing returns  
 3 and paying tax under subparagraph 1., subparagraph 2.,  
 4 subparagraph 3., or subparagraph 4. to continue to use the  
 5 same filing frequency, even though the dealer has paid tax in  
 6 a filing period that is greater than the maximum amount  
 7 allowed for such period. The dealer must submit a written  
 8 request to the department to be continued on the same filing  
 9 frequency, and such request must be based on an explanation  
 10 that the tax amount submitted represents nonrecurring business  
 11 activity.

12           Section 15. (1) Paragraph (c) of subsection (6) of  
 13 section 212.12, Florida Statutes, is amended to read:

14           212.12 Dealer's credit for collecting tax; penalties  
 15 for noncompliance; powers of Department of Revenue in dealing  
 16 with delinquents; brackets applicable to taxable transactions;  
 17 records required.--

18           (6)

19           (c)1. If the records of a dealer are adequate but  
 20 voluminous in nature and substance, the department may  
 21 ~~statistically~~ sample such records, except for fixed assets,  
 22 and project the audit findings derived therefrom over the  
 23 entire audit period to determine the proportion that taxable  
 24 retail sales bear to total retail sales or the proportion that  
 25 taxable purchases bear to total purchases. In order to  
 26 conduct such a sample, the department must first make a good  
 27 faith effort to reach an agreement with the dealer, which  
 28 agreement provides for the means and methods to be used in the  
 29 sampling process. In the event that no agreement is reached,  
 30 the dealer is entitled to a review by the executive director.

31

1           2. For the purposes of sampling pursuant to  
2 subparagraph 1., the department shall project any deficiencies  
3 and overpayments derived therefrom over the entire audit  
4 period. In determining the dealer's compliance, the department  
5 shall reduce any tax deficiency as derived from the sample by  
6 the amount of any overpayment derived from the sample. In the  
7 event the department determines from the sample results that  
8 the dealer has a net tax overpayment, the department shall  
9 provide the findings of this overpayment to the Comptroller  
10 for repayment of funds paid into the State Treasury through  
11 error pursuant to s. 215.26.

12           (2) It is the intent of the Legislature that this  
13 section clarify rather than change existing law. Further, this  
14 section shall apply to all tax periods that are still open for  
15 assessment or refund when this section takes effect, including  
16 tax periods that are the subject of assessment or refund  
17 claims that are pending in administrative or judicial  
18 proceedings when this section takes effect.

19           Section 16. Effective July 1, 2000, subsections (3)  
20 and (5) of section 213.015, Florida Statutes, are amended to  
21 read:

22           213.015 Taxpayer rights.--There is created a Florida  
23 Taxpayer's Bill of Rights to guarantee that the rights,  
24 privacy, and property of Florida taxpayers are adequately  
25 safeguarded and protected during tax assessment, collection,  
26 and enforcement processes administered under the revenue laws  
27 of this state. The Taxpayer's Bill of Rights compiles, in one  
28 document, brief but comprehensive statements which explain, in  
29 simple, nontechnical terms, the rights and obligations of the  
30 Department of Revenue and taxpayers. The rights afforded  
31 taxpayers to assure that their privacy and property are

1 safeguarded and protected during tax assessment and collection  
2 are available only insofar as they are implemented in other  
3 parts of the Florida Statutes or rules of the Department of  
4 Revenue. The rights so guaranteed Florida taxpayers in the  
5 Florida Statutes and the departmental rules are:

6 (3) The right to be represented or advised by counsel  
7 or other qualified representatives at any time in  
8 administrative interactions with the department, the right to  
9 procedural safeguards with respect to recording of interviews  
10 during tax determination or collection processes conducted by  
11 the department, the right to be treated in a professional  
12 manner by department personnel, and the right to have audits,  
13 inspections of records, and interviews conducted at a  
14 reasonable time and place except in criminal and internal  
15 investigations (see ss. 198.06, 199.218, 201.11(1), 203.02,  
16 206.14, 211.125(3), 211.33(3), 212.0305(3), 212.12(5)(a),  
17 (6)(a), and (13), 212.13(5), 213.05, 213.21(1)(a) and (c), and  
18 213.34).

19 (5) The right to obtain simple, nontechnical  
20 statements which explain the reason for audit selection and  
21 the procedures, remedies, and rights available during audit,  
22 appeals, and collection proceedings, including, but not  
23 limited to, the rights pursuant to this Taxpayer's Bill of  
24 Rights and the right to be provided with a narrative  
25 description which explains the basis of audit changes,  
26 proposed assessments, assessments, and denials of refunds;  
27 identifies any amount of tax, interest, or penalty due; and  
28 states the consequences of the taxpayer's failure to comply  
29 with the notice.

30  
31

1           Section 17. (1) Effective July 1, 2000, subsections  
2 (2) and (3) of section 213.21, Florida Statutes, are amended  
3 to read:

4           213.21 Informal conferences; compromises.--

5           (2)(a) The executive director of the department or his  
6 or her designee is authorized to enter into closing agreements  
7 with any taxpayer settling or compromising the taxpayer's  
8 liability for any tax, interest, or penalty assessed under any  
9 of the chapters specified in s. 72.011(1). Such agreements  
10 shall be in writing when the amount of tax, penalty, or  
11 interest compromised exceeds \$30,000 or for lesser amounts  
12 when the department deems it appropriate or when requested by  
13 the taxpayer. When a written closing agreement has been  
14 approved by the department and signed by the executive  
15 director or his or her designee and the taxpayer, it shall be  
16 final and conclusive; and, except upon a showing of fraud or  
17 misrepresentation of material fact or except as to adjustments  
18 pursuant to ss. 198.16 and 220.23, no additional assessment  
19 may be made by the department against the taxpayer for the  
20 tax, interest, or penalty specified in the closing agreement  
21 for the time period specified in the closing agreement, and  
22 the taxpayer shall not be entitled to institute any judicial  
23 or administrative proceeding to recover any tax, interest, or  
24 penalty paid pursuant to the closing agreement. The  
25 department is authorized to delegate to the executive director  
26 the authority to approve any such closing agreement resulting  
27 in a tax reduction of \$250,000 or less.

28           (b) Notwithstanding the provisions of paragraph (a),  
29 for the purpose of facilitating the settlement and  
30 distribution of an estate held by a personal representative,  
31 the executive director of the department may, on behalf of the

1 state, agree upon the amount of taxes at any time due or to  
2 become due from such personal representative under the  
3 provisions of chapter 198; and payment in accordance with such  
4 agreement shall be full satisfaction of the taxes to which the  
5 agreement relates.

6 (c) Notwithstanding paragraph (a), for the purpose of  
7 compromising the liability of any taxpayer for tax or interest  
8 on the grounds of doubt as to liability based on the  
9 taxpayer's reasonable reliance on a written determination  
10 issued by the department as described in paragraph (3)(b), the  
11 department may compromise the amount of such tax or interest  
12 liability resulting from such reasonable reliance.

13 (3)(a) A taxpayer's liability for any tax or interest  
14 specified in s. 72.011(1) may be compromised by the department  
15 upon the grounds of doubt as to liability for or  
16 collectibility of such tax or interest. A taxpayer's liability  
17 for penalties under any of the chapters specified in s.  
18 72.011(1) may be settled or compromised if it is determined by  
19 the department that the noncompliance is due to reasonable  
20 cause and not to willful negligence, willful neglect, or  
21 fraud. A taxpayer who establishes reasonable reliance on the  
22 written advice issued by the department to the taxpayer will  
23 be deemed to have shown reasonable cause for the  
24 noncompliance.In addition, a taxpayer's liability for  
25 penalties under any of the chapters specified in s. 72.011(1)  
26 in excess of 25 percent of the tax shall be settled or  
27 compromised if the department determines that the  
28 noncompliance is due to reasonable cause and not to willful  
29 negligence, willful neglect, or fraud. The department shall  
30 maintain records of all compromises, and the records shall  
31 state the basis for the compromise. The records of compromise

1 under this paragraph shall not be subject to disclosure  
2 pursuant to s. 119.07(1) and shall be considered confidential  
3 information governed by the provisions of s. 213.053.

4 (b) Doubt as to liability of a taxpayer for tax and  
5 interest exists if the taxpayer demonstrates that he or she  
6 reasonably relied on a written determination of the department  
7 in any of the following circumstances:

8 1. The audit workpapers clearly show that the same  
9 issue was considered in a prior audit of the taxpayer  
10 conducted by or on behalf of the department and, after  
11 consideration of the issue, the department's auditor  
12 determined that no assessment was appropriate in regard to  
13 that issue.

14 2. The same issue was raised in a prior audit of the  
15 taxpayer and during the informal protest of the proposed  
16 assessment the department issued a notice of decision  
17 withdrawing the issue from the assessment.

18 3. The taxpayer received a technical assistance  
19 advisement pursuant to s. 213.22 in regard to the issue.

20  
21 The circumstances listed in this paragraph are not intended to  
22 be the only circumstances in which doubt as to liability  
23 exists. Nothing contained in this section shall interfere with  
24 the state's ability to structure a remedy to cure a judicially  
25 determined constitutional defect in a tax law.

26 (c) A taxpayer shall not be deemed to have reasonably  
27 relied on a written determination of the department under any  
28 of the following circumstances:

29 1. The taxpayer misrepresented material facts or did  
30 not fully disclose material facts at the time the written  
31 determination was issued.

1           2. The specific facts and circumstances have changed  
2 in such a material manner that the written determination no  
3 longer applies.

4           3. The statutes or regulations on which the  
5 determination was based have been materially revised or a  
6 published judicial opinion constituting precedent in the  
7 taxpayer's jurisdiction has overruled the department's  
8 determination on the issue.

9           4. The department has informed the taxpayer in writing  
10 that its previous written determination has been revised and  
11 should no longer be relied upon.

12           ~~(d)(b)~~ A taxpayer's liability for the service fee  
13 required by s. 215.34(2) may be settled or compromised if it  
14 is determined that the dishonored check, draft, or order was  
15 returned due to an error committed by the issuing financial  
16 institution, and the error is substantiated by the department.  
17 The department shall maintain records of all compromises, and  
18 the records shall state the basis for the compromise.

19           (2) The amendments to s. 213.21(2) and (3), Florida  
20 Statutes, by this section shall apply only to notices of  
21 intent to conduct an audit issued on or after October 1, 2000.

22           Section 18. Subsection (6) of section 213.235, Florida  
23 Statutes, is repealed.

24           Section 19. Subsection (9) is added to section 213.27,  
25 Florida Statutes, to read:

26           213.27 Contracts with debt collection agencies and  
27 certain vendors.--

28           (9)(a) The department may enter into contracts with  
29 public or private vendors to develop and implement a voluntary  
30 system for sales and use tax collection and administration.  
31 The amount of compensation paid to vendors shall be



1 established by the executive director of the department and  
2 shall be based upon a percentage of the sales and use tax  
3 collections made through the system or on a per transaction  
4 basis; however, if the amount of compensation is based upon a  
5 percentage of the sales and use tax collections made through  
6 the system, the percentage shall not exceed the negotiated  
7 percentage provided in s. 212.12(1). The department shall  
8 provide quarterly reports to the Speaker of the House of  
9 Representatives, Minority Leader of the House of  
10 Representatives, President of the Senate, and Minority Leader  
11 of the Senate on the amount of compensation paid pursuant to  
12 these contracts. The system shall have the capability to  
13 determine the taxability of a transaction, the appropriate tax  
14 rate to be applied to a taxable transaction, and the total tax  
15 due on a transaction, and shall provide a method for remitting  
16 the tax to the department. The department shall be responsible  
17 for testing and certifying the accuracy of the system.

18 (b) A seller of goods or services subject to sales and  
19 use tax who utilizes the system for purposes of computation  
20 and remittance of sales and use tax shall not be subject to  
21 the reporting and remittance requirements of ss. 212.11 and  
22 212.15(1) for those transactions handled through the system  
23 and shall not be entitled to the credit provided in s.  
24 212.12(1). A seller of goods or services subject to sales and  
25 use tax who utilizes the system for purposes of computation  
26 and remittance of sales and use tax shall not be subject to  
27 audit for those transactions handled through the system,  
28 unless there are indicia that fraud has been committed by the  
29 seller.

30 (c) Disclosure of information necessary under this  
31 subsection shall be pursuant to a written agreement between

1 the executive director of the department and the vendor. The  
2 vendor shall be bound by the same requirements of  
3 confidentiality as the department. Breach of confidentiality  
4 is a misdemeanor of the first degree, punishable as provided  
5 in s. 775.082 or s. 775.083.

6 (d) On or before January 1 annually, the department  
7 shall provide recommendations to the Speaker of the House of  
8 Representatives, Minority Leader of the House of  
9 Representatives, President of the Senate, and Minority Leader  
10 of the Senate for provisions to be adopted for inclusion  
11 within the system that will make sales and use tax collection  
12 and administration simplified and uniform.

13 Section 20. (1) Paragraph (n) of subsection (1) and  
14 paragraph (c) of subsection (2) of section 220.03, Florida  
15 Statutes, are amended to read:

16 220.03 Definitions.--

17 (1) SPECIFIC TERMS.--When used in this code, and when  
18 not otherwise distinctly expressed or manifestly incompatible  
19 with the intent thereof, the following terms shall have the  
20 following meanings:

21 (n) "Internal Revenue Code" means the United States  
22 Internal Revenue Code of 1986, as amended and in effect on  
23 January 1, 2000 ~~1999~~, except as provided in subsection (3).

24 (2) DEFINITIONAL RULES.--When used in this code and  
25 neither otherwise distinctly expressed nor manifestly  
26 incompatible with the intent thereof:

27 (c) Any term used in this code shall have the same  
28 meaning as when used in a comparable context in the Internal  
29 Revenue Code and other statutes of the United States relating  
30 to federal income taxes, as such code and statutes are in  
31 effect on January 1, 2000 ~~1999~~. However, if subsection (3) is

1 implemented, the meaning of any term shall be taken at the  
2 time the term is applied under this code.

3       (2) This section shall operate retroactively to  
4 January 1, 2000.

5       Section 21. Subsection (2) of section 220.62, Florida  
6 Statutes, is amended to read:

7       220.62 Definitions.--For purposes of this part:

8       (2) The term "savings association" means a savings  
9 association holding company registered under the Homeowners'  
10 Loan Act (HOLA) of 1933, 12 U.S.C. 1467a, as amended, or any  
11 savings association, building and loan association, savings  
12 and loan association, or mutual savings bank not having  
13 capital stock, whether subject to the laws of this or any  
14 other jurisdiction.

15       Section 22. Section 1 of chapter 98-187, Laws of  
16 Florida, applies retroactively to the renewal of any  
17 promissory note evidencing a term obligation executed on or  
18 after January 1, 1990, for which the tax under s. 201.09,  
19 Florida Statutes, has not been paid and which was the subject  
20 of a pending protest that was initiated prior to January 1,  
21 1998.

22       Section 23. For purposes of future calculations only,  
23 the base year revenue received by a municipality for the  
24 calendar year 1997, as provided for in ss. 175.351(1) and  
25 185.35(1), Florida Statutes, respectively, shall be adjusted  
26 by the Division of Retirement based on all original 1997  
27 insurance returns as adjusted by all amended 1997 insurance  
28 returns received by the Department of Revenue no later than  
29 February 28, 2001. The Department of Revenue is authorized to  
30 provide, and shall provide, the return data for the excise  
31 taxes under chapters 175 and 185, Florida Statutes, to the

1 Division of Retirement. It is the intent of the Legislature  
2 that this section shall not impact any judicial proceeding  
3 pending on or before March 31, 2000.

4       Section 24. For the period July 1, 1998, through June  
5 30, 1999, every person who was classified under SIC Industry  
6 Group Number 212 and who paid the tax imposed under chapter  
7 212, Florida Statutes, on charges for steam or electrical  
8 energy which was used in the manner described in s.  
9 212.08(7)(ii), Florida Statutes, shall be entitled to receive  
10 a refund of said taxes pursuant to ss. 213.255 and 215.26,  
11 Florida Statutes. For the period July 1, 1998, through June  
12 30, 1999, every person who was classified under SIC Industry  
13 Group Number 212 and who did not pay the tax imposed under  
14 chapter 212, Florida Statutes, on charges for steam or  
15 electrical energy which was used in the manner described in s.  
16 212.08(7)(ii), Florida Statutes, shall not be required to pay  
17 the tax, penalty, or interest on those charges. As used in  
18 this section, "SIC" means those classifications contained in  
19 the Standard Industrial Classification Manual, 1987, as  
20 published by the Office of Management and Budget, Executive  
21 Office of the President.

22       Section 25. Notwithstanding the provisions of s.  
23 199.052(10), Florida Statutes, failure to timely file a  
24 consolidated return for any one or more years shall not  
25 prejudice the taxpayer's right to file a consolidated return  
26 if the consolidated return is filed prior to July 31, 2000,  
27 and the affiliated group of corporations of which the taxpayer  
28 is a member has previously filed consolidated returns for  
29 corporate income tax purposes under s. 220.131, Florida  
30 Statutes.

31

1           Section 26. Except as otherwise provided herein, this  
2 act shall take effect upon becoming a law.

3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31