

1 A bill to be entitled
2 An act relating to tax administration;
3 repealing s. 212.084(6), F.S.; eliminating
4 provisions for temporary exemption
5 certificates; repealing s. 212.08(7)(ccc),
6 F.S.; eliminating the specific sales tax
7 exemption for organizations providing crime
8 prevention, drunk-driving prevention, and
9 juvenile-delinquency-prevention services;
10 amending s. 212.08, F.S.; reinstating
11 retroactively the sales tax exemption for
12 parent-teacher organizations and parent-teacher
13 associations; eliminating obsolete provisions;
14 requiring a purchaser to file an affidavit
15 stating the exempt nature of a purchase with
16 the selling vendor instead of the Department of
17 Revenue; providing for retroactive application;
18 replacing the definition of the term "section
19 38 property" with an express definition of the
20 terms "industrial machinery and equipment" and
21 "motion picture and video equipment"; providing
22 intent and purpose; imposing certain
23 requirements, for purposes of taxation, on the
24 removal of a motor vehicle from this state;
25 providing residency requirements of corporate
26 officers, corporate stockholders, and partners
27 in a partnership relating to the taxable status
28 of sales of motor vehicles; amending s. 212.06,
29 F.S.; clarifying the definition of the term
30 "fixtures"; eliminating reference to the term
31 "trade fixture"; amending s. 212.08, F.S.;

1 replacing the Interstate Commerce Commission
2 with the Surface Transportation Board as the
3 entity that licenses certain railroads as
4 common carriers; providing that, for a vessel,
5 railroad, or motor carrier engaged in
6 interstate or foreign commerce, sales tax
7 applies to taxable purchases in this state and
8 applies even if the vessel, railroad, or motor
9 carrier has operated for less than a fiscal
10 year; repealing s. 624.509(10), F.S., which
11 provides for an exemption from the insurance
12 premium tax for insurers who write monoline
13 flood insurance policies; amending s. 213.285,
14 F.S.; delaying the future repeal of the
15 certified audit project; amending ss. 213.053,
16 213.21, F.S.; conforming repeal dates; amending
17 s. 11, ch. 2000-165, Laws of Florida;
18 clarifying which provisions of ch. 213, F.S.,
19 apply to the collection of unemployment
20 contributions; amending s. 45.031, F.S.;
21 requiring the clerk of court to give notice to
22 the Department of Revenue if there is a surplus
23 resulting from the foreclosure of an
24 unemployment compensation tax lien; amending s.
25 69.041, F.S.; permitting the department to
26 participate in the disbursement of unemployment
27 compensation tax lien foreclosure funds;
28 amending s. 213.053, F.S.; providing for
29 confidentiality and information sharing;
30 creating s. 443.1315, F.S.; providing
31 definitions; providing for treatment of Indian

1 tribes under the Unemployment Compensation Law;
2 providing that Indian tribes or tribal units
3 may elect to make payments in lieu of
4 contributions and providing requirements with
5 respect thereto; providing that such Indian
6 tribe or tribal unit may be required to file a
7 bond or deposit security at the discretion of
8 the director of the Agency for Workforce
9 Innovation; providing effect of failure of such
10 tribe or unit to make required payments;
11 providing requirements for notices; providing
12 responsibility for certain extended benefits;
13 providing for rules; providing for retroactive
14 application; amending ss. 443.163, 213.755,
15 F.S.; requiring certain employers to file
16 unemployment compensation reports and taxes
17 electronically; amending s. 213.21, F.S.;
18 requiring settlement or compromise of a
19 taxpayer's liability for certain interest under
20 certain circumstances; allowing for the de novo
21 review by a court of penalty compromise
22 determinations made by the Department of
23 Revenue; providing for an automatic compromise
24 of penalties under certain circumstances;
25 providing an exception to confidentiality
26 requirements; amending s. 212.07, F.S.;
27 providing for a penalty structure that limits
28 liability for inadvertent registration errors;
29 encouraging voluntary self-disclosure; amending
30 s. 213.24, F.S.; limiting the amount of
31 automated refunds to the cost of processing the

1 refund; amending s. 55.202, F.S.; enabling a
2 designee of the Department of Revenue to enter
3 lien information into the Secretary of State's
4 database without incurring a fee; amending s.
5 213.255, F.S.; allowing interest to accrue on
6 certain refund claims on August 1 of the year
7 the tax was due; amending s. 681.117, F.S.;
8 allowing motor vehicle dealers to remit the
9 Lemon Law Fee for vehicles registered and
10 titled outside of Florida directly to the
11 Department of Revenue; amending s. 211.3103,
12 F.S.; clarifying that the county distributions
13 of the severance tax on phosphate rock are
14 calculated annually based on the production
15 information filed on the annual returns;
16 amending ss. 336.021, 336.025, F.S.; allowing
17 the imposition of local gas taxes to take
18 effect on January 1 and to be repealed on
19 December 31 of any year; amending s. 213.0535,
20 F.S.; allowing certain counties participating
21 in the RISE Program to share confidential
22 taxpayer information with other participating
23 counties; amending ss. 212.096, 212.098,
24 220.03, 220.181, 290.00677, F.S.; conforming
25 cross-references; clarifying definitions;
26 amending s. 212.031, F.S.; postponing the
27 effective date of provisions relating to
28 applicability of the tax on lease or rental of
29 certain property to property in publicly owned
30 facilities and used by concessionaires during
31 events at those facilities; amending s. 212.04,

1 F.S.; postponing the effective date of
2 provisions relating to applicability of the tax
3 on admissions to certain events sponsored by
4 governmental entities, sports authorities, and
5 sports commissions; amending s. 212.02, F.S.,
6 excluding from the definition of "lease,"
7 "let," "rental," or "license" certain payments
8 made by a regional transmission organization to
9 an electric utility; amending s. 212.12, F.S.,
10 providing for an exception from additional tax,
11 interest, and penalties for dealers who
12 erroneously collect and remit sales tax by
13 rounding to the nearest whole cent; reenacting
14 and amending s. 206.9825(1)(b), F.S.,
15 authorizing the continuation of an aviation
16 fuel tax credit for certain wholesalers or
17 terminal suppliers; providing a revised
18 calculation for revenue sharing distributions
19 to municipalities; amending s. 443.131, F.S.;
20 providing for payment of employer contributions
21 to the Agency for Workforce Innovation instead
22 of the Division of Unemployment Compensation of
23 the Department of Labor and Employment
24 Security; revising procedures and requirements
25 for such payments by employers of employees
26 providing domestic services; reducing trust
27 fund balance thresholds used in computing
28 contribution rate adjustment factors; amending
29 s. 213.30, F.S.; specifying preemption for
30 seeking or obtaining compensation for certain
31 tax law violation information; amending s.

1 201.02, F.S.; specifying nonapplication of the
2 tax on deeds and other instruments relating to
3 real property to contracts to sell certain
4 residences under certain circumstances;
5 amending s. 213.15, F.S.; specifying additional
6 taxpayer rights; providing effective dates.

7

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

9

10 Section 1. Subsection (6) of section 212.084, Florida
11 Statutes, is repealed.

12 Section 2. Effective July 1, 2002, subsection (7) of
13 section 212.08, Florida Statutes, is amended to read:

14 212.08 Sales, rental, use, consumption, distribution,
15 and storage tax; specified exemptions.--The sale at retail,
16 the rental, the use, the consumption, the distribution, and
17 the storage to be used or consumed in this state of the
18 following are hereby specifically exempt from the tax imposed
19 by this chapter.

20 (7) MISCELLANEOUS EXEMPTIONS.--Exemptions provided to
21 any entity by this chapter do not inure to any transaction
22 that is otherwise taxable under this chapter when payment is
23 made by a representative or employee of the entity by any
24 means, including, but not limited to, cash, check, or credit
25 card, even when that representative or employee is
26 subsequently reimbursed by the entity. In addition, exemptions
27 provided to any entity by this subsection do not inure to any
28 transaction that is otherwise taxable under this chapter
29 unless the entity has obtained a sales tax exemption
30 certificate from the department or the entity obtains or
31 provides other documentation as required by the department.

1 Eligible purchases or leases made with such a certificate must
2 be in strict compliance with this subsection and departmental
3 rules, and any person who makes an exempt purchase with a
4 certificate that is not in strict compliance with this
5 subsection and the rules is liable for and must pay the tax.
6 The department may adopt rules to administer this subsection.

7 (a) Artificial commemorative flowers.--Exempt from the
8 tax imposed by this chapter is the sale of artificial
9 commemorative flowers by bona fide nationally chartered
10 veterans' organizations.

11 (b) Boiler fuels.--When purchased for use as a
12 combustible fuel, purchases of natural gas, residual oil,
13 recycled oil, waste oil, solid waste material, coal, sulfur,
14 wood, wood residues or wood bark used in an industrial
15 manufacturing, processing, compounding, or production process
16 at a fixed location in this state are exempt from the taxes
17 imposed by this chapter; however, such exemption shall not be
18 allowed unless the purchaser signs a certificate stating that
19 the fuel to be exempted is for the exclusive use designated
20 herein. This exemption does not apply to the use of boiler
21 fuels that are not used in manufacturing, processing,
22 compounding, or producing items of tangible personal property
23 for sale, or to the use of boiler fuels used by any firm
24 subject to regulation by the Division of Hotels and
25 Restaurants of the Department of Business and Professional
26 Regulation.

27 (c) Crustacea bait.--Also exempt from the tax imposed
28 by this chapter is the purchase by commercial fishers of bait
29 intended solely for use in the entrapment of Callinectes
30 sapidus and Menippe mercenaria.

31

1 (d) Feeds.--Feeds for poultry, ostriches, and
2 livestock, including racehorses and dairy cows, are exempt.

3 (e) Film rentals.--Film rentals are exempt when an
4 admission is charged for viewing such film, and license fees
5 and direct charges for films, videotapes, and transcriptions
6 used by television or radio stations or networks are exempt.

7 (f) Flags.--Also exempt are sales of the flag of the
8 United States and the official state flag of Florida.

9 (g) Florida Retired Educators Association and its
10 local chapters.--Also exempt from payment of the tax imposed
11 by this chapter are purchases of office supplies, equipment,
12 and publications made by the Florida Retired Educators
13 Association and its local chapters.

14 (h) Guide dogs for the blind.--Also exempt are the
15 sale or rental of guide dogs for the blind, commonly referred
16 to as "seeing-eye dogs," and the sale of food or other items
17 for such guide dogs.

18 1. The department shall issue a consumer's certificate
19 of exemption to any blind person who holds an identification
20 card as provided for in s. 413.091 and who either owns or
21 rents, or contemplates the ownership or rental of, a guide dog
22 for the blind. The consumer's certificate of exemption shall
23 be issued without charge and shall be of such size as to be
24 capable of being carried in a wallet or billfold.

25 2. The department shall make such rules concerning
26 items exempt from tax under the provisions of this paragraph
27 as may be necessary to provide that any person authorized to
28 have a consumer's certificate of exemption need only present
29 such a certificate at the time of paying for exempt goods and
30 shall not be required to pay any tax thereon.

31

1 (i) Hospital meals and rooms.--Also exempt from
2 payment of the tax imposed by this chapter on rentals and
3 meals are patients and inmates of any hospital or other
4 physical plant or facility designed and operated primarily for
5 the care of persons who are ill, aged, infirm, mentally or
6 physically incapacitated, or otherwise dependent on special
7 care or attention. Residents of a home for the aged are exempt
8 from payment of taxes on meals provided through the facility.
9 A home for the aged is defined as a facility that is licensed
10 or certified in part or in whole under chapter 400 or chapter
11 651, or that is financed by a mortgage loan made or insured by
12 the United States Department of Housing and Urban Development
13 under s. 202, s. 202 with a s. 8 subsidy, s. 221(d)(3) or (4),
14 s. 232, or s. 236 of the National Housing Act, or other such
15 similar facility designed and operated primarily for the care
16 of the aged.

17 (j) Household fuels.--Also exempt from payment of the
18 tax imposed by this chapter are sales of utilities to
19 residential households or owners of residential models in this
20 state by utility companies who pay the gross receipts tax
21 imposed under s. 203.01, and sales of fuel to residential
22 households or owners of residential models, including oil,
23 kerosene, liquefied petroleum gas, coal, wood, and other fuel
24 products used in the household or residential model for the
25 purposes of heating, cooking, lighting, and refrigeration,
26 regardless of whether such sales of utilities and fuels are
27 separately metered and billed direct to the residents or are
28 metered and billed to the landlord. If any part of the utility
29 or fuel is used for a nonexempt purpose, the entire sale is
30 taxable. The landlord shall provide a separate meter for
31 nonexempt utility or fuel consumption. For the purposes of

1 this paragraph, licensed family day care homes shall also be
2 exempt.

3 (k) Meals provided by certain nonprofit
4 organizations.--There is exempt from the tax imposed by this
5 chapter the sale of prepared meals by a nonprofit volunteer
6 organization to handicapped, elderly, or indigent persons when
7 such meals are delivered as a charitable function by the
8 organization to such persons at their places of residence.

9 (l) Organizations providing special educational,
10 cultural, recreational, and social benefits to minors.--Also
11 exempt from the tax imposed by this chapter are sales or
12 leases to and sales of donated property by nonprofit
13 organizations which are incorporated pursuant to chapter 617
14 the primary purpose of which is providing activities that
15 contribute to the development of good character or good
16 sportsmanship, or to the educational or cultural development,
17 of minors. This exemption is extended only to that level of
18 the organization that has a salaried executive officer or an
19 elected nonsalaried executive officer. For the purpose of this
20 paragraph, the term "donated property" means any property
21 transferred to such nonprofit organization for less than 50
22 percent of its fair market value.

23 (m) Religious institutions.--

24 1. There are exempt from the tax imposed by this
25 chapter transactions involving sales or leases directly to
26 religious institutions when used in carrying on their
27 customary nonprofit religious activities or sales or leases of
28 tangible personal property by religious institutions having an
29 established physical place for worship at which nonprofit
30 religious services and activities are regularly conducted and
31 carried on.

1 2. As used in this paragraph, the term "religious
2 institutions" means churches, synagogues, and established
3 physical places for worship at which nonprofit religious
4 services and activities are regularly conducted and carried
5 on. The term "religious institutions" includes nonprofit
6 corporations the sole purpose of which is to provide free
7 transportation services to church members, their families, and
8 other church attendees. The term "religious institutions" also
9 includes nonprofit state, nonprofit district, or other
10 nonprofit governing or administrative offices the function of
11 which is to assist or regulate the customary activities of
12 religious institutions. The term "religious institutions" also
13 includes any nonprofit corporation that is qualified as
14 nonprofit under s. 501(c)(3) of the Internal Revenue Code of
15 1986, as amended, and that owns and operates a Florida
16 television station, at least 90 percent of the programming of
17 which station consists of programs of a religious nature and
18 the financial support for which, exclusive of receipts for
19 broadcasting from other nonprofit organizations, is
20 predominantly from contributions from the general public. The
21 term "religious institutions" also includes any nonprofit
22 corporation that is qualified as nonprofit under s. 501(c)(3)
23 of the Internal Revenue Code of 1986, as amended, the primary
24 activity of which is making and distributing audio recordings
25 of religious scriptures and teachings to blind or visually
26 impaired persons at no charge. The term "religious
27 institutions" also includes any nonprofit corporation that is
28 qualified as nonprofit under s. 501(c)(3) of the Internal
29 Revenue Code of 1986, as amended, the sole or primary function
30 of which is to provide, upon invitation, nonprofit religious
31 services, evangelistic services, religious education,

1 administrative assistance, or missionary assistance for a
2 church, synagogue, or established physical place of worship at
3 which nonprofit religious services and activities are
4 regularly conducted.

5 (n) Veterans' organizations.--

6 1. There are exempt from the tax imposed by this
7 chapter transactions involving sales or leases to qualified
8 veterans' organizations and their auxiliaries when used in
9 carrying on their customary veterans' organization activities.

10 2. As used in this paragraph, the term "veterans'
11 organizations" means nationally chartered or recognized
12 veterans' organizations, including, but not limited to,
13 Florida chapters of the Paralyzed Veterans of America,
14 Catholic War Veterans of the U.S.A., Jewish War Veterans of
15 the U.S.A., and the Disabled American Veterans, Department of
16 Florida, Inc., which hold current exemptions from federal
17 income tax under s. 501(c)(4) or (19) of the Internal Revenue
18 Code of 1986, as amended.

19 (o) Schools, colleges, and universities.--Also exempt
20 from the tax imposed by this chapter are sales or leases to
21 state tax-supported schools, colleges, or universities.

22 (p) Section 501(c)(3) organizations.--Also exempt from
23 the tax imposed by this chapter are sales or leases to
24 organizations determined by the Internal Revenue Service to be
25 currently exempt from federal income tax pursuant to s.
26 501(c)(3) of the Internal Revenue Code of 1986, as amended,
27 when such leases or purchases are used in carrying on their
28 customary nonprofit activities.

29 (q) Resource recovery equipment.--Also exempt is
30 resource recovery equipment which is owned and operated by or
31 on behalf of any county or municipality, certified by the

1 Department of Environmental Protection under the provisions of
2 s. 403.715.

3 (r) School books and school lunches.--This exemption
4 applies to school books used in regularly prescribed courses
5 of study, and to school lunches served in public, parochial,
6 or nonprofit schools operated for and attended by pupils of
7 grades K through 12. Yearbooks, magazines, newspapers,
8 directories, bulletins, and similar publications distributed
9 by such educational institutions to their students are also
10 exempt. School books and food sold or served at community
11 colleges and other institutions of higher learning are
12 taxable.

13 (s) Tasting beverages.--Vinous and alcoholic beverages
14 provided by distributors or vendors for the purpose of "wine
15 tasting" and "spirituous beverage tasting" as contemplated
16 under the provisions of ss. 564.06 and 565.12, respectively,
17 are exempt from the tax imposed by this chapter.

18 (t) Boats temporarily docked in state.--

19 1. Notwithstanding the provisions of chapter 328,
20 pertaining to the registration of vessels, a boat upon which
21 the state sales or use tax has not been paid is exempt from
22 the use tax under this chapter if it enters and remains in
23 this state for a period not to exceed a total of 20 days in
24 any calendar year calculated from the date of first dockage or
25 slippage at a facility, registered with the department, that
26 rents dockage or slippage space in this state. If a boat
27 brought into this state for use under this paragraph is placed
28 in a facility, registered with the department, for repairs,
29 alterations, refitting, or modifications and such repairs,
30 alterations, refitting, or modifications are supported by
31 written documentation, the 20-day period shall be tolled

1 during the time the boat is physically in the care, custody,
2 and control of the repair facility, including the time spent
3 on sea trials conducted by the facility. The 20-day time
4 period may be tolled only once within a calendar year when a
5 boat is placed for the first time that year in the physical
6 care, custody, and control of a registered repair facility;
7 however, the owner may request and the department may grant an
8 additional tolling of the 20-day period for purposes of
9 repairs that arise from a written guarantee given by the
10 registered repair facility, which guarantee covers only those
11 repairs or modifications made during the first tolled period.
12 Within 72 hours after the date upon which the registered
13 repair facility took possession of the boat, the facility must
14 have in its possession, on forms prescribed by the department,
15 an affidavit which states that the boat is under its care,
16 custody, and control and that the owner does not use the boat
17 while in the facility. Upon completion of the repairs,
18 alterations, refitting, or modifications, the registered
19 repair facility must, within 72 hours after the date of
20 release, have in its possession a copy of the release form
21 which shows the date of release and any other information the
22 department requires. The repair facility shall maintain a log
23 that documents all alterations, additions, repairs, and sea
24 trials during the time the boat is under the care, custody,
25 and control of the facility. The affidavit shall be
26 maintained by the registered repair facility as part of its
27 records for as long as required by s. 213.35. When, within 6
28 months after the date of its purchase, a boat is brought into
29 this state under this paragraph, the 6-month period provided
30 in s. 212.05(1)(a)2. or s. 212.06(8) shall be tolled.
31

1 2. During the period of repairs, alterations,
2 refitting, or modifications and during the 20-day period
3 referred to in subparagraph 1., the boat may be listed for
4 sale, contracted for sale, or sold exclusively by a broker or
5 dealer registered with the department without incurring a use
6 tax under this chapter; however, the sales tax levied under
7 this chapter applies to such sale.

8 3. The mere storage of a boat at a registered repair
9 facility does not qualify as a tax-exempt use in this state.

10 4. As used in this paragraph, "registered repair
11 facility" means:

12 a. A full-service facility that:

13 (I) Is located on a navigable body of water;

14 (II) Has haulout capability such as a dry dock, travel
15 lift, railway, or similar equipment to service craft under the
16 care, custody, and control of the facility;

17 (III) Has adequate piers and storage facilities to
18 provide safe berthing of vessels in its care, custody, and
19 control; and

20 (IV) Has necessary shops and equipment to provide
21 repair or warranty work on vessels under the care, custody,
22 and control of the facility;

23 b. A marina that:

24 (I) Is located on a navigable body of water;

25 (II) Has adequate piers and storage facilities to
26 provide safe berthing of vessels in its care, custody, and
27 control; and

28 (III) Has necessary shops and equipment to provide
29 repairs or warranty work on vessels; or

30 c. A shoreside facility that:

31 (I) Is located on a navigable body of water;

1 (II) Has adequate piers and storage facilities to
2 provide safe berthing of vessels in its care, custody, and
3 control; and

4 (III) Has necessary shops and equipment to provide
5 repairs or warranty work.

6 (u) Volunteer fire departments.--Also exempt are
7 firefighting and rescue service equipment and supplies
8 purchased by volunteer fire departments, duly chartered under
9 the Florida Statutes as corporations not for profit.

10 (v) Professional services.--

11 1. Also exempted are professional, insurance, or
12 personal service transactions that involve sales as
13 inconsequential elements for which no separate charges are
14 made.

15 2. The personal service transactions exempted pursuant
16 to subparagraph 1. do not exempt the sale of information
17 services involving the furnishing of printed, mimeographed, or
18 multigraphed matter, or matter duplicating written or printed
19 matter in any other manner, other than professional services
20 and services of employees, agents, or other persons acting in
21 a representative or fiduciary capacity or information services
22 furnished to newspapers and radio and television stations. As
23 used in this subparagraph, the term "information services"
24 includes the services of collecting, compiling, or analyzing
25 information of any kind or nature and furnishing reports
26 thereof to other persons.

27 3. This exemption does not apply to any service
28 warranty transaction taxable under s. 212.0506.

29 4. This exemption does not apply to any service
30 transaction taxable under s. 212.05(1)(j).

31

1 (w) Certain newspaper, magazine, and newsletter
2 subscriptions, shoppers, and community newspapers.--Likewise
3 exempt are newspaper, magazine, and newsletter subscriptions
4 in which the product is delivered to the customer by mail.
5 Also exempt are free, circulated publications that are
6 published on a regular basis, the content of which is
7 primarily advertising, and that are distributed through the
8 mail, home delivery, or newsstands. The exemption for
9 newspaper, magazine, and newsletter subscriptions which is
10 provided in this paragraph applies only to subscriptions
11 entered into after March 1, 1997.

12 (x) Sporting equipment brought into the
13 state.--Sporting equipment brought into Florida, for a period
14 of not more than 4 months in any calendar year, used by an
15 athletic team or an individual athlete in a sporting event is
16 exempt from the use tax if such equipment is removed from the
17 state within 7 days after the completion of the event.

18 (y) Charter fishing vessels.--The charge for
19 chartering any boat or vessel, with the crew furnished, solely
20 for the purpose of fishing is exempt from the tax imposed
21 under s. 212.04 or s. 212.05. This exemption does not apply
22 to any charge to enter or stay upon any "head-boat," party
23 boat, or other boat or vessel. Nothing in this paragraph
24 shall be construed to exempt any boat from sales or use tax
25 upon the purchase thereof except as provided in paragraph (t)
26 and s. 212.05.

27 (z) Vending machines sponsored by nonprofit or
28 charitable organizations.--Also exempt are food or drinks for
29 human consumption sold for 25 cents or less through a
30 coin-operated vending machine sponsored by a nonprofit
31

1 corporation qualified as nonprofit pursuant to s. 501(c)(3) or
2 (4) of the Internal Revenue Code of 1986, as amended.

3 (aa) Certain commercial vehicles.--Also exempt is the
4 sale, lease, or rental of a commercial motor vehicle as
5 defined in s. 207.002(2), when the following conditions are
6 met:

7 1. The sale, lease, or rental occurs between two
8 commonly owned and controlled corporations;

9 2. Such vehicle was titled and registered in this
10 state at the time of the sale, lease, or rental; and

11 3. Florida sales tax was paid on the acquisition of
12 such vehicle by the seller, lessor, or renter.

13 (bb) Community cemeteries.--Also exempt are purchases
14 by any nonprofit corporation that has qualified under s.
15 501(c)(13) of the Internal Revenue Code of 1986, as amended,
16 and is operated for the purpose of maintaining a cemetery that
17 was donated to the community by deed.

18 (cc) Works of art.--

19 1. Also exempt are works of art sold to or used by an
20 educational institution.

21 2. This exemption also applies to the sale to or use
22 in this state of any work of art by any person if it was
23 purchased or imported exclusively for the purpose of being
24 donated to any educational institution, or loaned to and made
25 available for display by any educational institution, provided
26 that the term of the loan agreement is for at least 10 years.

27 3. The exemption provided by this paragraph for
28 donations is allowed only if the person who purchased the work
29 of art transfers title to the donated work of art to an
30 educational institution. Such transfer of title shall be
31 evidenced by an affidavit meeting requirements established by

1 rule to document entitlement to the exemption. Nothing in this
2 paragraph shall preclude a work of art donated to an
3 educational institution from remaining in the possession of
4 the donor or purchaser, as long as title to the work of art
5 lies with the educational institution.

6 4. A work of art is presumed to have been purchased in
7 or imported into this state exclusively for loan as provided
8 in subparagraph 2., if it is so loaned or placed in storage in
9 preparation for such a loan within 90 days after purchase or
10 importation, whichever is later; but a work of art is not
11 deemed to be placed in storage in preparation for loan for
12 purposes of this exemption if it is displayed at any place
13 other than an educational institution.

14 5. The exemptions provided by this paragraph are
15 allowed only if the person who purchased the work of art gives
16 to the vendor an affidavit meeting the requirements,
17 established by rule, to document entitlement to the exemption.
18 The person who purchased the work of art shall forward a copy
19 of such affidavit to the Department of Revenue at the time it
20 is issued to the vendor.

21 6. The exemption for loans provided by subparagraph 2.
22 applies only for the period during which a work of art is in
23 the possession of the educational institution or is in storage
24 before transfer of possession to that institution; and when it
25 ceases to be so possessed or held, tax based upon the sales
26 price paid by the owner is payable, and the statute of
27 limitations provided in s. 95.091 shall begin to run at that
28 time. However, tax shall not become due if the work of art is
29 donated to an educational institution after the loan ceases.

30 7. Any educational institution to which a work of art
31 has been donated pursuant to this paragraph shall make

1 available to the department the title to the work of art and
2 any other relevant information. Any educational institution
3 which has received a work of art on loan pursuant to this
4 paragraph shall make available to the department information
5 relating to the work of art. Any educational institution that
6 transfers from its possession a work of art as defined by this
7 paragraph which has been loaned to it must notify the
8 Department of Revenue within 60 days after the transfer.

9 8. For purposes of the exemptions provided by this
10 paragraph, the term:

11 a. "Educational institutions" includes state
12 tax-supported, parochial, church, and nonprofit private
13 schools, colleges, or universities that conduct regular
14 classes and courses of study required for accreditation by or
15 membership in the Southern Association of Colleges and
16 Schools, the Florida Council of Independent Schools, or the
17 Florida Association of Christian Colleges and Schools, Inc.;
18 nonprofit private schools that conduct regular classes and
19 courses of study accepted for continuing education credit by a
20 board of the Division of Medical Quality Assurance of the
21 Department of Health; or nonprofit libraries, art galleries,
22 performing arts centers that provide educational programs to
23 school children, which programs involve performances or other
24 educational activities at the performing arts center and serve
25 a minimum of 50,000 school children a year, and museums open
26 to the public.

27 b. "Work of art" includes pictorial representations,
28 sculpture, jewelry, antiques, stamp collections and coin
29 collections, and other tangible personal property, the value
30 of which is attributable predominantly to its artistic,
31 historical, political, cultural, or social importance.

1 (dd) Taxicab leases.--The lease of or license to use a
2 taxicab or taxicab-related equipment and services provided by
3 a taxicab company to an independent taxicab operator are
4 exempt, provided, however, the exemptions provided under this
5 paragraph only apply if sales or use tax has been paid on the
6 acquisition of the taxicab and its related equipment.

7 (ee) Aircraft repair and maintenance labor
8 charges.--There shall be exempt from the tax imposed by this
9 chapter all labor charges for the repair and maintenance of
10 aircraft of more than 15,000 pounds maximum certified takeoff
11 weight and rotary wing aircraft of more than 10,000 pounds
12 maximum certified takeoff weight. Except as otherwise provided
13 in this chapter, charges for parts and equipment furnished in
14 connection with such labor charges are taxable.

15 (ff) Certain electricity or steam uses.--

16 1. Subject to the provisions of subparagraph 4.,
17 charges for electricity or steam used to operate machinery and
18 equipment at a fixed location in this state when such
19 machinery and equipment is used to manufacture, process,
20 compound, produce, or prepare for shipment items of tangible
21 personal property for sale, or to operate pollution control
22 equipment, recycling equipment, maintenance equipment, or
23 monitoring or control equipment used in such operations are
24 exempt to the extent provided in this paragraph. If 75 percent
25 or more of the electricity or steam used at the fixed location
26 is used to operate qualifying machinery or equipment, 100
27 percent of the charges for electricity or steam used at the
28 fixed location are exempt. If less than 75 percent but 50
29 percent or more of the electricity or steam used at the fixed
30 location is used to operate qualifying machinery or equipment,
31 50 percent of the charges for electricity or steam used at the

1 fixed location are exempt. If less than 50 percent of the
2 electricity or steam used at the fixed location is used to
3 operate qualifying machinery or equipment, none of the charges
4 for electricity or steam used at the fixed location are
5 exempt.

6 2. This exemption applies only to industries
7 classified under SIC Industry Major Group Numbers 10, 12, 13,
8 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
9 35, 36, 37, 38, and 39 and Industry Group Number 212. As used
10 in this paragraph, "SIC" means those classifications contained
11 in the Standard Industrial Classification Manual, 1987, as
12 published by the Office of Management and Budget, Executive
13 Office of the President.

14 3. Possession by a seller of a written certification
15 by the purchaser, certifying the purchaser's entitlement to an
16 exemption permitted by this subsection, relieves the seller
17 from the responsibility of collecting the tax on the
18 nontaxable amounts, and the department shall look solely to
19 the purchaser for recovery of such tax if it determines that
20 the purchaser was not entitled to the exemption.

21 4. Such exemption shall be applied as follows:
22 beginning July 1, 2000, 100 percent of the charges for such
23 electricity or steam shall be exempt.

24 ~~5. Notwithstanding any other provision in this~~
25 ~~paragraph to the contrary, in order to receive the exemption~~
26 ~~provided in this paragraph a taxpayer must first register with~~
27 ~~the WAGES Program Business Registry established by the local~~
28 ~~WAGES coalition for the area in which the taxpayer is located.~~
29 ~~Such registration establishes a commitment on the part of the~~
30 ~~taxpayer to hire WAGES program participants to the maximum~~
31 ~~extent possible consistent with the nature of their business.~~

1 (gg) Fair associations.--Also exempt from the tax
2 imposed by this chapter is the sale, use, lease, rental, or
3 grant of a license to use, made directly to or by a fair
4 association, of real or tangible personal property; any charge
5 made by a fair association, or its agents, for parking,
6 admissions, or for temporary parking of vehicles used for
7 sleeping quarters; rentals, subleases, and sublicenses of real
8 or tangible personal property between the owner of the central
9 amusement attraction and any owner of an amusement ride, as
10 those terms are used in ss. 616.15(1)(b) and 616.242(3)(a),
11 for the furnishing of amusement rides at a public fair or
12 exposition; and other transactions of a fair association which
13 are incurred directly by the fair association in the
14 financing, construction, and operation of a fair, exposition,
15 or other event or facility that is authorized by s. 616.08. As
16 used in this paragraph, the terms "fair association" and
17 "public fair or exposition" have the same meaning as those
18 terms are defined in s. 616.001. This exemption does not apply
19 to the sale of tangible personal property made by a fair
20 association through an agent or independent contractor; sales
21 of admissions and tangible personal property by a
22 concessionaire, vendor, exhibitor, or licensee; or rentals and
23 subleases of tangible personal property or real property
24 between the owner of the central amusement attraction and a
25 concessionaire, vendor, exhibitor, or licensee, except for the
26 furnishing of amusement rides, which transactions are exempt.

27 (hh) Citizen support organizations.--Also exempt from
28 the tax imposed by this chapter are sales or leases to
29 nonprofit organizations that are incorporated under chapter
30 617 and that have been designated citizen support
31 organizations in support of state-funded environmental

1 programs or the management of state-owned lands in accordance
2 with s. 20.2551, or to support one or more state parks in
3 accordance with s. 258.015.

4 (ii) Florida Folk Festival.--There shall be exempt
5 from the tax imposed by this chapter income of a revenue
6 nature received from admissions to the Florida Folk Festival
7 held pursuant to s. 267.16 at the Stephen Foster State Folk
8 Culture Center, a unit of the state park system.

9 (jj) Solar energy systems.--Also exempt are solar
10 energy systems or any component thereof. The Florida Solar
11 Energy Center shall from time to time certify to the
12 department a list of equipment and requisite hardware
13 considered to be a solar energy system or a component thereof.
14 This exemption is repealed July 1, 2005.

15 (kk) Nonprofit cooperative hospital laundries.--Also
16 exempt from the tax imposed by this chapter are sales or
17 leases to nonprofit organizations that are incorporated under
18 chapter 617 and which are treated, for federal income tax
19 purposes, as cooperatives under subchapter T of the Internal
20 Revenue Code, whose sole purpose is to offer laundry supplies
21 and services to their members, which members must all be
22 exempt from federal income tax pursuant to s. 501(c)(3) of the
23 Internal Revenue Code.

24 (ll) Complimentary meals.--Also exempt from the tax
25 imposed by this chapter are food or drinks that are furnished
26 as part of a packaged room rate by any person offering for
27 rent or lease any transient living accommodations as described
28 in s. 509.013(4)(a) which are licensed under part I of chapter
29 509 and which are subject to the tax under s. 212.03, if a
30 separate charge or specific amount for the food or drinks is
31 not shown. Such food or drinks are considered to be sold at

1 retail as part of the total charge for the transient living
2 accommodations. Moreover, the person offering the
3 accommodations is not considered to be the consumer of items
4 purchased in furnishing such food or drinks and may purchase
5 those items under conditions of a sale for resale.

6 (mm) Nonprofit corporation conducting the correctional
7 work programs.--Products sold pursuant to s. 946.515 by the
8 corporation organized pursuant to part II of chapter 946 are
9 exempt from the tax imposed by this chapter. This exemption
10 applies retroactively to July 1, 1983.

11 (nn) Parent-teacher organizations, parent-teacher
12 associations, and schools having grades K through 12.--

13 1. Sales or leases to parent-teacher organizations and
14 associations the purpose of which is to raise funds for
15 schools that teach grades K through 12 and that are associated
16 with schools having grades K through 12 are exempt from the
17 tax imposed by this chapter.

18 2. Parent-teacher organizations and associations
19 described in subparagraph 1. ~~qualified as educational~~
20 ~~institutions as defined by sub-subparagraph (cc)8.a.~~
21 ~~associated with schools having grades K through 12, and~~
22 schools having grades K through 12, may pay tax to their
23 suppliers on the cost price of school materials and supplies
24 purchased, rented, or leased for resale or rental to students
25 in grades K through 12, of items sold for fundraising
26 purposes, and of items sold through vending machines located
27 on the school premises, in lieu of collecting the tax imposed
28 by this chapter from the purchaser. This paragraph also
29 applies to food or beverages sold through vending machines
30 located in the student lunchroom or dining room of a school
31 having kindergarten through grade 12.

1 (oo) Mobile home lot improvements.--Items purchased by
2 developers for use in making improvements to a mobile home lot
3 owned by the developer may be purchased tax-exempt as a sale
4 for resale if made pursuant to a contract that requires the
5 developer to sell a mobile home to a purchaser, place the
6 mobile home on the lot, and make the improvements to the lot
7 for a single lump-sum price. The developer must collect and
8 remit sales tax on the entire lump-sum price.

9 (pp) Veterans Administration.--When a veteran of the
10 armed forces purchases an aircraft, boat, mobile home, motor
11 vehicle, or other vehicle from a dealer pursuant to the
12 provisions of 38 U.S.C. s. 3902(a), or any successor provision
13 of the United States Code, the amount that is paid directly to
14 the dealer by the Veterans Administration is not taxable.
15 However, any portion of the purchase price which is paid
16 directly to the dealer by the veteran is taxable.

17 (qq) Complimentary items.--There is exempt from the
18 tax imposed by this chapter:

19 1. Any food or drink, whether or not cooked or
20 prepared on the premises, provided without charge as a sample
21 or for the convenience of customers by a dealer that primarily
22 sells food product items at retail.

23 2. Any item given to a customer as part of a price
24 guarantee plan related to point-of-sale errors by a dealer
25 that primarily sells food products at retail.

26
27 The exemptions in this paragraph do not apply to businesses
28 with the primary activity of serving prepared meals or
29 alcoholic beverages for immediate consumption.

30 (rr) Donated foods or beverages.--Any food or beverage
31 donated by a dealer that sells food products at retail to a

1 food bank or an organization that holds a current exemption
2 from federal corporate income tax pursuant to s. 501(c) of the
3 Internal Revenue Code of 1986, as amended, is exempt from the
4 tax imposed by this chapter.

5 (ss) Racing dogs.--The sale of a racing dog by its
6 owner is exempt if the owner is also the breeder of the
7 animal.

8 (tt) Equipment used in aircraft repair and
9 maintenance.--There shall be exempt from the tax imposed by
10 this chapter replacement engines, parts, and equipment used in
11 the repair or maintenance of aircraft of more than 15,000
12 pounds maximum certified takeoff weight and rotary wing
13 aircraft of more than 10,300 pounds maximum certified takeoff
14 weight, when such parts or equipment are installed on such
15 aircraft that is being repaired or maintained in this state.

16 (uu) Aircraft sales or leases.--The sale or lease of
17 an aircraft of more than 15,000 pounds maximum certified
18 takeoff weight for use by a common carrier is exempt from the
19 tax imposed by this chapter. As used in this paragraph,
20 "common carrier" means an airline operating under Federal
21 Aviation Administration regulations contained in Title 14,
22 chapter I, part 121 or part 129 of the Code of Federal
23 Regulations.

24 (vv) Nonprofit water systems.--Sales or leases to a
25 not-for-profit corporation which holds a current exemption
26 from federal income tax under s. 501(c)(4) or (12) of the
27 Internal Revenue Code, as amended, are exempt from the tax
28 imposed by this chapter if the sole or primary function of the
29 corporation is to construct, maintain, or operate a water
30 system in this state.

31

1 (ww) Library cooperatives.--Sales or leases to library
2 cooperatives certified under s. 257.41(2) are exempt from the
3 tax imposed by this chapter.

4 (xx) Advertising agencies.--

5 1. As used in this paragraph, the term "advertising
6 agency" means any firm that is primarily engaged in the
7 business of providing advertising materials and services to
8 its clients.

9 2. The sale of advertising services by an advertising
10 agency to a client is exempt from the tax imposed by this
11 chapter. Also exempt from the tax imposed by this chapter are
12 items of tangible personal property such as photographic
13 negatives and positives, videos, films, galleys, mechanicals,
14 veloxes, illustrations, digital audiotapes, analog tapes,
15 printed advertisement copies, compact discs for the purpose of
16 recording, digital equipment, and artwork and the services
17 used to produce those items if the items are:

18 a. Sold to an advertising agency that is acting as an
19 agent for its clients pursuant to contract, and are created
20 for the performance of advertising services for the clients;

21 b. Produced, fabricated, manufactured, or otherwise
22 created by an advertising agency for its clients, and are used
23 in the performance of advertising services for the clients; or

24 c. Sold by an advertising agency to its clients in the
25 performance of advertising services for the clients, whether
26 or not the charges for these items are marked up or separately
27 stated.

28
29 The exemption provided by this subparagraph does not apply
30 when tangible personal property such as film, paper, and
31 videotapes is purchased to create items such as photographic

1 negatives and positives, videos, films, galleys, mechanicals,
2 veloxes, illustrations, and artwork that are sold to an
3 advertising agency or produced in-house by an advertising
4 agency on behalf of its clients.

5 3. The items exempted from tax under subparagraph 2.
6 and the creative services used by an advertising agency to
7 design the advertising for promotional goods such as displays,
8 display containers, exhibits, newspaper inserts, brochures,
9 catalogues, direct mail letters or flats, shirts, hats, pens,
10 pencils, key chains, or other printed goods or materials are
11 not subject to tax. However, when such promotional goods are
12 produced or reproduced for distribution, tax applies to the
13 sales price charged to the client for such promotional goods.

14 4. For items purchased by an advertising agency and
15 exempt from tax under this paragraph, possession of an
16 exemption certificate from the advertising agency certifying
17 the agency's entitlement to exemption relieves the vendor of
18 the responsibility of collecting the tax on the sale of such
19 items to the advertising agency, and the department shall look
20 solely to the advertising agency for recovery of tax if it
21 determines that the advertising agency was not entitled to the
22 exemption.

23 5. The exemptions provided by this paragraph apply
24 retroactively, except that all taxes that have been collected
25 must be remitted, and taxes that have been remitted before
26 July 1, 1999, on transactions that are subject to exemption
27 under this paragraph are not subject to refund.

28 6. The department may adopt rules that interpret or
29 define the provisions of these exemptions and provide examples
30 regarding the application of these exemptions.

31

1 (yy) Bullion.--The sale of gold, silver, or platinum
2 bullion, or any combination thereof, in a single transaction
3 is exempt if the sales price exceeds \$500. The dealer must
4 maintain proper documentation, as prescribed by rule of the
5 department, to identify that portion of a transaction which
6 involves the sale of gold, silver, or platinum bullion and is
7 exempt under this paragraph.

8 (zz) Certain repair and labor charges.--

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

17 2. This exemption applies only to industries
18 classified under SIC Industry Major Group Numbers 10, 12, 13,
19 14, 20, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34,
20 35, 36, 37, 38, and 39 and Industry Group Number 212. As used
21 in this subparagraph, "SIC" means those classifications
22 contained in the Standard Industrial Classification Manual,
23 1987, as published by the Office of Management and Budget,
24 Executive Office of the President.

25 3. This exemption shall be applied as follows:

26 a. Beginning July 1, 2000, 50 percent of such charges
27 for repair parts and labor shall be exempt.

28 b. Beginning July 1, 2001, 75 percent of such charges
29 for repair parts and labor shall be exempt.

30 c. Beginning July 1, 2002, 100 percent of such charges
31 for repair parts and labor shall be exempt.

1 (aaa) Film and other printing supplies.--Also exempt
2 are the following materials purchased, produced, or created by
3 businesses classified under SIC Industry Numbers 275, 276,
4 277, 278, or 279 for use in producing graphic matter for sale:
5 film, photographic paper, dyes used for embossing and
6 engraving, artwork, typography, lithographic plates, and
7 negatives. As used in this paragraph, "SIC" means those
8 classifications contained in the Standard Industrial
9 Classification Manual, 1987, as published by the Office of
10 Management and Budget, Executive Office of the President.

11 (bbb) People-mover systems.--People-mover systems, and
12 parts thereof, which are purchased or manufactured by
13 contractors employed either directly by or as agents for the
14 United States Government, the state, a county, a municipality,
15 a political subdivision of the state, or the public operator
16 of a public-use airport as defined by s. 332.004(14) are
17 exempt from the tax imposed by this chapter when the systems
18 or parts go into or become part of publicly owned facilities.
19 In the case of contractors who manufacture and install such
20 systems and parts, this exemption extends to the purchase of
21 component parts and all other manufacturing and fabrication
22 costs. The department may provide a form to be used by
23 contractors to provide to suppliers of people-mover systems or
24 parts to certify the contractors' eligibility for the
25 exemption provided under this paragraph. As used in this
26 paragraph, "people-mover systems" includes wheeled passenger
27 vehicles and related control and power distribution systems
28 that are part of a transportation system for use by the
29 general public, regardless of whether such vehicles are
30 operator-controlled or driverless, self-propelled or propelled
31 by external power and control systems, or conducted on roads,

1 rails, guidebeams, or other permanent structures that are an
2 integral part of such transportation system. "Related control
3 and power distribution systems" includes any electrical or
4 electronic control or signaling equipment, but does not
5 include the embedded wiring, conduits, or cabling used to
6 transmit electrical or electronic signals among such control
7 equipment, power distribution equipment, signaling equipment,
8 and wheeled vehicles.

9 ~~(ccc) Organizations providing crime prevention, drunk
10 driving prevention, or juvenile delinquency prevention
11 services.--Sales or leases to any nonprofit organization that
12 provides crime prevention services, drunk driving prevention
13 services, or juvenile delinquency prevention services that
14 benefit society as a whole are exempt from the tax imposed by
15 this chapter, if the organization holds a current exemption
16 from federal income tax under s. 501(c)(3) of the Internal
17 Revenue Code and the organization has as its sole or primary
18 purpose the provision of services that contribute to the
19 prevention of hardships caused by crime, drunk driving, or
20 juvenile delinquency.~~

21 (ccc)(ddd) Florida Fire and Emergency Services
22 Foundation.--Sales or leases to the Florida Fire and Emergency
23 Services Foundation are exempt from the tax imposed by this
24 chapter.

25 (ddd)~~(eee)~~ Railroad roadway materials.--Also exempt
26 from the tax imposed by this chapter are railroad roadway
27 materials used in the construction, repair, or maintenance of
28 railways. Railroad roadway materials shall include rails,
29 ties, ballasts, communication equipment, signal equipment,
30 power transmission equipment, and any other track materials.

31

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

7 Section 3. (1) The amendments to paragraphs (ff) and
8 (nn) of subsection (7) of section 212.08, Florida Statutes,
9 which are made by section 2 of this act apply retroactively to
10 July 1, 2000.

11 (2) No tax imposed by chapter 212, Florida Statutes,
12 on the transactions exempted by paragraph (nn) of subsection
13 (7) of section 212.08, Florida Statutes, by section 2 of this
14 act, and not actually paid or collected by a taxpayer before
15 the effective date of this act, shall be due from such
16 taxpayer. However, any tax actually paid or collected shall be
17 remitted to the Department of Revenue, and no refund shall be
18 due. Taxpayers must obtain a sales tax exemption certificate
19 from the department to secure the exemption granted by section
20 212.08(7)(nn)1., Florida Statutes.

21 (3) The amendments to the introductory paragraph and
22 and to the final, flush-left passage of subsection (7) of
23 section 212.08, Florida Statutes, which are made by section 2
24 of this act are made to clarify rather than change existing
25 law, and these amendments apply retroactively to January 1,
26 2001.

27 Section 4. Effective upon this act becoming a law and
28 applying retroactively to July 1, 1996, paragraph (c) of
29 subsection (5) of section 212.08, Florida Statutes, is amended
30 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 (c) Machinery and equipment used in production of
9 electrical or steam energy.--

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

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

1 3. The department may adopt rules that provide for
2 implementation of this exemption. Purchasers of machinery and
3 equipment qualifying for the exemption provided in this
4 paragraph shall furnish the vendor ~~department~~ with an
5 affidavit stating that the item or items to be exempted are
6 for the use designated herein. Any person furnishing a false
7 affidavit to the vendor for the purpose of evading payment of
8 any tax imposed under this chapter shall be subject to the
9 penalty set forth in s. 212.085 and as otherwise provided by
10 law. Purchasers with self-accrual authority shall maintain all
11 documentation necessary to prove the exempt status of
12 purchases.

13 Section 5. Effective July 1, 2002, paragraphs (b),
14 (d), and (f) of subsection (5) of section 212.08, Florida
15 Statutes, are amended to read:

16 212.08 Sales, rental, use, consumption, distribution,
17 and storage tax; specified exemptions.--The sale at retail,
18 the rental, the use, the consumption, the distribution, and
19 the storage to be used or consumed in this state of the
20 following are hereby specifically exempt from the tax imposed
21 by this chapter.

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

23 (b) Machinery and equipment used to increase
24 productive output.--

25 1. Industrial machinery and equipment purchased for
26 exclusive use by a new business in spaceport activities as
27 defined by s. 212.02 or for use in new businesses which
28 manufacture, process, compound, or produce for sale items of
29 tangible personal property at fixed locations are exempt from
30 the tax imposed by this chapter upon an affirmative showing by
31 the taxpayer to the satisfaction of the department that such

1 items are used in a new business in this state. Such purchases
2 must be made prior to the date the business first begins its
3 productive operations, and delivery of the purchased item must
4 be made within 12 months of that date.

5 2.a. Industrial machinery and equipment purchased for
6 exclusive use by an expanding facility which is engaged in
7 spaceport activities as defined by s. 212.02 or for use in
8 expanding manufacturing facilities or plant units which
9 manufacture, process, compound, or produce for sale items of
10 tangible personal property at fixed locations in this state
11 are exempt from any amount of tax imposed by this chapter in
12 excess of \$50,000 per calendar year upon an affirmative
13 showing by the taxpayer to the satisfaction of the department
14 that such items are used to increase the productive output of
15 such expanded facility or business by not less than 10
16 percent.

17 b. Notwithstanding any other provision of this
18 section, industrial machinery and equipment purchased for use
19 in expanding printing manufacturing facilities or plant units
20 that manufacture, process, compound, or produce for sale items
21 of tangible personal property at fixed locations in this state
22 are exempt from any amount of tax imposed by this chapter upon
23 an affirmative showing by the taxpayer to the satisfaction of
24 the department that such items are used to increase the
25 productive output of such an expanded business by not less
26 than 10 percent.

27 3.a. To receive an exemption provided by subparagraph
28 1. or subparagraph 2., a qualifying business entity shall
29 apply to the department for a temporary tax exemption permit.
30 The application shall state that a new business exemption or
31 expanded business exemption is being sought. Upon a tentative

1 affirmative determination by the department pursuant to
2 subparagraph 1. or subparagraph 2., the department shall issue
3 such permit.

4 b. The applicant shall be required to maintain all
5 necessary books and records to support the exemption. Upon
6 completion of purchases of qualified machinery and equipment
7 pursuant to subparagraph 1. or subparagraph 2., the temporary
8 tax permit shall be delivered to the department or returned to
9 the department by certified or registered mail.

10 c. If, in a subsequent audit conducted by the
11 department, it is determined that the machinery and equipment
12 purchased as exempt under subparagraph 1. or subparagraph 2.
13 did not meet the criteria mandated by this paragraph or if
14 commencement of production did not occur, the amount of taxes
15 exempted at the time of purchase shall immediately be due and
16 payable to the department by the business entity, together
17 with the appropriate interest and penalty, computed from the
18 date of purchase, in the manner prescribed by this chapter.

19 d. In the event a qualifying business entity fails to
20 apply for a temporary exemption permit or if the tentative
21 determination by the department required to obtain a temporary
22 exemption permit is negative, a qualifying business entity
23 shall receive the exemption provided in subparagraph 1. or
24 subparagraph 2. through a refund of previously paid taxes. No
25 refund may be made for such taxes unless the criteria mandated
26 by subparagraph 1. or subparagraph 2. have been met and
27 commencement of production has occurred.

28 4. The department shall adopt ~~promulgate~~ rules
29 governing applications for, issuance of, and the form of
30 temporary tax exemption permits; provisions for recapture of
31 taxes; and the manner and form of refund applications and may

1 establish guidelines as to the requisites for an affirmative
2 showing of increased productive output, commencement of
3 production, and qualification for exemption.

4 5. The exemptions provided in subparagraphs 1. and 2.
5 do not apply to machinery or equipment purchased or used by
6 electric utility companies, communications companies, oil or
7 gas exploration or production operations, publishing firms
8 that do not export at least 50 percent of their finished
9 product out of the state, any firm subject to regulation by
10 the Division of Hotels and Restaurants of the Department of
11 Business and Professional Regulation, or any firm which does
12 not manufacture, process, compound, or produce for sale items
13 of tangible personal property or which does not use such
14 machinery and equipment in spaceport activities as required by
15 this paragraph. The exemptions provided in subparagraphs 1.
16 and 2. shall apply to machinery and equipment purchased for
17 use in phosphate or other solid minerals severance, mining, or
18 processing operations only by way of a prospective credit
19 against taxes due under chapter 211 for taxes paid under this
20 chapter on such machinery and equipment.

21 6. For the purposes of the exemptions provided in
22 subparagraphs 1. and 2., these terms have the following
23 meanings:

24 a. "Industrial machinery and equipment" means tangible
25 personal property or other property that has a depreciable
26 life of 3 years or more and that is used as an integral part
27 in the manufacturing, processing, compounding, or production
28 of tangible personal property for sale or is exclusively used
29 in spaceport activities. A building and its structural
30 components are not industrial machinery and equipment unless
31 the building or structural component is so closely related to

1 the industrial machinery and equipment that it houses or
2 supports that the building or structural component can be
3 expected to be replaced when the machinery and equipment
4 itself is replaced. Heating and air conditioning systems are
5 not industrial machinery and equipment, unless the sole
6 justification for their installation is to meet the
7 requirements of the production process, even though the system
8 may provide incidental comfort to employees or serve, to an
9 insubstantial degree, nonproduction activities. The~~section~~
10 ~~38 property" as defined in s. 48(a)(1)(A) and (B)(i) of the~~
11 ~~Internal Revenue Code, provided "industrial machinery and~~
12 ~~equipment" shall be construed by regulations adopted by the~~
13 ~~Department of Revenue to mean tangible property used as an~~
14 ~~integral part of spaceport activities or of the manufacturing,~~
15 ~~processing, compounding, or producing for sale of items of~~
16 ~~tangible personal property. Such term includes parts and~~
17 ~~accessories only to the extent that the exemption thereof is~~
18 ~~consistent with the provisions of this paragraph.~~

19 b. "Productive output" means the number of units
20 actually produced by a single plant or operation in a single
21 continuous 12-month period, irrespective of sales. Increases
22 in productive output shall be measured by the output for 12
23 continuous months immediately following the completion of
24 installation of such machinery or equipment over the output
25 for the 12 continuous months immediately preceding such
26 installation. However, if a different 12-month continuous
27 period of time would more accurately reflect the increase in
28 productive output of machinery and equipment purchased to
29 facilitate an expansion, the increase in productive output may
30 be measured during that 12-month continuous period of time if
31 such time period is mutually agreed upon by the Department of

1 Revenue and the expanding business prior to the commencement
2 of production; provided, however, in no case may such time
3 period begin later than 2 years following the completion of
4 installation of the new machinery and equipment. The units
5 used to measure productive output shall be physically
6 comparable between the two periods, irrespective of sales.

7 (d) Machinery and equipment used under federal
8 procurement contract.--

9 1. Industrial machinery and equipment purchased by an
10 expanding business which manufactures tangible personal
11 property pursuant to federal procurement regulations at fixed
12 locations in this state are partially exempt from the tax
13 imposed in this chapter on that portion of the tax which is in
14 excess of \$100,000 per calendar year upon an affirmative
15 showing by the taxpayer to the satisfaction of the department
16 that such items are used to increase the implicit productive
17 output of the expanded business by not less than 10 percent.
18 The percentage of increase is measured as deflated implicit
19 productive output for the calendar year during which the
20 installation of the machinery or equipment is completed or
21 during which commencement of production utilizing such items
22 is begun divided by the implicit productive output for the
23 preceding calendar year. In no case may the commencement of
24 production begin later than 2 years following completion of
25 installation of the machinery or equipment.

26 2. The amount of the exemption allowed shall equal the
27 taxes otherwise imposed by this chapter in excess of \$100,000
28 per calendar year on qualifying industrial machinery or
29 equipment reduced by the percentage of gross receipts from
30 cost-reimbursement type contracts attributable to the plant or
31

1 operation to total gross receipts so attributable, accrued for
2 the year of completion or commencement.

3 3. The exemption provided by this paragraph shall
4 inure to the taxpayer only through refund of previously paid
5 taxes. Such refund shall be made within 30 days of formal
6 approval by the department of the taxpayer's application,
7 which application may be made on an annual basis following
8 installation of the machinery or equipment.

9 4. For the purposes of this paragraph, the term:

10 a. "Cost-reimbursement type contracts" has the same
11 meaning as in 32 C.F.R. s. 3-405.

12 b. "Deflated implicit productive output" means the
13 product of implicit productive output times the quotient of
14 the national defense implicit price deflator for the preceding
15 calendar year divided by the deflator for the year of
16 completion or commencement.

17 c. "Eligible costs" means the total direct and
18 indirect costs, as defined in 32 C.F.R. ss. 15-202 and 15-203,
19 excluding general and administrative costs, selling expenses,
20 and profit, defined by the uniform cost-accounting standards
21 adopted by the Cost-Accounting Standards Board created
22 pursuant to 50 U.S.C. s. 2168.

23 d. "Implicit productive output" means the annual
24 eligible costs attributable to all contracts or subcontracts
25 subject to federal procurement regulations of the single plant
26 or operation at which the machinery or equipment is used.

27 e. "Industrial machinery and equipment" means tangible
28 personal property, or other property, that has a depreciable
29 life of 3 years or more, that qualifies as an eligible cost
30 under federal procurement regulations, and that is used as an
31 integral part of the process of production of tangible

1 personal property. A building and its structural components
2 are not industrial machinery and equipment unless the building
3 or structural component is so closely related to the
4 industrial machinery and equipment that it houses or supports
5 that the building or structural component can be expected to
6 be replaced when the machinery and equipment itself is
7 replaced. Heating and air conditioning systems are not
8 industrial machinery and equipment, unless the sole
9 justification for their installation is to meet the
10 requirements of the production process, even though the system
11 may provide incidental comfort to employees or serve, to an
12 insubstantial degree, nonproduction activities.~~section 38~~
13 ~~property" as defined in s. 48(a)(1)(A) and (B)(i) of the~~
14 ~~Internal Revenue Code, provided such industrial machinery and~~
15 ~~equipment qualified as an eligible cost under federal~~
16 ~~procurement regulations and are used as an integral part of~~
17 ~~the tangible personal property production process.~~The Such
18 term includes parts and accessories only to the extent that
19 the exemption of such parts and accessories is consistent with
20 the provisions of this paragraph.

21 f. "National defense implicit price deflator" means
22 the national defense implicit price deflator for the gross
23 national product as determined by the Bureau of Economic
24 Analysis of the United States Department of Commerce.

25 5. The exclusions provided in subparagraph (b)5. apply
26 to this exemption. This exemption applies only to machinery
27 or equipment purchased pursuant to production contracts with
28 the United States Department of Defense and Armed Forces, the
29 National Aeronautics and Space Administration, and other
30 federal agencies for which the contracts are classified for
31 national security reasons. In no event shall the provisions

1 of this paragraph apply to any expanding business the increase
2 in productive output of which could be measured under the
3 provisions of sub-subparagraph (b)6.b. as physically
4 comparable between the two periods.

5 (f) Motion picture or video equipment used in motion
6 picture or television production activities and sound
7 recording equipment used in the production of master tapes and
8 master records.--

9 1. Motion picture or video equipment and sound
10 recording equipment purchased or leased for use in this state
11 in production activities is exempt from the tax imposed by
12 this chapter. The exemption provided by this paragraph shall
13 inure to the taxpayer upon presentation of the certificate of
14 exemption issued to the taxpayer under the provisions of s.
15 288.1258.

16 2. For the purpose of the exemption provided in
17 subparagraph 1.:

18 a. "Motion picture or video equipment" and "sound
19 recording equipment" includes only tangible personal property,
20 or other property, that has a depreciable life of 3 years or
21 more and equipment meeting the definition of "section 38
22 property" as defined in s. 48(a)(1)(A) and (B)(i) of the
23 Internal Revenue Code that is used by the lessee or purchaser
24 exclusively as an integral part of production activities;
25 however, motion picture or video equipment and sound recording
26 equipment does not include supplies, tape, records, film, or
27 video tape used in productions or other similar items;
28 vehicles or vessels; or general office equipment not
29 specifically suited to production activities. In addition,
30 the term does not include equipment purchased or leased by
31 television or radio broadcasting or cable companies licensed

1 by the Federal Communications Commission. Furthermore, a
2 building and its structural components are not motion picture
3 or video equipment and sound recording equipment unless the
4 building or structural component is so closely related to the
5 motion picture or video equipment and sound recording
6 equipment that it houses or supports that the building or
7 structural component can be expected to be replaced when the
8 motion picture or video equipment and sound recording
9 equipment itself is replaced. Heating and air conditioning
10 systems are not motion picture or video equipment and sound
11 recording equipment, unless the sole justification for their
12 installation is to meet the requirements of the production
13 activities, even though the system may provide incidental
14 comfort to employees or serve, to an insubstantial degree,
15 nonproduction activities.

16 b. "Production activities" means activities directed
17 toward the preparation of a:

18 (I) Master tape or master record embodying sound; or

19 (II) Motion picture or television production which is
20 produced for theatrical, commercial, advertising, or
21 educational purposes and utilizes live or animated actions or
22 a combination of live and animated actions. The motion picture
23 or television production shall be commercially produced for
24 sale or for showing on screens or broadcasting on television
25 and may be on film or video tape.

26 Section 6. (1) It is the intent of the Legislature to
27 provide guidance in tax matters which is current and useful.
28 Accordingly, the continued reference to a federal regulation
29 that no longer exists causes confusion and an undue burden on
30 persons affected by section 212.08, Florida Statutes.

31

1 (2) It is the purpose of the amendment to section
2 212.08(5)(b), (d), and (f), Florida Statutes, by this act to
3 replace specific references therein to "section 38 property"
4 as defined in s. 48(a)(1)(A) and (B)(i) of the Internal
5 Revenue Code with a general description of such property, and
6 such new description shall have the same meaning as the former
7 federal Internal Revenue Code regulation without limitation.

8 Section 7. Effective July 1, 2002, subsection (10) of
9 section 212.08, Florida Statutes, is amended to read:

10 212.08 Sales, rental, use, consumption, distribution,
11 and storage tax; specified exemptions.--The sale at retail,
12 the rental, the use, the consumption, the distribution, and
13 the storage to be used or consumed in this state of the
14 following are hereby specifically exempt from the tax imposed
15 by this chapter.

16 (10) PARTIAL EXEMPTION; MOTOR VEHICLE SOLD TO RESIDENT
17 OF ANOTHER STATE.--

18 (a) The tax collected on the sale of a new or used
19 motor vehicle in this state to a resident of another state
20 shall be an amount equal to the sales tax which would be
21 imposed on such sale under the laws of the state of which the
22 purchaser is a resident, except that such tax shall not exceed
23 the tax that would otherwise be imposed under this chapter.
24 At the time of the sale, the purchaser shall execute a
25 notarized statement of his or her intent to license the
26 vehicle in the state of which the purchaser is a resident
27 within 45 days of the sale and of the fact of the payment to
28 the State of Florida of a sales tax in an amount equivalent to
29 the sales tax of his or her state of residence and shall
30 submit the statement to the appropriate sales tax collection
31 agency in his or her state of residence. Nothing in this

1 subsection shall be construed to require the removal of the
2 vehicle from this state following the filing of an intent to
3 license the vehicle in the purchaser's home state if the
4 purchaser licenses the vehicle in his or her home state within
5 45 days after the date of sale.

6 (b) Notwithstanding the partial exemption allowed in
7 paragraph (a), a vehicle is subject to this state's sales tax
8 at the applicable state sales tax rate plus authorized
9 surtaxes when the vehicle is purchased by a nonresident
10 corporation or partnership and:

11 1. An officer of the corporation is a resident of this
12 state;

13 2. A stockholder of the corporation who owns at least
14 10 percent of the corporation is a resident of this state; or

15 3. A partner in the partnership who has at least 10
16 percent ownership is a resident of this state.

17
18 However, if the vehicle is removed from this state within 45
19 days after purchase and remains outside the state for a
20 minimum of 180 days, the vehicle may qualify for the partial
21 exemption allowed in paragraph (a) despite the residency of
22 owners or stockholders of the purchasing entity.

23 (c) Nothing herein shall require the payment of tax to
24 the State of Florida for assessments made prior to July 1,
25 2001, if the tax imposed by this section has been paid to the
26 state in which the vehicle was licensed and the department has
27 assessed a like amount of tax on the same transactions. This
28 provision shall apply retroactively to assessments that have
29 been protested prior to August 1, 1999, and have not been paid
30 on the date this act takes effect.

31

1 Section 8. Effective July 1, 2002, paragraph (b) of
2 subsection (14) of section 212.06, Florida Statutes, is
3 amended to read:

4 212.06 Sales, storage, use tax; collectible from
5 dealers; "dealer" defined; dealers to collect from purchasers;
6 legislative intent as to scope of tax.--

7 (14) For the purpose of determining whether a person
8 is improving real property, the term:

9 (b) "Fixtures" means items that are an accessory to a
10 building, other structure, or land and that do not lose their
11 identity as accessories when installed but that do become
12 permanently attached to realty. However, the term does not
13 include the following items, whether or not such items are
14 attached to real property in a permanent manner: ~~trade~~
15 ~~fixtures~~; property of a type that is required to be
16 registered, licensed, titled, or documented by this state or
17 by the United States Government, including, but not limited
18 to, mobile homes, except mobile homes assessed as real
19 property; or industrial machinery or equipment. For purposes
20 of this paragraph, industrial machinery or equipment is not
21 limited to machinery and equipment used to manufacture,
22 process, compound, or produce tangible personal property. For
23 an item to be considered a fixture, it is not necessary that
24 the owner of the item also own the real property to which it
25 is attached.

26 Section 9. It is the intent of the Legislature that
27 the amendment to section 212.06(14)(b), Florida Statutes,
28 relating to trade fixtures and industrial machinery or
29 equipment, which is made by section 8 of this act, is remedial
30 in nature and merely clarifies existing law. However, section
31 212.06, Florida Statutes, does not authorize an assessment of

1 additional tax, penalty, or interest against any taxpayer that
2 complied with section 212.06(14)(b), Florida Statutes, as
3 amended by chapter 98-141, Laws of Florida, effective July 1,
4 1998, and a taxpayer is not entitled to a refund of taxes
5 previously paid due to the retroactive effect of this act.

6 Section 10. Paragraph (a) of subsection (8) and
7 subsection (9) of section 212.08, Florida Statutes, are
8 amended to read:

9 212.08 Sales, rental, use, consumption, distribution,
10 and storage tax; specified exemptions.--The sale at retail,
11 the rental, the use, the consumption, the distribution, and
12 the storage to be used or consumed in this state of the
13 following are hereby specifically exempt from the tax imposed
14 by this chapter.

15 (8) PARTIAL EXEMPTIONS; VESSELS ENGAGED IN INTERSTATE
16 OR FOREIGN COMMERCE.--

17 (a) The sale or use of vessels and parts thereof used
18 to transport persons or property in interstate or foreign
19 commerce, including commercial fishing vessels, is subject to
20 the taxes imposed in this chapter only to the extent provided
21 herein. The basis of the tax shall be the ratio of intrastate
22 mileage to interstate or foreign mileage traveled by the
23 carrier's vessels which were used in interstate or foreign
24 commerce and which had at least some Florida mileage during
25 the previous fiscal year. The ratio would be determined at
26 the close of the carrier's fiscal year. However, during the
27 fiscal year in which the vessel begins its initial operations
28 in this state, the vessel's mileage apportionment factor may
29 be determined on the basis of an estimated ratio of
30 anticipated miles in this state to anticipated total miles for
31 that year, and, subsequently, additional tax must be paid on

1 the vessel, or a refund may be applied for, on the basis of
2 the actual ratio of the vessel's miles in this state to its
3 total miles for that year.This ratio shall be applied each
4 month to the total Florida purchases of such vessels and parts
5 thereof which are used in Florida to establish that portion of
6 the total used and consumed in intrastate movement and subject
7 to the tax at the applicable rate. The basis for imposition
8 of any discretionary surtax shall be as set forth in s.
9 212.054. Items, appropriate to carry out the purposes for
10 which a vessel is designed or equipped and used, purchased by
11 the owner, operator, or agent of a vessel for use on board
12 such vessel shall be deemed to be parts of the vessel upon
13 which the same are used or consumed. Vessels and parts thereof
14 used to transport persons or property in interstate and
15 foreign commerce are hereby determined to be susceptible to a
16 distinct and separate classification for taxation under the
17 provisions of this chapter. Vessels and parts thereof used
18 exclusively in intrastate commerce do not qualify for the
19 proration of tax.

20 (9) PARTIAL EXEMPTIONS; RAILROADS AND MOTOR VEHICLES
21 ENGAGED IN INTERSTATE OR FOREIGN COMMERCE.--

22 (a) Railroads that ~~which~~ are licensed as common
23 carriers by the Surface Transportation Board ~~Interstate~~
24 ~~Commerce Commission~~ and parts thereof used to transport
25 persons or property in interstate or foreign commerce are
26 subject to tax imposed in this chapter only to the extent
27 provided herein. The basis of the tax shall be the ratio of
28 intrastate mileage to interstate or foreign mileage traveled
29 by the carrier during the previous fiscal year of the carrier.
30 Such ratio is to be determined at the close of the carrier's
31 fiscal year. However, during the fiscal year in which the

1 railroad begins its initial operations in this state, the
2 railroad's mileage apportionment factor may be determined on
3 the basis of an estimated ratio of anticipated miles in this
4 state to anticipated total miles for that year, and,
5 subsequently, additional tax must be paid on the railroad, or
6 a refund may be applied for, on the basis of the actual ratio
7 of the railroad's miles in this state to its total miles for
8 that year. This ratio shall be applied each month to the
9 Florida ~~total~~ purchases of the railroad which are used in this
10 state to establish that portion of the total used and consumed
11 in intrastate movement and subject to tax under this chapter.
12 The basis for imposition of any discretionary surtax is set
13 forth in s. 212.054. Railroads that ~~which~~ are licensed as
14 common carriers by the Surface Transportation Board Interstate
15 ~~Commerce Commission~~ and parts thereof used to transport
16 persons or property in interstate and foreign commerce are
17 hereby determined to be susceptible to a distinct and separate
18 classification for taxation under the provisions of this
19 chapter.

20 (b) Motor vehicles that ~~which~~ are engaged in
21 interstate commerce as common carriers, and parts thereof,
22 used to transport persons or property in interstate or foreign
23 commerce are subject to tax imposed in this chapter only to
24 the extent provided herein. The basis of the tax shall be the
25 ratio of intrastate mileage to interstate or foreign mileage
26 traveled by the carrier's motor vehicles which were used in
27 interstate or foreign commerce and which had at least some
28 Florida mileage during the previous fiscal year of the
29 carrier. Such ratio is to be determined at the close of the
30 carrier's fiscal year. However, during the fiscal year in
31 which the carrier begins its initial operations in this state,

1 the carrier's mileage apportionment factor may be determined
2 on the basis of an estimated ratio of anticipated miles in
3 this state to anticipated total miles for that year, and,
4 subsequently, additional tax must be paid on the carrier, or a
5 refund may be applied for, on the basis of the actual ratio of
6 the carrier's miles in this state to its total miles for that
7 year.This ratio shall be applied each month to the Florida
8 ~~total~~ purchases of such motor vehicles and parts thereof which
9 are used in this state to establish that portion of the total
10 used and consumed in intrastate movement and subject to tax
11 under this chapter. The basis for imposition of any
12 discretionary surtax is set forth in s. 212.054. Motor
13 vehicles that ~~which~~ are engaged in interstate commerce, and
14 parts thereof, used to transport persons or property in
15 interstate and foreign commerce are hereby determined to be
16 susceptible to a distinct and separate classification for
17 taxation under the provisions of this chapter. Motor vehicles
18 and parts thereof used exclusively in intrastate commerce do
19 not qualify for the proration of tax. For purposes of this
20 paragraph, parts of a motor vehicle engaged in interstate
21 commerce include a separate tank not connected to the fuel
22 supply system of the motor vehicle into which diesel fuel is
23 placed to operate a refrigeration unit or other equipment.

24 Section 11. Effective July 1, 2002, subsection (10) of
25 section 624.509, Florida Statutes, is repealed.

26 Section 12. Subsection (2) of section 213.285, Florida
27 Statutes, is amended to read:

28 213.285 Certified audits.--

29 (2)(a) The department is authorized to initiate a
30 certified audits project to further enhance tax compliance
31 reviews performed by qualified practitioners and to encourage

1 taxpayers to hire qualified practitioners at their own expense
2 to review and report on their tax compliance. The nature of
3 certified audit work performed by qualified practitioners
4 shall be agreed-upon procedures in which the department is the
5 specified user of the resulting report.

6 (b) As an incentive for taxpayers to incur the costs
7 of a certified audit, the department shall compromise
8 penalties and abate interest due on any tax liabilities
9 revealed by a certified audit as provided in s. 213.21. This
10 authority to compromise penalties or abate interest shall not
11 apply to any liability for taxes that were collected by the
12 participating taxpayer but that were not remitted to the
13 department.

14 (c) The certified audits project is repealed on July
15 1, 2006 ~~2002~~, or upon completion of the project as determined
16 by the department, whichever occurs first.

17 Section 13. Subsection (3) and paragraph (n) of
18 subsection (7) of section 213.053, Florida Statutes, are
19 amended and paragraph (w) is added to subsection (7) of that
20 section to read:

21 213.053 Confidentiality and information sharing.--

22 (3) The department shall permit a taxpayer, his or her
23 authorized representative, or the personal representative of
24 an estate to inspect the taxpayer's return and may furnish him
25 or her an abstract of such return. A taxpayer may authorize
26 the department in writing to divulge specific information
27 concerning the taxpayer's account. The department, while
28 performing unemployment-compensation tax-collection services
29 under a contract with the Agency for Workforce Innovation, may
30 release unemployment-tax-rate information to the agent of an
31 employer, which agent provides payroll services for more than

1 500 employers, pursuant to the terms of a memorandum of
2 understanding. The memorandum of understanding must state that
3 the agent affirms, subject to the criminal penalties contained
4 in ss. 443.171 and 443.1715, that the agent will retain the
5 confidentiality of the information, that the agent has in
6 effect a power of attorney from the employer which permits the
7 agent to obtain unemployment-tax-rate information, and that
8 the agent will provide to the department on request a copy of
9 the employer's power of attorney.

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

12 (n) Information contained in returns, reports,
13 accounts, or declarations to the Board of Accountancy in
14 connection with a disciplinary proceeding conducted pursuant
15 to chapter 473 when related to a certified public accountant
16 participating in the certified audits project, or to the court
17 in connection with a civil proceeding brought by the
18 department relating to a claim for recovery of taxes due to
19 negligence on the part of a certified public accountant
20 participating in the certified audits project. In any
21 judicial proceeding brought by the department, upon motion for
22 protective order, the court shall limit disclosure of tax
23 information when necessary to effectuate the purposes of this
24 section. This paragraph is repealed on July 1, 2006 ~~2002~~.

25 (w) Tax registration information to the Agency for
26 Workforce Innovation for use in the conduct of its official
27 duties, which information may not be redisclosed by the Agency
28 for Workforce Innovation.

29
30 Disclosure of information under this subsection shall be
31 pursuant to a written agreement between the executive director

1 and the agency. Such agencies, governmental or
2 nongovernmental, shall be bound by the same requirements of
3 confidentiality as the Department of Revenue. Breach of
4 confidentiality is a misdemeanor of the first degree,
5 punishable as provided by s. 775.082 or s. 775.083.

6 Section 14. Subsection (8) of section 213.21, Florida
7 Statutes, is amended to read:

8 213.21 Informal conferences; compromises.--

9 (8) In order to determine whether certified audits are
10 an effective tool in the overall state tax collection effort,
11 the executive director of the department or the executive
12 director's designee shall settle or compromise penalty
13 liabilities of taxpayers who participate in the certified
14 audits project. As further incentive for participating in the
15 program, the department shall abate the first \$25,000 of any
16 interest liability and 25 percent of any interest due in
17 excess of the first \$25,000. A settlement or compromise of
18 penalties or interest pursuant to this subsection shall not be
19 subject to the provisions of paragraph (3)(a), except for the
20 requirement relating to confidentiality of records. The
21 department may consider an additional compromise of tax or
22 interest pursuant to the provisions of paragraph (3)(a). This
23 subsection does not apply to any liability related to taxes
24 collected but not remitted to the department. This subsection
25 is repealed on July 1, 2006 ~~2002~~.

26 Section 15. Paragraph (f) of subsection (4) of section
27 11 of chapter 2000-165, Laws of Florida, is amended to read:

28 Section 11.

29 (4) Effective October 1, 2000, the following programs
30 and functions are transferred to the Agency for Workforce
31 Innovation:

1 (f) The Division of Unemployment Compensation is
2 transferred by a type two transfer, as defined in section
3 20.06(2), Florida Statutes, from the Department of Labor and
4 Employment Security to the Agency for Workforce Innovation.
5 The resources, data, records, property, and unexpended
6 balances of appropriations, allocations, and other funds
7 within the Office of the Secretary or any other division,
8 office, bureau, or unit within the Department of Labor and
9 Employment Security that support the Division of Unemployment
10 Compensation are transferred by a type two transfer, as
11 defined in section 20.06(2), Florida Statutes, from the
12 Department of Labor and Employment Security. By January 1,
13 2001, the Agency for Workforce Innovation shall enter into a
14 contract with the Department of Revenue which shall provide
15 for the Department of Revenue to provide unemployment tax
16 collection services. The Department of Revenue, in
17 consultation with the Department of Labor and Employment
18 Security, shall determine the number of positions needed to
19 provide unemployment tax collection services within the
20 Department of Revenue. The number of unemployment tax
21 collection service positions the Department of Revenue
22 determines are needed shall not exceed the number of positions
23 that, prior to the contract, were authorized to the Department
24 of Labor and Employment Security for this purpose. Upon
25 entering into the contract with the Agency for Workforce
26 Innovation to provide unemployment tax collection services,
27 the number of required positions, as determined by the
28 Department of Revenue, shall be authorized within the
29 Department of Revenue. Beginning January 1, 2002, the Office
30 of Program Policy Analysis and Government Accountability shall
31 conduct a feasibility study regarding privatization of

1 unemployment tax collection services. A report on the
2 conclusions of this study shall be submitted to the Governor,
3 the President of the Senate, and the Speaker of the House of
4 Representatives. The Department of Revenue is considered to be
5 administering a revenue law of this state when it provides
6 unemployment compensation tax collection services pursuant to
7 its contract with the Agency for Workforce Innovation. The
8 following provisions of chapter 213, Florida Statutes, apply
9 to the collection of unemployment contributions by the
10 Department of Revenue unless prohibited by federal law: ss.
11 213.018, 213.025, 213.051, 213.053, 213.055, 213.071, 213.10,
12 213.2201, 213.23, 213.24(2), 213.27, 213.28, 213.285, 213.37,
13 213.50, 213.67, 213.69, 213.73, 213.733, 213.74, and 213.757.

14 Section 16. Subsection (7) of section 45.031, Florida
15 Statutes, is amended to read:

16 45.031 Judicial sales procedure.--In any sale of real
17 or personal property under an order or judgment, the following
18 procedure may be followed as an alternative to any other sale
19 procedure if so ordered by the court:

20 (7) DISBURSEMENTS OF PROCEEDS.--On filing a
21 certificate of title the clerk shall disburse the proceeds of
22 the sale in accordance with the order or final judgment, and
23 shall file a report of such disbursements and serve a copy of
24 it on each party not in default, and on the Department of
25 Revenue, if it was named as a defendant in the action or if
26 the Agency for Workforce Innovation or the Florida Department
27 of Labor and Employment Security was named as a defendant
28 while the Department of Revenue was performing unemployment
29 compensation tax collection services pursuant to a contract
30 with the Agency for Workforce Innovation, in substantially the
31 following form:

1
2
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

(Caption of Action)

CERTIFICATE OF DISBURSEMENTS

The undersigned clerk of the court certifies that he or she disbursed the proceeds received from the sale of the property as provided in the order or final judgment to the persons and in the amounts as follows:

Name	Amount
Total	

WITNESS my hand and the seal of the court on ,
 . . .(year)
. . .(Clerk) . . .
By . . .(Deputy Clerk) . . .

If no objections to the report are served within 10 days after it is filed, the disbursements by the clerk shall stand approved as reported. If timely objections to the report are served, they shall be heard by the court. Service of objections to the report does not affect or cloud the title of the purchaser of the property in any manner.

Section 17. Paragraph (a) of subsection (4) of section 69.041, Florida Statutes, is amended to read:

69.041 State named party; lien foreclosure, suit to quiet title.--

(4)(a) The Department of Revenue has the right to participate in the disbursement of funds remaining in the registry of the court after distribution pursuant to s.

1 45.031(7). The department shall participate in accordance with
2 applicable procedures in any mortgage foreclosure action in
3 which the department has a duly filed tax warrant, or
4 interests under a lien arising from a judgment, order, or
5 decree for support, as defined in s. 409.2554, or interest in
6 an unemployment compensation tax lien pursuant to a contract
7 with the Agency for Workforce Innovation, against the subject
8 property and with the same priority, regardless of whether a
9 default against the department, the Agency for Workforce
10 Innovation, or the Department of Labor and Employment Security
11 has been entered for failure to file an answer or other
12 responsive pleading.

13 Section 18. Effective upon this act becoming a law and
14 applying retroactively to December 21, 2000, section 443.1315,
15 Florida Statutes, is created to read:

16 443.1315 Treatment of Indian tribes.--

17 (1) As used in this section, the term:

18 (a) "Employer" includes any Indian tribe for which
19 service in employment as defined by this chapter is performed.

20 (b) "Employment" includes service performed in the
21 employ of an Indian tribe, as defined by s. 3306(u) of the
22 Federal Unemployment Tax Act, provided such service is
23 excluded from "employment," as defined by that act, solely by
24 reason of s. 3306(c)(7) of said act and is not otherwise
25 excluded from "employment" under this chapter. For purposes of
26 this section, the exclusions from employment under s.
27 443.036(21)(d) shall be applicable to services performed in
28 the employ of an Indian tribe.

29 (2) Benefits based on service in employment, as
30 defined by this section, shall be payable in the same amount,
31 on the same terms, and subject to the same conditions as

1 benefits payable on the basis of other service subject to this
2 chapter.

3 (3)(a) Indian tribes or tribal units, including
4 subdivisions, subsidiaries, or business enterprises wholly
5 owned by such Indian tribes, subject to this chapter shall pay
6 contributions under the same terms and conditions as all other
7 subject employers, unless they elect to pay into the
8 Unemployment Compensation Trust Fund amounts equal to the
9 amount of benefits attributable to service in the employ of
10 the Indian tribe.

11 (b) Indian tribes electing to make payments in lieu of
12 contributions must make such election in the same manner and
13 under the same conditions as provided by s. 443.131 for state
14 and local governments and nonprofit organizations subject to
15 this chapter. Indian tribes shall determine if reimbursement
16 for benefits paid will be elected by the tribe as a whole, by
17 individual tribal units, or by combinations of individual
18 tribal units.

19 (c) Indian tribes or tribal units shall be billed for
20 the full amount of benefits attributable to service in the
21 employ of the Indian tribe or tribal unit on the same schedule
22 as other employing units that have elected to make payments in
23 lieu of contributions.

24 (d) At the discretion of the director of the Agency
25 for Workforce Innovation or his or her designee, any Indian
26 tribe or tribal unit that elects to become liable for payments
27 in lieu of contributions shall be required, within 90 days
28 after the effective date of its election, to:

29 1. Execute and file with the director or his or her
30 designee a surety bond approved by the director or his or her
31 designee; or

1 2. Deposit with the director or his or her designee
2 money or securities on the same basis as other employers with
3 the same election option.

4 (4)(a)1. Failure of the Indian tribe or tribal unit to
5 make required payments, including assessments of interest and
6 penalty, within 90 days after receipt of the bill, will cause
7 the Indian tribe to lose the option to make payments in lieu
8 of contributions, as described in subsection (3), for the
9 following tax year, unless payment in full is received before
10 contribution rates for the next tax year are computed.

11 2. Any Indian tribe that loses the option to make
12 payments in lieu of contributions due to late payment or
13 nonpayment, as described in subparagraph 1., shall have such
14 option reinstated if, after a period of 1 year, all
15 contributions have been made timely, provided no
16 contributions, payments in lieu of contributions for benefits
17 paid, penalties, or interest remain outstanding.

18 (b)1. Failure of the Indian tribe or any tribal unit
19 thereof to make required payments, including assessments of
20 interest and penalty, after all collection activities deemed
21 necessary by the director of the Agency for Workforce
22 Innovation or his or her designee have been exhausted, will
23 cause services performed for such tribe to not be treated as
24 "employment" for purposes of paragraph (1)(b).

25 2. The director or his or her designee may determine
26 that any Indian tribe that loses coverage under subparagraph
27 1. may have services performed for such tribe again included
28 as "employment" for purposes of paragraph (1)(b) if all
29 contributions, payments in lieu of contributions, penalties,
30 and interest have been paid.

31

1 (c) If an Indian tribe fails to make payments required
2 under this section, including assessments of interest and
3 penalty, within 90 days after a final notice of delinquency,
4 the director of the Agency for Workforce Innovation shall
5 immediately notify the United States Internal Revenue Service
6 and the United States Department of Labor.

7 (5) Notices of payment and reporting delinquency to
8 Indian tribes or their tribal units shall include information
9 that failure to make full payment within the prescribed
10 timeframe:

11 (a) Will cause the Indian tribe to be liable for taxes
12 under the Federal Unemployment Tax Act.

13 (b) Will cause the Indian tribe to lose the option to
14 make payments in lieu of contributions.

15 (c) Could cause the Indian tribe to be excepted from
16 the definition of "employer," as provided in paragraph (1)(a),
17 and services in the employ of the Indian tribe, as provided in
18 paragraph (1)(b), to be excepted from "employment."

19 (6) Extended benefits paid that are attributable to
20 service in the employ of an Indian tribe and not reimbursed by
21 the Federal Government shall be financed in their entirety by
22 such Indian tribe.

23 (7) The Agency for Workforce Innovation shall adopt
24 any rules necessary to administer this section.

25 Section 19. Effective January 1, 2003, section
26 443.163, Florida Statutes, is amended to read:

27 443.163 Electronic reporting and remitting of taxes.--

28 (1) An employer may choose to file any report and
29 remit any taxes required by this chapter by electronic means
30 in a form initiated through an electronic data interchange
31 using an advanced encrypted transmission by means of the

1 ~~Internet or other suitable transmission.~~ The Agency for
2 Workforce Innovation or its designee division shall prescribe
3 by rule the format and instructions necessary for such filing
4 of reports and remitting of taxes to ensure a full collection
5 of contributions due. The acceptable method of transfer, the
6 method, form, and content of the electronic ~~means~~ data
7 ~~interchange~~, and the method means, if any, by which the
8 employer will be provided with an acknowledgment, shall be
9 prescribed by the agency or its designee division. However,
10 any employer who employed 10 or more employees in any quarter
11 during the preceding state fiscal year, or any person that
12 prepared and reported for 5 or more employers in the preceding
13 state fiscal year, must submit the Employers Quarterly Reports
14 (UCT-6) for the current calendar year and remit the taxes due
15 by electronic means approved by the agency or its designee.

16 (2) Any employer or person who fails to file an
17 Employers Quarterly Report (UCT-6) by electronic means
18 required by law is liable for a penalty of 10 percent of the
19 tax due, but not less than \$10 for each report, which is in
20 addition to any other penalty provided by this chapter which
21 may be applicable, unless the employer or person has first
22 obtained a waiver for such requirement from the agency or its
23 designee. Any employer or person who fails to remit tax by
24 electronic means as required by law is liable for a penalty of
25 \$10 for each remittance submitted, which is in addition to any
26 other penalty provided by this chapter which may be
27 applicable.

28 (3) The agency or its designee may waive the
29 requirement to file an Employers Quarterly Report (UCT-6) by
30 electronic means for employers or persons that are unable to
31

1 comply despite good-faith efforts or due to circumstances
2 beyond the employer's or person's reasonable control.

3 (a) As prescribed by the agency or its designee,
4 grounds for approving the waiver include, but are not limited
5 to, circumstances in which the employer or person does not:

6 1. Currently file information or data electronically
7 with any business or government agency; or

8 2. Have a compatible computer that meets or exceeds
9 the standards prescribed by the agency or its designee.

10 (b) The agency or its designee shall accept other
11 reasons for requesting a waiver from the requirement to submit
12 the Employers Quarterly Report (UCT-6) by electronic means,
13 including, but not limited to:

14 1. The employer or person needs additional time to
15 program his or her computer;

16 2. That complying with this requirement causes the
17 employer or person financial hardship; or

18 3. That complying with this requirement conflicts with
19 the employer's business procedures.

20 (c) The agency or its designee may establish by rule
21 the length of time a waiver is valid and may determine whether
22 subsequent waivers will be authorized, based on the provisions
23 of this subsection; however, the agency or its designee shall
24 only grant a waiver from electronic reporting if the employer
25 or person timely files the Employers Quarterly Report (UCT-6)
26 by telefile, unless the employer wage detail exceeds the
27 agency's or its designee's telefile system capabilities.

28 (4) For purposes of this section, the term "electronic
29 means" includes, but is not limited to, electronic data
30 interchange; electronic fund transfer; and use of the
31

1 Internet, telephone, or other technology specified by the
2 agency or its designee.

3 Section 20. Effective January 1, 2003, section
4 213.755, Florida Statutes, is amended to read:

5 213.755 Filing of returns and payment of taxes by
6 electronic means ~~funds transfer~~.--

7 (1) The executive director of the Department of
8 Revenue shall have authority to require a taxpayer to file
9 returns and remit payments ~~taxes~~ by electronic means ~~funds~~
10 ~~transfer~~ where the taxpayer, ~~including consolidated filers,~~ is
11 subject to tax and has paid that tax in the prior state fiscal
12 year in an amount of \$30,000 ~~\$50,000~~ or more. Any taxpayer who
13 operates two or more places of business for which returns are
14 required to be filed with the department shall combine the tax
15 payments for all such locations in order to determine whether
16 they are obligated under this section. This subsection does
17 not override additional requirements in any provision of a
18 revenue law which the department has the responsibility for
19 regulating, controlling, and administering.

20 (2) As used in any revenue law administered by the
21 department, the term:

22 (a) "Payment" means any payment or remittance required
23 to be made or paid within a prescribed period or on or before
24 a prescribed date under the authority of any provision of a
25 revenue law which the department has the responsibility for
26 regulating, controlling, and administering. The term does not
27 include any remittance unless the amount of the remittance is
28 actually received by the department.

29 (b) "Return" means any report, claim, statement,
30 notice, application, affidavit, or other document required to
31 be filed within a prescribed period or on or before a

1 prescribed date under the authority of any provision of a
2 revenue law which the department has the responsibility of
3 regulating, controlling, and administering.

4 (c) "Electronic means" includes, but is not limited
5 to, electronic data interchange; electronic fund transfer; or
6 use of the Internet, telephone, or other technology specified
7 by the department.

8 (3) Solely for the purposes of administering this
9 section:

10 (a) Taxes levied under parts I and II of chapter 206
11 shall be considered a single tax.

12 (b) A person required to remit a tax acting as a
13 collection agent or dealer for the state shall nonetheless be
14 considered the taxpayer.

15 (4) The executive director may require a taxpayer to
16 file by electronic means returns for which no tax is due for
17 the specific taxing period.

18 (5) Beginning January 1, 2003, consolidated filers
19 shall file returns and remit taxes by electronic means.

20 (6) A taxpayer required to file returns by electronic
21 means shall also remit payments by electronic means. A
22 taxpayer who fails to file returns pursuant to this section is
23 liable for a penalty of \$10 for each report submitted, which
24 is in addition to any other penalty that may be applicable,
25 unless the taxpayer has first obtained a waiver of such
26 requirement from the department. A taxpayer who fails to remit
27 payments pursuant to this section is liable for a penalty of
28 \$10 for each remittance submitted, which is in addition to any
29 other penalty that may be applicable.

30 (7) The department shall give due regard to developing
31 uniform standards for formats as adopted by the American

1 National Standards Institute for encryption and taxpayer
2 authentication to ensure that the return and payment
3 information is kept confidential. The department shall also
4 provide several options for filing reports and remitting
5 payments by electronic means in order to make compliance with
6 the requirements of this section as simple as possible for the
7 taxpayer.

8 (8) The department shall prescribe by rule the format
9 and instructions necessary for filing returns and reports and
10 for remitting payments in accordance with this section to
11 ensure a full collection of taxes, interest, and penalties
12 due. The acceptable method of transfer; the method, form, and
13 content of the electronic filing of returns or remittance of
14 payments of tax, penalty, or interest; and the means, if any,
15 by which the taxpayer will be provided with an acknowledgment
16 of receipt shall be prescribed by the department.

17 (9) The department may waive the requirement to file a
18 return by electronic means for taxpayers that are unable to
19 comply despite good-faith efforts or due to circumstances
20 beyond the taxpayer's reasonable control.

21 (a) As prescribed by the department, grounds for
22 approving the waiver include, but are not limited to,
23 circumstances in which the taxpayer, the owner, or an officer
24 of the business, or the taxpayer's accountant or bookkeeper,
25 does not:

26 1. Currently file information or data electronically
27 with any business or government agency; or

28 2. Have a compatible computer that meets or exceeds
29 the department's minimum standards.

30
31

1 (b) The department shall accept other reasons for
2 requesting a waiver from the requirement to submit a return by
3 electronic means, including, but not limited to:

4 1. The taxpayer needs additional time to program his
5 or her computer;

6 2. That complying with this requirement causes the
7 taxpayer financial hardship; or

8 3. That complying with this requirement conflicts with
9 the taxpayer's business procedures.

10 (c) The department may establish by rule the length of
11 time a waiver is valid and may determine whether subsequent
12 waivers will be authorized, based on the provisions of this
13 subsection.

14 Section 21. Paragraph (a) of subsection (3) of section
15 213.21, Florida Statutes, is amended to read:

16 213.21 Informal conferences; compromises.--

17 (3)(a) A taxpayer's liability for any tax or interest
18 specified in s. 72.011(1) may be compromised by the department
19 upon the grounds of doubt as to liability for or
20 collectibility of such tax or interest. A taxpayer's liability
21 for interest under any of the chapters specified in s.
22 72.011(1) shall be settled or compromised in whole or in part
23 whenever or to the extent that the department determines that
24 the delay in the determination of the amount due is
25 attributable to the action or inaction of the department.A
26 taxpayer's liability for penalties under any of the chapters
27 specified in s. 72.011(1) may be settled or compromised if it
28 is determined by the department that the noncompliance is due
29 to reasonable cause and not to willful negligence, willful
30 neglect, or fraud. The facts and circumstances are subject to
31 de novo review to determine the existence of reasonable cause

1 in any administrative proceeding or judicial action
2 challenging an assessment of penalty under any of the chapters
3 specified in s. 72.011(1).A taxpayer who establishes
4 reasonable reliance on the written advice issued by the
5 department to the taxpayer will be deemed to have shown
6 reasonable cause for the noncompliance. In addition, a
7 taxpayer's liability for penalties under any of the chapters
8 specified in s. 72.011(1) in excess of 25 percent of the tax
9 shall be settled or compromised if the department determines
10 that the noncompliance is due to reasonable cause and not to
11 willful negligence, willful neglect, or fraud. The department
12 shall maintain records of all compromises, and the records
13 shall state the basis for the compromise. The records of
14 compromise under this paragraph shall not be subject to
15 disclosure pursuant to s. 119.07(1) and shall be considered
16 confidential information governed by the provisions of s.
17 213.053.

18 Section 22. Effective July 1, 2003, subsections (9)
19 and (10) are added to section 213.21, Florida Statutes, to
20 read:

21 213.21 Informal conferences; compromises.--

22 (9)(a) Notwithstanding any other provision of law and
23 solely for the purpose of administering the tax imposed by
24 chapter 212, under the circumstances set forth in this
25 subsection, the department shall settle or compromise a
26 taxpayer's liability for penalty without requiring the
27 taxpayer to submit a written request for compromise or
28 settlement.

29 (b) For taxpayers that file returns and remit tax
30 monthly, the penalty related to a noncompliant filing event
31 shall be settled or compromised if the taxpayer has had:

1 1. No noncompliant filing event in the immediately
2 preceding 12-month period and no unresolved chapter 212
3 liability resulting from a noncompliant filing event; or

4 2. One noncompliant filing event in the immediately
5 preceding 12-month period, resolution of the current
6 noncompliant filing event through payment of tax and interest
7 and the filing of a return within 30 days after notification
8 by the department, and no unresolved liability under chapter
9 212 resulting from a noncompliant filing event.

10
11 If a taxpayer has two or more noncompliant filing events in
12 the immediately preceding 12-month period, the taxpayer is
13 liable, absent a showing by the taxpayer that the noncompliant
14 filing event was due to extraordinary circumstances, for the
15 penalties provided in s. 212.12, including loss of collection
16 allowance, and shall be reported to a credit bureau.

17 (c) For taxpayers that file returns and remit tax
18 quarterly, the penalty related to a noncompliant filing event
19 shall be settled or compromised if the taxpayer has no
20 noncompliant filing event in the immediately preceding
21 12-month period and no unresolved liability under chapter 212
22 resulting from a noncompliant filing event.

23 (d) As used in this subsection, the term
24 "noncompliant filing event" means either the failure to timely
25 file a complete and accurate return required under chapter 212
26 or the failure to timely pay the amount of tax reported on a
27 return required by chapter 212.

28 (e) As used in this subsection, the term
29 "extraordinary circumstances" means the occurrence of events
30 beyond the control of the taxpayer, such as, but not limited
31 to, the death of the taxpayer, acts of war or terrorism,

1 natural disasters, fire or other casualty, or the nonfeasance
2 or misfeasance of the taxpayer's employees or representatives
3 who are responsible for compliance with chapter 212. With
4 respect to the acts of an employee or representative, the
5 taxpayer must show that the principals of the business lacked
6 actual knowledge of the noncompliance and that the
7 noncompliance was resolved within 30 days after the principals
8 acquired actual knowledge.

9 (10) The penalty shall be settled or compromised upon
10 payment of tax and interest if a taxpayer has failed to
11 collect the tax imposed by chapter 212 on a transaction due to
12 a good-faith belief that tax was not due on the transaction
13 and, because of that good-faith belief, the taxpayer is now
14 unable to charge and collect the tax from the taxpayer's
15 purchaser. The Department of Revenue shall adopt rules
16 necessary to administer this subsection and subsection (9),
17 including rules establishing procedures and forms.

18 Section 23. Effective July 1, 2002, paragraph (b) of
19 subsection (1) of section 212.07, Florida Statutes, is
20 amended, and subsection (9) is added to that section, to read:

21 212.07 Sales, storage, use tax; tax added to purchase
22 price; dealer not to absorb; liability of purchasers who
23 cannot prove payment of the tax; penalties; general
24 exemptions.--

25 (1)

26 (b) A resale must be in strict compliance with s.
27 212.18 and the rules and regulations, and any dealer who makes
28 a sale for resale which is not in strict compliance with s.
29 212.18 and the rules and regulations shall himself or herself
30 be liable for and pay the tax. Any dealer who makes a sale for
31 resale shall document the exempt nature of the transaction, as

1 established by rules promulgated by the department, by
2 retaining a copy of the purchaser's resale certificate. In
3 lieu of maintaining a copy of the certificate, a dealer may
4 document, prior to the time of sale, an authorization number
5 provided telephonically or electronically by the department,
6 or by such other means established by rule of the department.
7 ~~The department shall adopt rules that provide that, for~~
8 ~~purchasers who purchase on account from a dealer on a~~
9 ~~continual basis,~~The dealer may rely on a resale certificate
10 issued pursuant to s. 212.18(3)(c), valid at the time of
11 receipt from the purchaser, without seeking annual
12 verification of the resale certificate, if the dealer makes
13 recurring sales to a purchaser in the normal course of
14 business on a continual basis. For purposes of this paragraph,
15 "recurring sales to a purchaser in the normal course of
16 business" refers to a sale in which the dealer extends credit
17 to the purchaser and records the debt as an account
18 receivable, or a sale in which the dealer sells to a purchaser
19 who has an established cash or C.O.D. account, similar to an
20 "open credit account." For purposes of this paragraph,
21 purchases are made from a selling dealer on a "continual
22 basis" if the selling dealer makes in the normal course of
23 business sales to the purchaser no less frequently than once
24 in every 12-month period.A dealer may, through the informal
25 protest provided for in s. 213.21 and the rules of the
26 Department of Revenue, provide the department with evidence of
27 the exempt status of a sale. Consumer certificates of
28 exemption executed by those exempt entities that were
29 registered with the department at the time of sale, resale
30 certificates provided by purchasers who were active dealers at
31 the time of sale, and verification by the department of a

1 purchaser's active dealer status at the time of sale in lieu
2 of a resale certificate shall be accepted by the department
3 when submitted during the protest period, but may not be
4 accepted in any proceeding under chapter 120 or any circuit
5 court action instituted under chapter 72.

6 (9)(a) If a purchaser engaging in transactions taxable
7 under this chapter did not pay tax to a vendor based on a
8 good-faith belief that either the transaction was a nontaxable
9 purchase for resale or the transaction was exempt as a
10 purchase by an organization exempt from tax under this
11 chapter, except as set forth below, neither the purchaser nor
12 the vendor is directly liable for any tax, interest, or
13 penalty that would otherwise be due if all of the following
14 conditions are met:

15 1. At the time of the purchase, the purchaser was not
16 registered as a dealer with the department or did not hold a
17 consumer's certificate of exemption from the department.

18 2. At the time of the purchase, the purchaser was
19 qualified to register with the department as a dealer or to
20 receive a consumer's certificate of exemption from the
21 department.

22 3. Before applying for treatment under this
23 subsection, the purchaser has registered with the department
24 as a dealer or has applied for and received a consumer's
25 certificate of exemption from the department.

26 4. The purchaser establishes justifiable cause for
27 failure to register as a dealer or to obtain a consumer's
28 certificate of exemption before making the purchase. Whether a
29 purchaser has established justifiable cause for failure to
30 register depends on the facts and circumstances of each case,
31 including, but not limited to, such factors as the complexity

1 of the transaction, the purchaser's business experience and
2 history, whether the purchaser sought advice on its tax
3 obligations, whether any such advice was followed, and any
4 remedial action taken by the purchaser.

5 5. The transaction would otherwise qualify as exempt
6 under this chapter except for the fact that at the time of the
7 purchase the purchaser was not registered as a dealer with the
8 department or did not hold a consumer's certificate or
9 exemption from the department.

10 6. Relief pursuant to this subsection is applied for:

11 a. Before the department has initiated any audit or
12 other action or inquiry in regard to the purchaser or the
13 vendor; or

14 b. If any audit or other action or inquiry of the
15 purchaser or the vendor has already been initiated, within 7
16 days after being informed in writing by the department that
17 the purchaser was required to be registered or to hold a
18 consumer's certificate of exemption at the time the
19 transaction occurred.

20 (b) In lieu of the tax, penalties, and interest that
21 would otherwise have been due, the department shall impose and
22 collect the following mandatory penalties, which the
23 department may not waive:

24 1. If a purchaser or vendor applies for relief before
25 the department initiates any audit or other action or inquiry,
26 the mandatory penalty is the lesser of \$1,000 or 10 percent of
27 the total tax due on transactions that qualify for treatment
28 under this subsection.

29 2. If a purchaser or vendor applies for relief after
30 an audit or other action or inquiry has already been initiated
31 by the department, the mandatory penalty is the lesser of

1 \$5,000 or 20 percent of the total tax due on transactions that
2 qualify for treatment under this subsection.

3
4 The department may impose and collect the mandatory penalties
5 from either the purchaser or the vendor that failed to obtain
6 proper documentation at the time of the transaction.

7 (c) The department may adopt forms and rules to
8 administer this subsection.

9 Section 24. It is the intent of the Legislature that
10 the amendments to section 212.07, Florida Statutes, which are
11 made by section 23 of this act apply to all pending sales and
12 use tax audits or other actions or inquires, including those
13 currently under protest or in litigation. Taxpayers in such
14 pending audits or other actions or inquires have until the
15 later of the date provided by section 212.07(9)(b), Florida
16 Statutes, as created by section 23 of this act, or 90 days
17 after the effective date of this act, to apply for the
18 treatment provided in that paragraph. This section does not
19 create any right to refund for taxes previously assessed and
20 paid in regard to audits or other actions or inquires that are
21 no longer pending.

22 Section 25. Subsection (2) of section 213.24, Florida
23 Statutes, is amended to read:

24 213.24 Accrual of penalties and interest on
25 deficiencies; deficiency billing costs.--

26 (2)(a) Billings for deficiencies or automated refunds
27 of tax, penalty, or interest shall not be issued for any
28 amount less than the actual costs incurred by the department
29 to produce a billing or automated refund.

30 (b) The cost of issuing billings or automated refunds
31 for any tax enumerated in s. 213.05 shall be computed in a

1 study performed by the inspector general of the department.
2 The study shall be conducted every 3 years and at such other
3 times as deemed necessary by the inspector general. A minimum
4 billing and automated refund amount shall be established and
5 adjusted in accordance with the results of such study.

6 (c) Any change in minimum billing or automated refund
7 amounts ~~amount~~ shall be made effective on July 1 following the
8 completion of the study.

9 Section 26. Subsection (5) of section 55.202, Florida
10 Statutes, is amended to read:

11 55.202 Judgments, orders, and decrees; lien on
12 personal property.--

13 (5) Liens, assessments, warrants, or judgments filed
14 pursuant to paragraph (2)(b) may be filed directly into the
15 central database by the Department of Revenue, or its designee
16 as determined by its executive director, through electronic or
17 information data exchange programs approved by the Department
18 of State. Such filings must contain the information set forth
19 in s. 55.203(1).

20 Section 27. Subsection (4) of section 213.255, Florida
21 Statutes, is amended to read:

22 213.255 Interest.--Interest shall be paid on
23 overpayments of taxes, payment of taxes not due, or taxes paid
24 in error, subject to the following conditions:

25 (4) Interest shall not commence until 90 days after a
26 complete refund application has been filed and the amount of
27 overpayment has not been refunded to the taxpayer or applied
28 as a credit to the taxpayer's account. However, if there is a
29 prohibition against refunding a tax overpayment before the
30 first day of the state fiscal year, interest on the tax
31 overpayment does not commence until August 1 of the year the

1 tax was due.If the department and the taxpayer mutually agree
2 that an audit or verification is necessary in order to
3 determine the taxpayer's entitlement to the refund, interest
4 shall not commence until the audit or verification of the
5 claim is final.

6 Section 28. Effective July 1, 2002, subsection (1) of
7 section 681.117, Florida Statutes, is amended to read:

8 681.117 Fee.--

9 (1) A \$2 fee shall be collected by a motor vehicle
10 dealer, or by a person engaged in the business of leasing
11 motor vehicles, from the consumer at the consummation of the
12 sale of a motor vehicle or at the time of entry into a lease
13 agreement for a motor vehicle. Such fees shall be remitted to
14 the county tax collector or private tag agency acting as agent
15 for the Department of Revenue. If the purchaser or lessee
16 removes the motor vehicle from the state for titling and
17 registration outside this state, the fee shall be remitted to
18 the Department of Revenue.All fees, less the cost of
19 administration, shall be transferred monthly to the Department
20 of Legal Affairs for deposit into the Motor Vehicle Warranty
21 Trust Fund. The Department of Legal Affairs shall distribute
22 monthly an amount not exceeding one-fourth of the fees
23 received to the Division of Consumer Services of the
24 Department of Agriculture and Consumer Services to carry out
25 the provisions of ss. 681.108 and 681.109. The Department of
26 Legal Affairs shall contract with the Division of Consumer
27 Services for payment of services performed by the division
28 pursuant to ss. 681.108 and 681.109.

29 Section 29. Paragraph (b) of subsection (2), paragraph
30 (b) of subsection (3), and paragraph (b) of subsection (4) of
31 section 211.3103, Florida Statutes, are amended to read:

1 211.3103 Levy of tax on severance of phosphate rock;
2 rate, basis, and distribution of tax.--

3 (2) The proceeds of all taxes, interest, and penalties
4 imposed under this section shall be paid into the State
5 Treasury through June 30, 1995, as follows:

6 (b) The remaining revenues collected from the tax
7 during that fiscal year, after the required payment under
8 paragraph (a), shall be paid into the State Treasury as
9 follows:

10 1. To the credit of the General Revenue Fund of the
11 state, 60 percent. However, from this amount the amounts of
12 \$7.4 million, \$8.2 million, and \$8.1 million, respectively,
13 shall be transferred to the Nonmandatory Land Reclamation
14 Trust Fund on January 1, 1993, January 1, 1994, and January 1,
15 1995.

16 2. To the credit of the Nonmandatory Land Reclamation
17 Trust Fund which is established for reclamation and
18 acquisition of unreclaimed lands disturbed by phosphate mining
19 and not subject to mandatory reclamation, 20 percent.

20 3. To the credit of the Phosphate Research Trust Fund
21 in the Department of Education, Division of Universities, to
22 carry out the purposes set forth in s. 378.101, 10 percent.

23 4. For payment to counties in proportion to the number
24 of tons of phosphate rock produced from a phosphate rock
25 matrix located within such political boundary, 10 percent. The
26 department shall distribute this portion of the proceeds
27 annually based on production information reported by producers
28 on the ~~most recent~~ annual returns for the taxable ~~filed prior~~
29 ~~to the beginning of the fiscal year~~. Any such proceeds
30 received by a county shall be used only for phosphate-related
31 expenses.

1 (3) Beginning July 1, 1995, the proceeds of all taxes,
2 interest, and penalties imposed under this section shall be
3 paid into the State Treasury as follows:

4 (b) The remaining revenues collected from the tax
5 during that fiscal year, after the required payment under
6 paragraph (a), shall be paid into the State Treasury as
7 follows:

8 1. To the credit of the General Revenue Fund of the
9 state, 58 percent.

10 2. To the credit of the Nonmandatory Land Reclamation
11 Trust Fund for reclamation and acquisition of unreclaimed
12 lands disturbed by phosphate mining and not subject to
13 mandatory reclamation, 14.5 percent.

14 3. To the credit of the Phosphate Research Trust Fund
15 in the Department of Education, Division of Universities, to
16 carry out the purposes set forth in s. 378.101, 10 percent.

17 4. For payment to counties in proportion to the number
18 of tons of phosphate rock produced from a phosphate rock
19 matrix located within such political boundary, 10 percent. The
20 department shall distribute this portion of the proceeds
21 annually based on production information reported by producers
22 on the ~~most recent~~ annual returns for the taxable ~~filed prior~~
23 ~~to the beginning of the fiscal~~ year. Any such proceeds
24 received by a county shall be used only for phosphate-related
25 expenses.

26 5. To the credit of the Minerals Trust Fund, 7.5
27 percent.

28 (4) If the base rate is reduced pursuant to paragraph
29 (5)(c), then the proceeds of the tax shall be paid into the
30 State Treasury as follows:

31

1 (b) The remaining revenues collected from the tax
2 during that fiscal year, after the required payment under
3 paragraph (a), shall be paid into the State Treasury as
4 follows:

5 1. To the credit of the General Revenue Fund of the
6 state, 55.15 percent.

7 2. To the credit of the Phosphate Research Trust Fund
8 in the Department of Education, Division of Universities, 12.5
9 percent.

10 3. For payment to counties in proportion to the number
11 of tons of phosphate rock produced from a phosphate rock
12 matrix located within such political boundary, 18 percent. The
13 department shall distribute this portion of the proceeds
14 annually based on production information reported by producers
15 ~~on the most recent annual returns for the taxable filed prior~~
16 ~~to the beginning of the fiscal year.~~ Any such proceeds
17 received by a county shall be used only for phosphate-related
18 expenses.

19 4. To the credit of the Minerals Trust Fund, 14.35
20 percent.

21 Section 30. Subsection (5) of section 336.021, Florida
22 Statutes, is amended to read:

23 336.021 County transportation system; levy of
24 ninth-cent fuel tax on motor fuel and diesel fuel.--

25 (5) All impositions of the tax shall be levied imposed
26 ~~before November 1, 1993, to be effective January 1, 1994, and~~
27 ~~before July 1 of each year thereafter~~ to be effective January
28 1 of the following year. However, levies of the tax which were
29 in effect on July 1, 2002 ~~1996~~, and which expire on August 31
30 of any year may be reimposed at the current authorized rate to
31 be effective September 1 of the year of expiration. All

1 impositions shall be required to end on December 31 of a year.
2 No decision to rescind the tax shall take effect on any date
3 other than December 31 and requires a minimum of 60 days'
4 notice to ~~until at least 60 days after the county notifies the~~
5 department of such decision.

6 Section 31. Paragraphs (a) and (b) of subsection (1)
7 and paragraph (a) of subsection (5) of section 336.025,
8 Florida Statutes, are amended to read:

9 336.025 County transportation system; levy of local
10 option fuel tax on motor fuel and diesel fuel.--

11 (1)(a) In addition to other taxes allowed by law,
12 there may be levied as provided in ss. 206.41(1)(e) and
13 206.87(1)(c) a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or
14 6-cent local option fuel tax upon every gallon of motor fuel
15 and diesel fuel sold in a county and taxed under the
16 provisions of part I or part II of chapter 206.

17 1. All impositions and rate changes of the tax shall
18 be levied before July 1 to be effective January 1 of the
19 following year for a period not to exceed 30 years, and the
20 applicable method of distribution shall be established
21 pursuant to subsection (3) or subsection (4). However, levies
22 of the tax which were in effect on July 1, 2002 ~~1996~~, and
23 which expire on August 31 of any year may be reimposed at the
24 current authorized rate effective September 1 of the year of
25 expiration. Upon expiration, the tax may be releived provided
26 that a redetermination of the method of distribution is made
27 as provided in this section.

28 2. County and municipal governments shall utilize
29 moneys received pursuant to this paragraph only for
30 transportation expenditures.

31

1 3. Any tax levied pursuant to this paragraph may be
2 extended on a majority vote of the governing body of the
3 county. A redetermination of the method of distribution shall
4 be established pursuant to subsection (3) or subsection (4),
5 if, after July 1, 1986, the tax is extended or the tax rate
6 changed, for the period of extension or for the additional
7 tax.

8 (b) In addition to other taxes allowed by law, there
9 may be levied as provided in s. 206.41(1)(e) a 1-cent, 2-cent,
10 3-cent, 4-cent, or 5-cent local option fuel tax upon every
11 gallon of motor fuel sold in a county and taxed under the
12 provisions of part I of chapter 206. The tax shall be levied
13 by an ordinance adopted by a majority plus one vote of the
14 membership of the governing body of the county or by
15 referendum.

16 1. All impositions and rate changes of the tax shall
17 be levied before July 1, to be effective January 1 of the
18 following year. However, levies of the tax which were in
19 effect on July 1, 2002 ~~1996~~, and which expire on August 31 of
20 any year may be reimposed at the current authorized rate,
21 effective September 1 of the year of expiration.

22 2. The county may, prior to levy of the tax, establish
23 by interlocal agreement with one or more municipalities
24 located therein, representing a majority of the population of
25 the incorporated area within the county, a distribution
26 formula for dividing the entire proceeds of the tax among
27 county government and all eligible municipalities within the
28 county. If no interlocal agreement is adopted before the
29 effective date of the tax, tax revenues shall be distributed
30 pursuant to the provisions of subsection (4). If no
31 interlocal agreement exists, a new interlocal agreement may be

1 established prior to June 1 of any year pursuant to this
2 subparagraph. However, any interlocal agreement agreed to
3 under this subparagraph after the initial levy of the tax or
4 change in the tax rate authorized in this section shall under
5 no circumstances materially or adversely affect the rights of
6 holders of outstanding bonds which are backed by taxes
7 authorized by this paragraph, and the amounts distributed to
8 the county government and each municipality shall not be
9 reduced below the amount necessary for the payment of
10 principal and interest and reserves for principal and interest
11 as required under the covenants of any bond resolution
12 outstanding on the date of establishment of the new interlocal
13 agreement.

14 3. County and municipal governments shall utilize
15 moneys received pursuant to this paragraph only for
16 transportation expenditures needed to meet the requirements of
17 the capital improvements element of an adopted comprehensive
18 plan. For purposes of this paragraph, expenditures for the
19 construction of new roads, the reconstruction or resurfacing
20 of existing paved roads, or the paving of existing graded
21 roads shall be deemed to increase capacity and such projects
22 shall be included in the capital improvements element of an
23 adopted comprehensive plan. Expenditures for purposes of this
24 paragraph shall not include routine maintenance of roads.

25 (5)(a) By July 1 of each year, the county shall notify
26 the Department of Revenue of the rate of the taxes ~~tax~~ levied
27 pursuant to paragraphs (1)(a) and (b), and of its decision to
28 rescind or change the rate of a ~~the~~ tax, if applicable, and
29 shall provide the department with a certified copy of the
30 interlocal agreement established under subparagraph (1)(b)2.
31 or subparagraph (3)(a)1. with distribution proportions

1 established by such agreement or pursuant to subsection (4),
2 if applicable. No decision to rescind ~~a the~~ tax shall take
3 effect on any date other than December 31 and requires a
4 minimum of 60 days' notice to ~~until at least 60 days after the~~
5 ~~county notifies~~ the Department of Revenue of such decision.

6 Section 32. Effective July 1, 2002, paragraph (c) is
7 added to subsection (4) of section 213.0535, Florida Statutes,
8 to read:

9 213.0535 Registration Information Sharing and Exchange
10 Program.--

11 (4) There are two levels of participation:

12 (c) A level-two participant may disclose information
13 as provided in paragraph (b) in response to a request for such
14 information from any other level-two participant. Information
15 relative to specific taxpayers shall be requested or disclosed
16 under this paragraph only to the extent necessary in the
17 administration of a tax or licensing provision as enumerated
18 in paragraph (a). When a disclosure made under this paragraph
19 involves confidential information provided to the participant
20 by the Department of Revenue, the participant who provides the
21 information must maintain records of the disclosures, and the
22 records are subject to review by the Department of Revenue for
23 a period of 5 years after the date of the disclosure.

24 Section 33. Paragraphs (a) and (d) of subsection (1)
25 and paragraph (i) of subsection (3) of section 212.096,
26 Florida Statutes, are amended to read:

27 212.096 Sales, rental, storage, use tax; enterprise
28 zone jobs credit against sales tax.--

29 (1) For the purposes of the credit provided in this
30 section:
31

1 (a) "Eligible business" means any sole proprietorship,
2 firm, partnership, corporation, bank, savings association,
3 estate, trust, business trust, receiver, syndicate, or other
4 group or combination, or successor business, located in an
5 enterprise zone. The business must demonstrate to the
6 department that the total number of full-time jobs defined
7 under paragraph (d) has increased from the average of the
8 previous 12 months. A business that created ~~The term "eligible~~
9 ~~business" includes a business that added~~ a minimum of five new
10 full-time jobs in an enterprise zone between July 1, 2000, and
11 December 31, 2001, is also an "eligible business" for purposes
12 of the credit provided beginning January 1, 2002. An eligible
13 business does not include any business which has claimed the
14 credit permitted under s. 220.181 for any new business
15 employee first beginning employment with the business after
16 July 1, 1995.

17 (d) "Jobs" means full-time positions, as consistent
18 with terms used by the Agency for Workforce Innovation and the
19 United States Department of Labor for purposes of unemployment
20 compensation tax administration and employment estimation
21 resulting directly from a business operation in this state.
22 These terms ~~This number~~ may not include temporary construction
23 jobs involved with the construction of facilities or any jobs
24 that have previously been included in any application for tax
25 credits under s. 220.181(1). The term "jobs" also includes
26 employment of an employee leased from an employee leasing
27 company licensed under chapter 468 if such employee has been
28 continuously leased to the employer for an average of at least
29 36 hours per week for more than 6 months.

30 (3) In order to claim this credit, an eligible
31 business must file under oath with the governing body or

1 enterprise zone development agency having jurisdiction over
2 the enterprise zone where the business is located, as
3 applicable, a statement which includes:

4 (i) All applications for a credit pursuant to this
5 section must be submitted to the department within 6 months
6 after the new employee is hired, except applications for
7 credit on leased employees. Applications for credit for leased
8 employees must be submitted to the department within 7 months
9 after the new employee is hired.

10 Section 34. Subsections (2) and (3) and paragraph (d)
11 of subsection (6) of section 212.098, Florida Statutes, are
12 amended to read:

13 212.098 Rural Job Tax Credit Program.--

14 (2) A new eligible business may apply for a tax credit
15 under this subsection once at any time during its first year
16 of operation. A new eligible business in a ~~tier-one~~ qualified
17 area that has at least 10 qualified employees on the date of
18 application shall receive a \$1,000 tax credit for each such
19 employee.

20 (3) An existing eligible business may apply for a tax
21 credit under this subsection at any time it is entitled to
22 such credit, except as restricted by this subsection. An
23 existing eligible business with fewer than 50 employees in a
24 qualified area that on the date of application has at least 20
25 percent more qualified employees than it had 1 year prior to
26 its date of application shall receive a \$1,000 tax credit for
27 each such additional employee. An existing eligible business
28 that has 50 employees or more in a qualified area that, on the
29 date of application, has at least 10 more qualified employees
30 than it had 1 year prior to its date of application shall
31 receive a \$1,000 tax credit for each additional employee. Any

1 existing eligible business that received a credit under
2 subsection (2) may not apply for the credit under this
3 subsection sooner than 12 months after the application date
4 for the credit under subsection (2).

5 (6)

6 (d) A business may not receive more than \$500,000 of
7 tax credits under this section during any one calendar year
8 ~~for its efforts in creating jobs.~~

9 Section 35. Paragraphs (q) and (gg) of subsection (1)
10 of section 220.03, Florida Statutes, are amended to read:

11 220.03 Definitions.--

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

16 (q) "New employee," for the purposes of the enterprise
17 zone jobs credit, means a person residing in an enterprise
18 zone or a participant in the welfare transition program who is
19 employed at a business located in an enterprise zone who
20 begins employment in the operations of the business after July
21 1, 1995, and who has not been previously employed full-time
22 within the preceding 12 months by the business or a successor
23 business claiming the credit pursuant to s. 220.181. A person
24 shall be deemed to be employed by such a business if the
25 person performs duties in connection with the operations of
26 the business on a full-time basis, provided she or he is
27 performing such duties for an average of at least 36 hours per
28 week each month. ~~The term "jobs" also includes employment of
29 an employee leased from an employee leasing company licensed
30 under chapter 468, if such employee has been continuously
31 leased to the employer for an average of at least 36 hours per~~

1 ~~week for more than 6 months.~~The person must be performing
2 such duties at a business site located in an enterprise zone.
3 The provisions of this paragraph shall expire and be void on
4 June 30, 2005.

5 (gg) "Jobs" means full-time positions, as consistent
6 with terms used by the Agency for Workforce Innovation and the
7 United States Department of Labor for purposes of unemployment
8 compensation tax administration and employment estimation
9 resulting directly from business operations in this state.

10 These terms ~~This number~~ may not include temporary construction
11 jobs involved with the construction of facilities or any jobs
12 that have previously been included in any application for tax
13 credits under s. 212.096 ~~s. 220.181(1)~~. The term "jobs" also
14 includes employment of an employee leased from an employee
15 leasing company licensed under chapter 468, if the employee
16 has been continuously leased to the employer for an average of
17 at least 36 hours per week for more than 6 months.

18 Section 36. Paragraph (a) of subsection (1) of section
19 220.181, Florida Statutes, is amended to read:

20 220.181 Enterprise zone jobs credit.--

21 (1)(a) Beginning January 1, 2002, there shall be
22 allowed a credit against the tax imposed by this chapter to
23 any business located in an enterprise zone which demonstrates
24 to the department that the total number of full-time jobs has
25 increased from the average of the previous 12 months. A
26 business that created ~~This credit is also available for a~~
27 ~~business that added~~ a minimum of five new full-time jobs in an
28 enterprise zone between July 1, 2000, and December 31, 2001,
29 may also be eligible to claim the credit for eligible
30 employees under the provisions that took effect January 1,
31 2002. The credit shall be computed as 20 percent of the actual

1 monthly wages paid in this state to each new employee hired
2 when a new job has been created, as defined under s.
3 220.03(1)(ff), unless the business is located in a rural
4 enterprise zone, pursuant to s. 290.004(8), in which case the
5 credit shall be 30 percent of the actual monthly wages paid.
6 If no less than 20 percent of the employees of the business
7 are residents of an enterprise zone, excluding temporary and
8 part-time employees, the credit shall be computed as 30
9 percent of the actual monthly wages paid in this state to each
10 new employee hired when a new job has been created, unless the
11 business is located in a rural enterprise zone, in which case
12 the credit shall be 45 percent of the actual monthly wages
13 paid, for a period of up to 24 consecutive months. If the new
14 employee hired when a new job is created is a participant in
15 the welfare transition program, the following credit shall be
16 a percent of the actual monthly wages paid: 40 percent for \$4
17 above the hourly federal minimum wage rate; 41 percent for \$5
18 above the hourly federal minimum wage rate; 42 percent for \$6
19 above the hourly federal minimum wage rate; 43 percent for \$7
20 above the hourly federal minimum wage rate; and 44 percent for
21 \$8 above the hourly federal minimum wage rate.

22 Section 37. Subsection (2) of section 290.00677,
23 Florida Statutes, is amended to read:

24 290.00677 Rural enterprise zones; special
25 qualifications.--

26 (2) Notwithstanding the enterprise zone residency
27 requirements set out in s. 220.03(1)(q), eligible businesses
28 as defined by s. 220.03(1)(c)~~s. 212.096(1)(a)~~, located in
29 rural enterprise zones as defined in s. 290.004, may receive
30 the basic minimum credit provided under s. 220.181 for
31 creating a new job and hiring a person residing within the

1 jurisdiction of a rural county, as defined by s.
2 288.106(1)(r). All other provisions of s. 220.181, including,
3 but not limited to, those relating to the award of enhanced
4 credits apply to such businesses.

5 Section 38. Effective July 1, 2003, paragraph (a) of
6 subsection (1) and subsection (3) of section 212.031, Florida
7 Statutes, are amended, and subsection (10) of that section is
8 reenacted, to read:

9 212.031 Lease or rental of or license in real
10 property.--

11 (1)

12 (a) It is declared to be the legislative intent that
13 every person is exercising a taxable privilege who engages in
14 the business of renting, leasing, letting, or granting a
15 license for the use of any real property unless such property
16 is:

17 1. Assessed as agricultural property under s. 193.461.

18 2. Used exclusively as dwelling units.

19 3. Property subject to tax on parking, docking, or
20 storage spaces under s. 212.03(6).

21 4. Recreational property or the common elements of a
22 condominium when subject to a lease between the developer or
23 owner thereof and the condominium association in its own right
24 or as agent for the owners of individual condominium units or
25 the owners of individual condominium units. However, only the
26 lease payments on such property shall be exempt from the tax
27 imposed by this chapter, and any other use made by the owner
28 or the condominium association shall be fully taxable under
29 this chapter.

30 5. A public or private street or right-of-way and
31 poles, conduits, fixtures, and similar improvements located on

1 such streets or rights-of-way, occupied or used by a utility
2 or provider of communications services, as defined by s.
3 202.11, for utility or communications or television purposes.
4 For purposes of this subparagraph, the term "utility" means
5 any person providing utility services as defined in s.
6 203.012. This exception also applies to property, wherever
7 located, on which the following are placed: towers, antennas,
8 cables, accessory structures, or equipment, not including
9 switching equipment, used in the provision of mobile
10 communications services as defined in s. 202.11. For purposes
11 of this chapter, towers used in the provision of mobile
12 communications services, as defined in s. 202.11, are
13 considered to be fixtures.

14 6. A public street or road which is used for
15 transportation purposes.

16 7. Property used at an airport exclusively for the
17 purpose of aircraft landing or aircraft taxiing or property
18 used by an airline for the purpose of loading or unloading
19 passengers or property onto or from aircraft or for fueling
20 aircraft.

21 8.a. Property used at a port authority, as defined in
22 s. 315.02(2), exclusively for the purpose of oceangoing
23 vessels or tugs docking, or such vessels mooring on property
24 used by a port authority for the purpose of loading or
25 unloading passengers or cargo onto or from such a vessel, or
26 property used at a port authority for fueling such vessels, or
27 to the extent that the amount paid for the use of any property
28 at the port is based on the charge for the amount of tonnage
29 actually imported or exported through the port by a tenant.

30 b. The amount charged for the use of any property at
31 the port in excess of the amount charged for tonnage actually

1 imported or exported shall remain subject to tax except as
2 provided in sub-subparagraph a.

3 9. Property used as an integral part of the
4 performance of qualified production services. As used in this
5 subparagraph, the term "qualified production services" means
6 any activity or service performed directly in connection with
7 the production of a qualified motion picture, as defined in s.
8 212.06(1)(b), and includes:

9 a. Photography, sound and recording, casting, location
10 managing and scouting, shooting, creation of special and
11 optical effects, animation, adaptation (language, media,
12 electronic, or otherwise), technological modifications,
13 computer graphics, set and stage support (such as
14 electricians, lighting designers and operators, greensmen,
15 prop managers and assistants, and grips), wardrobe (design,
16 preparation, and management), hair and makeup (design,
17 production, and application), performing (such as acting,
18 dancing, and playing), designing and executing stunts,
19 coaching, consulting, writing, scoring, composing,
20 choreographing, script supervising, directing, producing,
21 transmitting dailies, dubbing, mixing, editing, cutting,
22 looping, printing, processing, duplicating, storing, and
23 distributing;

24 b. The design, planning, engineering, construction,
25 alteration, repair, and maintenance of real or personal
26 property including stages, sets, props, models, paintings, and
27 facilities principally required for the performance of those
28 services listed in sub-subparagraph a.; and

29 c. Property management services directly related to
30 property used in connection with the services described in
31 sub-subparagraphs a. and b.

1
2 This exemption will inure to the taxpayer upon presentation of
3 the certificate of exemption issued to the taxpayer under the
4 provisions of s. 288.1258.

5 10. Leased, subleased, licensed, or rented to a person
6 providing food and drink concessionaire services within the
7 premises of a convention hall, exhibition hall, auditorium,
8 stadium, theater, arena, civic center, performing arts center,
9 publicly owned recreational facility, or any business operated
10 under a permit issued pursuant to chapter 550. A person
11 providing retail concessionaire services involving the sale of
12 food and drink or other tangible personal property within the
13 premises of an airport shall be subject to tax on the rental
14 of real property used for that purpose, but shall not be
15 subject to the tax on any license to use the property. For
16 purposes of this subparagraph, the term "sale" shall not
17 include the leasing of tangible personal property.

18 11. Property occupied pursuant to an instrument
19 calling for payments which the department has declared, in a
20 Technical Assistance Advisement issued on or before March 15,
21 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),
22 Florida Administrative Code; provided that this subparagraph
23 shall only apply to property occupied by the same person
24 before and after the execution of the subject instrument and
25 only to those payments made pursuant to such instrument,
26 exclusive of renewals and extensions thereof occurring after
27 March 15, 1993.

28 12. Rented, leased, subleased, or licensed to a
29 concessionaire by a convention hall, exhibition hall,
30 auditorium, stadium, theater, arena, civic center, performing
31 arts center, or publicly owned recreational facility, during

1 an event at the facility, to be used by the concessionaire to
2 sell souvenirs, novelties, or other event-related products.
3 This subparagraph applies only to that portion of the rental,
4 lease, or license payment which is based on a percentage of
5 sales and not based on a fixed price.

6 ~~13.12.~~ Property used or occupied predominantly for
7 space flight business purposes. As used in this subparagraph,
8 "space flight business" means the manufacturing, processing,
9 or assembly of a space facility, space propulsion system,
10 space vehicle, satellite, or station of any kind possessing
11 the capacity for space flight, as defined by s. 212.02(23), or
12 components thereof, and also means the following activities
13 supporting space flight: vehicle launch activities, flight
14 operations, ground control or ground support, and all
15 administrative activities directly related thereto. Property
16 shall be deemed to be used or occupied predominantly for space
17 flight business purposes if more than 50 percent of the
18 property, or improvements thereon, is used for one or more
19 space flight business purposes. Possession by a landlord,
20 lessor, or licensor of a signed written statement from the
21 tenant, lessee, or licensee claiming the exemption shall
22 relieve the landlord, lessor, or licensor from the
23 responsibility of collecting the tax, and the department shall
24 look solely to the tenant, lessee, or licensee for recovery of
25 such tax if it determines that the exemption was not
26 applicable.

27 (3) The tax imposed by this section shall be in
28 addition to the total amount of the rental or license fee,
29 shall be charged by the lessor or person receiving the rent or
30 payment in and by a rental or license fee arrangement with the
31 lessee or person paying the rental or license fee, and shall

1 be due and payable at the time of the receipt of such rental
2 or license fee payment by the lessor or other person who
3 receives the rental or payment. Notwithstanding any other
4 provision of this chapter, the tax imposed by this section on
5 the rental, lease, or license for the use of a convention
6 hall, exhibition hall, auditorium, stadium, theater, arena,
7 civic center, performing arts center, or publicly owned
8 recreational facility to hold an event of not more than 7
9 consecutive days' duration shall be collected at the time of
10 the payment for that rental, lease, or license but is not due
11 and payable to the department until the first day of the month
12 following the last day that the event for which the payment is
13 made is actually held, and becomes delinquent on the 21st day
14 of that month.The owner, lessor, or person receiving the rent
15 or license fee shall remit the tax to the department at the
16 times and in the manner hereinafter provided for dealers to
17 remit taxes under this chapter. The same duties imposed by
18 this chapter upon dealers in tangible personal property
19 respecting the collection and remission of the tax; the making
20 of returns; the keeping of books, records, and accounts; and
21 the compliance with the rules and regulations of the
22 department in the administration of this chapter shall apply
23 to and be binding upon all persons who manage any leases or
24 operate real property, hotels, apartment houses,
25 roominghouses, or tourist and trailer camps and all persons
26 who collect or receive rents or license fees taxable under
27 this chapter on behalf of owners or lessors.

28 (10) Separately stated charges imposed by a convention
29 hall, exhibition hall, auditorium, stadium, theater, arena,
30 civic center, performing arts center, or publicly owned
31 recreational facility upon a lessee or licensee for food,

1 drink, or services required or available in connection with a
2 lease or license to use real property, including charges for
3 laborers, stagehands, ticket takers, event staff, security
4 personnel, cleaning staff, and other event-related personnel,
5 advertising, and credit card processing, are exempt from the
6 tax imposed by this section.

7 Section 39. Effective July 1, 2006, paragraph (a) of
8 subsection (1) and subsections (3) and (10) of section
9 212.031, Florida Statutes, as amended by this act, are amended
10 to read:

11 212.031 Lease or rental of or license in real
12 property.--

13 (1)

14 (a) It is declared to be the legislative intent that
15 every person is exercising a taxable privilege who engages in
16 the business of renting, leasing, letting, or granting a
17 license for the use of any real property unless such property
18 is:

19 1. Assessed as agricultural property under s. 193.461.

20 2. Used exclusively as dwelling units.

21 3. Property subject to tax on parking, docking, or
22 storage spaces under s. 212.03(6).

23 4. Recreational property or the common elements of a
24 condominium when subject to a lease between the developer or
25 owner thereof and the condominium association in its own right
26 or as agent for the owners of individual condominium units or
27 the owners of individual condominium units. However, only the
28 lease payments on such property shall be exempt from the tax
29 imposed by this chapter, and any other use made by the owner
30 or the condominium association shall be fully taxable under
31 this chapter.

1 5. A public or private street or right-of-way and
2 poles, conduits, fixtures, and similar improvements located on
3 such streets or rights-of-way, occupied or used by a utility
4 or provider of communications services, as defined by s.
5 202.11, for utility or communications or television purposes.
6 For purposes of this subparagraph, the term "utility" means
7 any person providing utility services as defined in s.
8 203.012. This exception also applies to property, wherever
9 located, on which the following are placed: towers, antennas,
10 cables, accessory structures, or equipment, not including
11 switching equipment, used in the provision of mobile
12 communications services as defined in s. 202.11. For purposes
13 of this chapter, towers used in the provision of mobile
14 communications services, as defined in s. 202.11, are
15 considered to be fixtures.

16 6. A public street or road which is used for
17 transportation purposes.

18 7. Property used at an airport exclusively for the
19 purpose of aircraft landing or aircraft taxiing or property
20 used by an airline for the purpose of loading or unloading
21 passengers or property onto or from aircraft or for fueling
22 aircraft.

23 8.a. Property used at a port authority, as defined in
24 s. 315.02(2), exclusively for the purpose of oceangoing
25 vessels or tugs docking, or such vessels mooring on property
26 used by a port authority for the purpose of loading or
27 unloading passengers or cargo onto or from such a vessel, or
28 property used at a port authority for fueling such vessels, or
29 to the extent that the amount paid for the use of any property
30 at the port is based on the charge for the amount of tonnage
31 actually imported or exported through the port by a tenant.

1 b. The amount charged for the use of any property at
2 the port in excess of the amount charged for tonnage actually
3 imported or exported shall remain subject to tax except as
4 provided in sub-subparagraph a.

5 9. Property used as an integral part of the
6 performance of qualified production services. As used in this
7 subparagraph, the term "qualified production services" means
8 any activity or service performed directly in connection with
9 the production of a qualified motion picture, as defined in s.
10 212.06(1)(b), and includes:

11 a. Photography, sound and recording, casting, location
12 managing and scouting, shooting, creation of special and
13 optical effects, animation, adaptation (language, media,
14 electronic, or otherwise), technological modifications,
15 computer graphics, set and stage support (such as
16 electricians, lighting designers and operators, greensmen,
17 prop managers and assistants, and grips), wardrobe (design,
18 preparation, and management), hair and makeup (design,
19 production, and application), performing (such as acting,
20 dancing, and playing), designing and executing stunts,
21 coaching, consulting, writing, scoring, composing,
22 choreographing, script supervising, directing, producing,
23 transmitting dailies, dubbing, mixing, editing, cutting,
24 looping, printing, processing, duplicating, storing, and
25 distributing;

26 b. The design, planning, engineering, construction,
27 alteration, repair, and maintenance of real or personal
28 property including stages, sets, props, models, paintings, and
29 facilities principally required for the performance of those
30 services listed in sub-subparagraph a.; and
31

1 c. Property management services directly related to
2 property used in connection with the services described in
3 sub-subparagraphs a. and b.

4
5 This exemption will inure to the taxpayer upon presentation of
6 the certificate of exemption issued to the taxpayer under the
7 provisions of s. 288.1258.

8 10. Leased, subleased, licensed, or rented to a person
9 providing food and drink concessionaire services within the
10 premises of a convention hall, exhibition hall, auditorium,
11 stadium, theater, arena, civic center, performing arts center,
12 publicly owned recreational facility, or any business operated
13 under a permit issued pursuant to chapter 550. A person
14 providing retail concessionaire services involving the sale of
15 food and drink or other tangible personal property within the
16 premises of an airport shall be subject to tax on the rental
17 of real property used for that purpose, but shall not be
18 subject to the tax on any license to use the property. For
19 purposes of this subparagraph, the term "sale" shall not
20 include the leasing of tangible personal property.

21 11. Property occupied pursuant to an instrument
22 calling for payments which the department has declared, in a
23 Technical Assistance Advisement issued on or before March 15,
24 1993, to be nontaxable pursuant to rule 12A-1.070(19)(c),
25 Florida Administrative Code; provided that this subparagraph
26 shall only apply to property occupied by the same person
27 before and after the execution of the subject instrument and
28 only to those payments made pursuant to such instrument,
29 exclusive of renewals and extensions thereof occurring after
30 March 15, 1993.

31

1 ~~12. Rented, leased, subleased, or licensed to a~~
2 ~~concessionaire by a convention hall, exhibition hall,~~
3 ~~auditorium, stadium, theater, arena, civic center, performing~~
4 ~~arts center, or publicly owned recreational facility, during~~
5 ~~an event at the facility, to be used by the concessionaire to~~
6 ~~sell souvenirs, novelties, or other event-related products.~~
7 ~~This subparagraph applies only to that portion of the rental,~~
8 ~~lease, or license payment which is based on a percentage of~~
9 ~~sales and not based on a fixed price.~~

10 12.13. Property used or occupied predominantly for
11 space flight business purposes. As used in this subparagraph,
12 "space flight business" means the manufacturing, processing,
13 or assembly of a space facility, space propulsion system,
14 space vehicle, satellite, or station of any kind possessing
15 the capacity for space flight, as defined by s. 212.02(23), or
16 components thereof, and also means the following activities
17 supporting space flight: vehicle launch activities, flight
18 operations, ground control or ground support, and all
19 administrative activities directly related thereto. Property
20 shall be deemed to be used or occupied predominantly for space
21 flight business purposes if more than 50 percent of the
22 property, or improvements thereon, is used for one or more
23 space flight business purposes. Possession by a landlord,
24 lessor, or licensor of a signed written statement from the
25 tenant, lessee, or licensee claiming the exemption shall
26 relieve the landlord, lessor, or licensor from the
27 responsibility of collecting the tax, and the department shall
28 look solely to the tenant, lessee, or licensee for recovery of
29 such tax if it determines that the exemption was not
30 applicable.

31

1 (3) The tax imposed by this section shall be in
2 addition to the total amount of the rental or license fee,
3 shall be charged by the lessor or person receiving the rent or
4 payment in and by a rental or license fee arrangement with the
5 lessee or person paying the rental or license fee, and shall
6 be due and payable at the time of the receipt of such rental
7 or license fee payment by the lessor or other person who
8 receives the rental or payment. ~~Notwithstanding any other~~
9 ~~provision of this chapter, the tax imposed by this section on~~
10 ~~the rental, lease, or license for the use of a convention~~
11 ~~hall, exhibition hall, auditorium, stadium, theater, arena,~~
12 ~~civic center, performing arts center, or publicly owned~~
13 ~~recreational facility to hold an event of not more than 7~~
14 ~~consecutive days' duration shall be collected at the time of~~
15 ~~the payment for that rental, lease, or license but is not due~~
16 ~~and payable to the department until the first day of the month~~
17 ~~following the last day that the event for which the payment is~~
18 ~~made is actually held, and becomes delinquent on the 21st day~~
19 ~~of that month.~~The owner, lessor, or person receiving the rent
20 or license fee shall remit the tax to the department at the
21 times and in the manner hereinafter provided for dealers to
22 remit taxes under this chapter. The same duties imposed by
23 this chapter upon dealers in tangible personal property
24 respecting the collection and remission of the tax; the making
25 of returns; the keeping of books, records, and accounts; and
26 the compliance with the rules and regulations of the
27 department in the administration of this chapter shall apply
28 to and be binding upon all persons who manage any leases or
29 operate real property, hotels, apartment houses,
30 roominghouses, or tourist and trailer camps and all persons
31

1 who collect or receive rents or license fees taxable under
2 this chapter on behalf of owners or lessors.

3 ~~(10) Separately stated charges imposed by a convention~~
4 ~~hall, exhibition hall, auditorium, stadium, theater, arena,~~
5 ~~civic center, performing arts center, or publicly owned~~
6 ~~recreational facility upon a lessee or licensee for food,~~
7 ~~drink, or services required or available in connection with a~~
8 ~~lease or license to use real property, including charges for~~
9 ~~laborers, stagehands, ticket takers, event staff, security~~
10 ~~personnel, cleaning staff, and other event-related personnel,~~
11 ~~advertising, and credit card processing, are exempt from the~~
12 ~~tax imposed by this section.~~

13 Section 40. Effective July 1, 2003, paragraph (b) of
14 subsection (1), paragraph (a) of subsection (2), and
15 subsection (3) of section 212.04, Florida Statutes, are
16 amended to read:

17 212.04 Admissions tax; rate, procedure, enforcement.--

18 (1)

19 (b) For the exercise of such privilege, a tax is
20 levied at the rate of 6 percent of sales price, or the actual
21 value received from such admissions, which 6 percent shall be
22 added to and collected with all such admissions from the
23 purchaser thereof, and such tax shall be paid for the exercise
24 of the privilege as defined in the preceding paragraph. Each
25 ticket must show on its face the actual sales price of the
26 admission, or each dealer selling the admission must
27 prominently display at the box office or other place where the
28 admission charge is made a notice disclosing the price of the
29 admission, and the tax shall be computed and collected on the
30 basis of the actual price of the admission charged by the
31 dealer. The sale price or actual value of admission shall, for

1 the purpose of this chapter, be that price remaining after
2 deduction of federal taxes and state or locally imposed or
3 authorized seat surcharges, taxes, or fees, if any, imposed
4 upon such admission. The sale price or actual value does not
5 include separately stated ticket service charges that are
6 imposed by a facility ticket office or a ticketing service and
7 added to a separately stated, established ticket price.~~and~~
8 The rate of tax on each admission shall be according to the
9 brackets established by s. 212.12(9).

10 (2)

11 (a)1. No tax shall be levied on admissions to athletic
12 or other events sponsored by elementary schools, junior high
13 schools, middle schools, high schools, community colleges,
14 public or private colleges and universities, deaf and blind
15 schools, facilities of the youth services programs of the
16 Department of Children and Family Services, and state
17 correctional institutions when only student, faculty, or
18 inmate talent is used. However, this exemption shall not apply
19 to admission to athletic events sponsored by an institution
20 within the State University System, and the proceeds of the
21 tax collected on such admissions shall be retained and used by
22 each institution to support women's athletics as provided in
23 s. 240.533(3)(c).

24 2.a. No tax shall be levied on dues, membership fees,
25 and admission charges imposed by not-for-profit sponsoring
26 organizations. To receive this exemption, the sponsoring
27 organization must qualify as a not-for-profit entity under the
28 provisions of s. 501(c)(3) of the Internal Revenue Code of
29 1954, as amended.

30 b. No tax shall be levied on admission charges to an
31 event sponsored by a governmental entity, sports authority, or

1 sports commission when held in a convention hall, exhibition
2 hall, auditorium, stadium, theater, arena, civic center,
3 performing arts center, or publicly owned recreational
4 facility and when 100 percent of the risk of success or
5 failure lies with the sponsor of the event and 100 percent of
6 the funds at risk for the event belong to the sponsor, and
7 student or faculty talent is not exclusively used. As used in
8 this sub-subparagraph, the terms "sports authority" and
9 "sports commission" mean a nonprofit organization that is
10 exempt from federal income tax under s. 501(c)(3) of the
11 Internal Revenue Code and that contracts with a county or
12 municipal government for the purpose of promoting and
13 attracting sports-tourism events to the community with which
14 it contracts.

15 3. No tax shall be levied on an admission paid by a
16 student, or on the student's behalf, to any required place of
17 sport or recreation if the student's participation in the
18 sport or recreational activity is required as a part of a
19 program or activity sponsored by, and under the jurisdiction
20 of, the student's educational institution, provided his or her
21 attendance is as a participant and not as a spectator.

22 4. No tax shall be levied on admissions to the
23 National Football League championship game, on admissions to
24 any semifinal game or championship game of a national
25 collegiate tournament, or on admissions to a Major League
26 Baseball all-star game.

27 5. A participation fee or sponsorship fee imposed by a
28 governmental entity as described in s. 212.08(6) for an
29 athletic or recreational program is exempt when the
30 governmental entity by itself, or in conjunction with an
31 organization exempt under s. 501(c)(3) of the Internal Revenue

1 Code of 1954, as amended, sponsors, administers, plans,
2 supervises, directs, and controls the athletic or recreational
3 program.

4 6. Also exempt from the tax imposed by this section to
5 the extent provided in this subparagraph are admissions to
6 live theater, live opera, or live ballet productions in this
7 state which are sponsored by an organization that has received
8 a determination from the Internal Revenue Service that the
9 organization is exempt from federal income tax under s.
10 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
11 the organization actively participates in planning and
12 conducting the event, is responsible for the safety and
13 success of the event, is organized for the purpose of
14 sponsoring live theater, live opera, or live ballet
15 productions in this state, has more than 10,000 subscribing
16 members and has among the stated purposes in its charter the
17 promotion of arts education in the communities which it
18 serves, and will receive at least 20 percent of the net
19 profits, if any, of the events which the organization sponsors
20 and will bear the risk of at least 20 percent of the losses,
21 if any, from the events which it sponsors if the organization
22 employs other persons as agents to provide services in
23 connection with a sponsored event. Prior to March 1 of each
24 year, such organization may apply to the department for a
25 certificate of exemption for admissions to such events
26 sponsored in this state by the organization during the
27 immediately following state fiscal year. The application shall
28 state the total dollar amount of admissions receipts collected
29 by the organization or its agents from such events in this
30 state sponsored by the organization or its agents in the year
31 immediately preceding the year in which the organization

1 applies for the exemption. Such organization shall receive the
2 exemption only to the extent of \$1.5 million multiplied by the
3 ratio that such receipts bear to the total of such receipts of
4 all organizations applying for the exemption in such year;
5 however, in no event shall such exemption granted to any
6 organization exceed 6 percent of such admissions receipts
7 collected by the organization or its agents in the year
8 immediately preceding the year in which the organization
9 applies for the exemption. Each organization receiving the
10 exemption shall report each month to the department the total
11 admissions receipts collected from such events sponsored by
12 the organization during the preceding month and shall remit to
13 the department an amount equal to 6 percent of such receipts
14 reduced by any amount remaining under the exemption. Tickets
15 for such events sold by such organizations shall not reflect
16 the tax otherwise imposed under this section.

17 7. Also exempt from the tax imposed by this section
18 are entry fees for participation in freshwater fishing
19 tournaments.

20 8. Also exempt from the tax imposed by this section
21 are participation or entry fees charged to participants in a
22 game, race, or other sport or recreational event if spectators
23 are charged a taxable admission to such event.

24 9. No tax shall be levied on admissions to any
25 postseason collegiate football game sanctioned by the National
26 Collegiate Athletic Association.

27 (3) Such taxes shall be paid and remitted at the same
28 time and in the same manner as provided for remitting taxes on
29 sales of tangible personal property, as hereinafter provided.
30 Notwithstanding any other provision of this chapter, the tax
31 on admission to an event at a convention hall, exhibition

1 hall, auditorium, stadium, theater, arena, civic center,
2 performing arts center, or publicly owned recreational
3 facility shall be collected at the time of payment for the
4 admission but is not due to the department until the first day
5 of the month following the actual date of the event for which
6 the admission is sold and becomes delinquent on the 21st day
7 of that month.

8 Section 41. Effective July 1, 2006, paragraph (b) of
9 subsection (1), paragraph (a) of subsection (2), and
10 subsection (3) of section 212.04, Florida Statutes, as amended
11 by this act, are amended to read:

12 212.04 Admissions tax; rate, procedure, enforcement.--

13 (1)

14 (b) For the exercise of such privilege, a tax is
15 levied at the rate of 6 percent of sales price, or the actual
16 value received from such admissions, which 6 percent shall be
17 added to and collected with all such admissions from the
18 purchaser thereof, and such tax shall be paid for the exercise
19 of the privilege as defined in the preceding paragraph. Each
20 ticket must show on its face the actual sales price of the
21 admission, or each dealer selling the admission must
22 prominently display at the box office or other place where the
23 admission charge is made a notice disclosing the price of the
24 admission, and the tax shall be computed and collected on the
25 basis of the actual price of the admission charged by the
26 dealer. The sale price or actual value of admission shall, for
27 the purpose of this chapter, be that price remaining after
28 deduction of federal taxes ~~and state or locally imposed or~~
29 ~~authorized seat surcharges, taxes, or fees, if any, imposed~~
30 ~~upon such admission and. The sale price or actual value does~~
31 ~~not include separately stated ticket service charges that are~~

1 ~~imposed by a facility ticket office or a ticketing service and~~
2 ~~added to a separately stated, established ticket price.~~the
3 rate of tax on each admission shall be according to the
4 brackets established by s. 212.12(9).

5 (2)

6 (a)1. No tax shall be levied on admissions to athletic
7 or other events sponsored by elementary schools, junior high
8 schools, middle schools, high schools, community colleges,
9 public or private colleges and universities, deaf and blind
10 schools, facilities of the youth services programs of the
11 Department of Children and Family Services, and state
12 correctional institutions when only student, faculty, or
13 inmate talent is used. However, this exemption shall not apply
14 to admission to athletic events sponsored by an institution
15 within the State University System, and the proceeds of the
16 tax collected on such admissions shall be retained and used by
17 each institution to support women's athletics as provided in
18 s. 240.533(3)(c).

19 2.2.a. No tax shall be levied on dues, membership
20 fees, and admission charges imposed by not-for-profit
21 sponsoring organizations. To receive this exemption, the
22 sponsoring organization must qualify as a not-for-profit
23 entity under the provisions of s. 501(c)(3) of the Internal
24 Revenue Code of 1954, as amended.

25 ~~b. No tax shall be levied on admission charges to an~~
26 ~~event sponsored by a governmental entity, sports authority, or~~
27 ~~sports commission when held in a convention hall, exhibition~~
28 ~~hall, auditorium, stadium, theater, arena, civic center,~~
29 ~~performing arts center, or publicly owned recreational~~
30 ~~facility and when 100 percent of the risk of success or~~
31 ~~failure lies with the sponsor of the event and 100 percent of~~

1 ~~the funds at risk for the event belong to the sponsor, and~~
2 ~~student or faculty talent is not exclusively used. As used in~~
3 ~~this sub-subparagraph, the terms "sports authority" and~~
4 ~~"sports commission" mean a nonprofit organization that is~~
5 ~~exempt from federal income tax under s. 501(c)(3) of the~~
6 ~~Internal Revenue Code and that contracts with a county or~~
7 ~~municipal government for the purpose of promoting and~~
8 ~~attracting sports-tourism events to the community with which~~
9 ~~it contracts.~~

10 3. No tax shall be levied on an admission paid by a
11 student, or on the student's behalf, to any required place of
12 sport or recreation if the student's participation in the
13 sport or recreational activity is required as a part of a
14 program or activity sponsored by, and under the jurisdiction
15 of, the student's educational institution, provided his or her
16 attendance is as a participant and not as a spectator.

17 4. No tax shall be levied on admissions to the
18 National Football League championship game, on admissions to
19 any semifinal game or championship game of a national
20 collegiate tournament, or on admissions to a Major League
21 Baseball all-star game.

22 5. A participation fee or sponsorship fee imposed by a
23 governmental entity as described in s. 212.08(6) for an
24 athletic or recreational program is exempt when the
25 governmental entity by itself, or in conjunction with an
26 organization exempt under s. 501(c)(3) of the Internal Revenue
27 Code of 1954, as amended, sponsors, administers, plans,
28 supervises, directs, and controls the athletic or recreational
29 program.

30 6. Also exempt from the tax imposed by this section to
31 the extent provided in this subparagraph are admissions to

1 live theater, live opera, or live ballet productions in this
2 state which are sponsored by an organization that has received
3 a determination from the Internal Revenue Service that the
4 organization is exempt from federal income tax under s.
5 501(c)(3) of the Internal Revenue Code of 1954, as amended, if
6 the organization actively participates in planning and
7 conducting the event, is responsible for the safety and
8 success of the event, is organized for the purpose of
9 sponsoring live theater, live opera, or live ballet
10 productions in this state, has more than 10,000 subscribing
11 members and has among the stated purposes in its charter the
12 promotion of arts education in the communities which it
13 serves, and will receive at least 20 percent of the net
14 profits, if any, of the events which the organization sponsors
15 and will bear the risk of at least 20 percent of the losses,
16 if any, from the events which it sponsors if the organization
17 employs other persons as agents to provide services in
18 connection with a sponsored event. Prior to March 1 of each
19 year, such organization may apply to the department for a
20 certificate of exemption for admissions to such events
21 sponsored in this state by the organization during the
22 immediately following state fiscal year. The application shall
23 state the total dollar amount of admissions receipts collected
24 by the organization or its agents from such events in this
25 state sponsored by the organization or its agents in the year
26 immediately preceding the year in which the organization
27 applies for the exemption. Such organization shall receive the
28 exemption only to the extent of \$1.5 million multiplied by the
29 ratio that such receipts bear to the total of such receipts of
30 all organizations applying for the exemption in such year;
31 however, in no event shall such exemption granted to any

1 organization exceed 6 percent of such admissions receipts
2 collected by the organization or its agents in the year
3 immediately preceding the year in which the organization
4 applies for the exemption. Each organization receiving the
5 exemption shall report each month to the department the total
6 admissions receipts collected from such events sponsored by
7 the organization during the preceding month and shall remit to
8 the department an amount equal to 6 percent of such receipts
9 reduced by any amount remaining under the exemption. Tickets
10 for such events sold by such organizations shall not reflect
11 the tax otherwise imposed under this section.

12 7. Also exempt from the tax imposed by this section
13 are entry fees for participation in freshwater fishing
14 tournaments.

15 8. Also exempt from the tax imposed by this section
16 are participation or entry fees charged to participants in a
17 game, race, or other sport or recreational event if spectators
18 are charged a taxable admission to such event.

19 9. No tax shall be levied on admissions to any
20 postseason collegiate football game sanctioned by the National
21 Collegiate Athletic Association.

22 (3) Such taxes shall be paid and remitted at the same
23 time and in the same manner as provided for remitting taxes on
24 sales of tangible personal property, as hereinafter provided.
25 ~~Notwithstanding any other provision of this chapter, the tax~~
26 ~~on admission to an event at a convention hall, exhibition~~
27 ~~hall, auditorium, stadium, theater, arena, civic center,~~
28 ~~performing arts center, or publicly owned recreational~~
29 ~~facility shall be collected at the time of payment for the~~
30 ~~admission but is not due to the department until the first day~~
31 ~~of the month following the actual date of the event for which~~

1 ~~the admission is sold and becomes delinquent on the 21st day~~
2 ~~of that month.~~

3 Section 42. Paragraph (g) of subsection (10) of
4 section 212.02, Florida Statutes, is amended to read:

5 212.02 Definitions.--The following terms and phrases
6 when used in this chapter have the meanings ascribed to them
7 in this section, except where the context clearly indicates a
8 different meaning:

9 (10) "Lease," "let," or "rental" means leasing or
10 renting of living quarters or sleeping or housekeeping
11 accommodations in hotels, apartment houses, roominghouses,
12 tourist or trailer camps and real property, the same being
13 defined as follows:

14 (g) "Lease," "let," or "rental" also means the leasing
15 or rental of tangible personal property and the possession or
16 use thereof by the lessee or rentee for a consideration,
17 without transfer of the title of such property, except as
18 expressly provided to the contrary herein. The term "lease,"
19 "let," or "rental" does not mean hourly, daily, or mileage
20 charges, to the extent that such charges are subject to the
21 jurisdiction of the United States Interstate Commerce
22 Commission, when such charges are paid by reason of the
23 presence of railroad cars owned by another on the tracks of
24 the taxpayer, or charges made pursuant to car service
25 agreements. The term "lease," "let," "rental," or "license"
26 does not include payments made to an owner of high-voltage
27 bulk transmission facilities in connection with the possession
28 or control of such facilities by a regional transmission
29 organization, independent system operator, or similar entity
30 under the jurisdiction of the Federal Energy Regulatory
31 Commission. However, where two taxpayers, in connection with

1 the interchange of facilities, rent or lease property, each to
2 the other, for use in providing or furnishing any of the
3 services mentioned in s. 166.231, the term "lease or rental"
4 means only the net amount of rental involved.

5 Section 43. Present subsections (12) and (13) of
6 section 212.212, Florida Statutes, are redesignated as (13)
7 and (14), respectively, and a new subsection (12) is added to
8 that section, to read:

9 212.12 Dealer's credit for collecting tax; penalties
10 for noncompliance; powers of Department of Revenue in dealing
11 with delinquents; brackets applicable to taxable transactions;
12 records required.--

13 (12) If it is determined upon audit that a dealer has
14 collected and remitted taxes by applying the applicable tax
15 rate to each transaction as described in subsection (9) and
16 rounding the tax due to the nearest whole cent rather than
17 applying the appropriate bracket system provided by statute or
18 department rule, the dealer may not be held liable for
19 additional tax, penalty, and interest resulting from such
20 failure if all of the following requirements are met:

21 (a) The dealer acted in a good-faith belief that
22 rounding to the nearest whole cent was the proper method of
23 determining the amount of tax due on each taxable transaction;

24 (b) The dealer timely reported and remitted all taxes
25 collected on each taxable transaction; and

26 (c) The dealer agrees in writing to future compliance
27 with the statutes and rules concerning brackets applicable to
28 the dealer's transactions.

29 Section 44. It is the intent of the Legislature that
30 the amendments to section 212.12, Florida Statutes, made by
31 this act apply to all pending sales and use tax audits or

1 other actions or inquiries, including those currently under
2 protest or in litigation. The amendments to section 212.12,
3 Florida Statutes, made by this act do not create any right to
4 refund for taxes previously assessed and paid in regard to
5 audits or other actions or inquiries that are no longer
6 pending.

7 Section 45. Paragraph (b) of subsection (1) of section
8 206.9825, Florida Statutes, is reenacted and amended to read:

9 206.9825 Aviation fuel tax.--

10 (1)

11 (b) Any licensed wholesaler or terminal supplier that
12 delivers aviation fuel to an air carrier offering
13 transcontinental jet service and that, after January 1, 1996,
14 increases the air carrier's Florida workforce by more than
15 1000 percent and by 250 or more full-time equivalent employee
16 positions, may receive a credit or refund as the ultimate
17 vendor of the aviation fuel for the 6.9 cents excise tax
18 previously paid, provided that the air carrier has no facility
19 for fueling highway vehicles from the tank in which the
20 aviation fuel is stored. In calculating the new or additional
21 Florida full-time equivalent employee positions, any full-time
22 equivalent employee positions of parent or subsidiary
23 corporations which existed before January 1, 1996, shall not
24 be counted toward reaching the Florida employment increase
25 thresholds. The refund allowed under this paragraph is in
26 furtherance of the goals and policies of the State
27 Comprehensive Plan set forth in s. 187.201(17)(a), (b)1., 2.,
28 (18)(a), (b)1., 4., (20)(a), (b)5., (22)(a), (b)1., 2., 4.,
29 7., 9., and 12. ~~This paragraph will expire on July 1, 2001.~~

30 Section 46. Notwithstanding the percentage increase
31 provided in section 218.21(6), Florida Statutes, for the

1 purpose of calculating distributions made under section
2 212.20(6)(d)6., Florida Statutes, for the 2001-2002 fiscal
3 year, the percentage increase for any government exercising
4 municipal powers under Section 6(f) of Article VIII of the
5 State Constitution shall be calculated as the revenues from
6 the Revenue Sharing Trust Fund for Municipalities for the
7 2000-2001 fiscal year, divided by the sum of revenues from the
8 Revenue Sharing Trust Fund for Municipalities for the
9 1999-2000 fiscal year and revenues from the Municipal
10 Financial Assistance Trust Fund for the 1999-2000 fiscal year,
11 minus one. Notwithstanding this section, actual payments
12 during fiscal year 2001-2002 shall not be affected by this
13 provision and such recalculated amount shall be used to
14 determine the percentage increase for the 2002-2003 fiscal
15 year, as provided in section 218.21(6)(b), Florida Statutes.
16 Any adjustment because of an overpayment during the 2001-2002
17 fiscal year shall be treated as a credit to the payment in
18 fiscal year 2002-2003.

19 Section 47. Subsection (1) and paragraph (e) of
20 subsection (3) of section 443.131, Florida Statutes, are
21 amended to read:

22 443.131 Contributions.--

23 (1) WHEN PAYABLE.--Contributions shall accrue and
24 become payable by each employer for each calendar quarter in
25 which he or she is subject to this chapter, with respect to
26 wages paid during such calendar quarter for employment. Such
27 contributions shall become due and be paid by each employer to
28 the Agency for Workforce Innovation or its designee ~~division~~
29 for the fund, in accordance with such rules as the Agency for
30 Workforce Innovation or its designee ~~division~~ may prescribe.
31 However, nothing in this subsection shall be construed to

1 prohibit the Agency for Workforce Innovation or its designee
2 division from allowing, ~~on a limited basis,~~ at the request of
3 the employer, ~~certain~~ employers of employees performing
4 domestic services, as defined in s. 443.036(21)(g) ~~and by rule~~
5 ~~of the division,~~ to pay contributions or report wages at
6 intervals other than quarterly when such payment or reporting
7 is to the advantage of the Agency for Workforce Innovation or
8 its designee division ~~and the employers,~~ and when such
9 nonquarterly payment and reporting is authorized under federal
10 law. This provision gives employers of employees performing
11 domestic services the option to elect to report wages and pay
12 taxes annually, with a due date of January ~~April~~ 1 and a
13 delinquency date of February 1 ~~April 30~~. In order to qualify
14 for this election, the employer must employ ~~have~~ only
15 employees who perform domestic services ~~employees,~~ be eligible
16 for a variation from the standard rate as computed pursuant to
17 subsection (3) ~~in good standing,~~ apply to this program no
18 later than December 1 ~~30~~ of the preceding calendar year, and
19 agree to provide the Agency for Workforce Innovation or its
20 designee division with any special reports which might be
21 requested, as required by rule 60BB-2.025(5) ~~38B-2.025(5),~~
22 including copies of all federal employment tax forms. Failure
23 to timely furnish any wage information when required by the
24 Agency for Workforce Innovation or its designee shall ~~may~~
25 result in the employer's loss of the privilege to elect
26 participation in this program, effective the calendar quarter
27 immediately following the calendar quarter in which such
28 failure occurred. The employer is eligible to reapply for
29 annual reporting after 1 complete calendar year has elapsed
30 since the employer's disqualification if the employer timely
31 furnished any requested wage information during the period in

1 which annual reporting was denied. Contributions shall not be
2 deducted, in whole or in part, from the wages of individuals
3 in such employer's employ. In the payment of any
4 contributions, a fractional part of a cent shall be
5 disregarded unless it amounts to one-half cent or more, in
6 which case it shall be increased to 1 cent.

7 (3) CONTRIBUTION RATES BASED ON BENEFIT EXPERIENCE.--

8 (e)1. Variations from the standard rate of
9 contributions shall be assigned with respect to each calendar
10 year to employers eligible therefor. In determining the
11 contribution rate, varying from the standard rate to be
12 assigned each employer, adjustment factors provided for in
13 sub-subparagraphs a.-c. will be added to the benefit ratio.
14 This addition will be accomplished in two steps by adding a
15 variable adjustment factor and a final adjustment factor as
16 defined below. The sum of these adjustment factors provided
17 for in sub-subparagraphs a.-c. will first be algebraically
18 summed. The sum of these adjustment factors will then be
19 divided by a gross benefit ratio to be determined as follows:
20 Total benefit payments for the previous 3 years, as defined in
21 subparagraph (b)1., charged to employers eligible to be
22 assigned a contribution rate different from the standard rate
23 minus excess payments for the same period divided by taxable
24 payroll entering into the computation of individual benefit
25 ratios for the calendar year for which the contribution rate
26 is being computed. The ratio of the sum of the adjustment
27 factors provided for in sub-subparagraphs a.-c. to the gross
28 benefit ratio will be multiplied by each individual benefit
29 ratio below the maximum tax rate to obtain variable adjustment
30 factors; except that in any instance in which the sum of an
31 employer's individual benefit ratio and variable adjustment

1 factor exceeds the maximum tax rate, the variable adjustment
2 factor will be reduced so that the sum equals the maximum tax
3 rate. The variable adjustment factor of each such employer
4 will be multiplied by his or her taxable payroll entering into
5 the computation of his or her benefit ratio. The sum of these
6 products will be divided by the taxable payroll of such
7 employers that entered into the computation of their benefit
8 ratios. The resulting ratio will be subtracted from the sum of
9 the adjustment factors provided for in sub-subparagraphs a.-c.
10 to obtain the final adjustment factor. The variable adjustment
11 factors and the final adjustment factor will be computed to
12 five decimal places and rounded to the fourth decimal place.
13 This final adjustment factor will be added to the variable
14 adjustment factor and benefit ratio of each employer to obtain
15 each employer's contribution rate; however, at no time shall
16 an employer's contribution rate be rounded to less than 0.1
17 percent.

18 a. An adjustment factor for noncharge benefits will be
19 computed to the fifth decimal place, and rounded to the fourth
20 decimal place, by dividing the amount of benefit payments
21 noncharged in the 3 preceding years as defined in subparagraph
22 (b)1. by the taxable payroll of employers eligible to be
23 considered for assignment of a contribution rate different
24 from the standard rate that have a benefit ratio for the
25 current year less than the maximum contribution rate. The
26 taxable payroll of such employers will be the taxable payrolls
27 for the 3 years ending June 30 of the current calendar year
28 that had been reported to the division by September 30 of the
29 same calendar year. Noncharge benefits for the purpose of this
30 section shall be defined as benefit payments to an individual
31 which were paid from the Unemployment Compensation Trust Fund

1 but which were not charged to the unemployment record of any
2 employer.

3 b. An excess payments adjustment factor will be
4 computed to the fifth decimal place, and rounded to the fourth
5 decimal place, by dividing the total excess payments during
6 the 3 preceding years as defined in subparagraph (b)1. by the
7 taxable payroll of employers eligible to be considered for
8 assignment of a contribution rate different from the standard
9 rate that have a benefit ratio for the current year less than
10 the maximum contribution rate. The taxable payroll of such
11 employers will be the same as used in computing the noncharge
12 adjustment factor as described in sub-subparagraph a. The term
13 "excess payments" for the purpose of this section is defined
14 as the amount of benefit payments charged to the employment
15 record of an employer during the 3 preceding years, as defined
16 in subparagraph (b)1., less the product of the maximum
17 contribution rate and his or her taxable payroll for the 3
18 years ending June 30 of the current calendar year that had
19 been reported to the division by September 30 of the same
20 calendar year. The term "total excess payments" is defined as
21 the sum of the individual employer excess payments for those
22 employers that were eligible to be considered for assignment
23 of a contribution rate different from the standard rate.

24 c. If the balance in the Unemployment Compensation
25 Trust Fund as of June 30 of the calendar year immediately
26 preceding the calendar year for which the contribution rate is
27 being computed is less than 3.7 ~~4~~ percent of the taxable
28 payrolls for the year ending June 30 as reported to the
29 division by September 30 of that calendar year, a positive
30 adjustment factor will be computed. Such adjustment factor
31 shall be computed annually to the fifth decimal place, and

1 rounded to the fourth decimal place, by dividing the sum of
2 the total taxable payrolls for the year ending June 30 of the
3 current calendar year as reported to the division by September
4 30 of such calendar year into a sum equal to one-fourth of the
5 difference between the amount in the fund as of June 30 of
6 such calendar year and the sum of 4.7 5 percent of the total
7 taxable payrolls for that year. Such adjustment factor will
8 remain in effect in subsequent years until a balance in the
9 Unemployment Compensation Trust Fund as of June 30 of the year
10 immediately preceding the effective date of such contribution
11 rate equals or exceeds 3.7 4 percent of the taxable payrolls
12 for the year ending June 30 of the current calendar year as
13 reported to the division by September 30 of that calendar
14 year. If the balance in the Unemployment Compensation Trust
15 Fund as of June 30 of the year immediately preceding the
16 calendar year for which the contribution rate is being
17 computed exceeds 4.7 5 percent of the taxable payrolls for the
18 year ending June 30 of the current calendar year as reported
19 to the division by September 30 of that calendar year, a
20 negative adjustment factor will be computed. Such adjustment
21 factor shall be computed annually to the fifth decimal place,
22 and rounded to the fourth decimal place, by dividing the sum
23 of the total taxable payrolls for the year ending June 30 of
24 the current calendar year as reported to the division by
25 September 30 of such calendar year into a sum equal to
26 one-fourth of the difference between the amount in the fund as
27 of June 30 of the current calendar year and 4.7 5 percent of
28 the total taxable payrolls of such year. Such adjustment
29 factor will remain in effect in subsequent years until the
30 balance in the Unemployment Compensation Trust Fund as of June
31 30 of the year immediately preceding the effective date of

1 such contribution rate is less than 4.7 5 percent but more
2 than 3.7 4 percent of the taxable payrolls for the year ending
3 June 30 of the current calendar year as reported to the
4 division by September 30 of that calendar year.

5 d. The maximum contribution rate that can be assigned
6 to any employer shall be 5.4 percent, except those employers
7 participating in an approved short-time compensation plan in
8 which case the maximum shall be 1 percent above the current
9 maximum contribution rate, with respect to any calendar year
10 in which short-time compensation benefits are in the
11 employer's employment record.

12 2. In the event of the transfer of employment records
13 to an employing unit pursuant to paragraph (g) which, prior to
14 such transfer, was an employer, the division shall recompute a
15 benefit ratio for the successor employer on the basis of the
16 combined employment records and reassign an appropriate
17 contribution rate to such successor employer as of the
18 beginning of the calendar quarter immediately following the
19 effective date of such transfer of employment records.

20 Section 48. Subsection (3) is added to section 213.30,
21 Florida Statutes, to read:

22 213.30 Compensation for information relating to a
23 violation of the tax laws.--

24 (3) Notwithstanding any other provision of law, this
25 section is the sole means by which any person may seek or
26 obtain any moneys as the result of, in relation to, or founded
27 upon the failure by another person to comply with the tax laws
28 of this state. A person's use of any other law to seek or
29 obtain moneys for such failure is in derogation of this
30 section and conflicts with the state's duty to administer the
31 tax laws.

1 Section 49. Subsection (8) is added to section 201.02,
2 Florida Statutes, to read:

3 201.02 Tax on deeds and other instruments relating to
4 real property or interests in real property.--

5 (8) Taxes imposed by this section do not apply to a
6 contract to sell the residence of an employee relocating at
7 his or her employer's direction or to documents related to the
8 contract, which contract is between the employee and the
9 employer or between the employee and a person in the business
10 of providing employee relocation services. In the case of
11 such transactions, taxes apply only to the transfer of the
12 real property comprising the residence by deed that vests
13 legal title in a named grantee.

14 Section 50. Subsections (16), (17), and (18) are added
15 to section 213.015, Florida Statutes, to read:

16 213.015 Taxpayer rights.--There is created a Florida
17 Taxpayer's Bill of Rights to guarantee that the rights,
18 privacy, and property of Florida taxpayers are adequately
19 safeguarded and protected during tax assessment, collection,
20 and enforcement processes administered under the revenue laws
21 of this state. The Taxpayer's Bill of Rights compiles, in one
22 document, brief but comprehensive statements which explain, in
23 simple, nontechnical terms, the rights and obligations of the
24 Department of Revenue and taxpayers. The rights afforded
25 taxpayers to assure that their privacy and property are
26 safeguarded and protected during tax assessment and collection
27 are available only insofar as they are implemented in other
28 parts of the Florida Statutes or rules of the Department of
29 Revenue. The rights so guaranteed Florida taxpayers in the
30 Florida Statutes and the departmental rules are:

31

1 (16) The right to have the department actively
2 identify and review multistate proposals that offer more
3 efficient and effective methods for administering the revenue
4 sources of this state (see s. 213.256).

5 (17) The right to have the department actively
6 investigate and, where appropriate, implement automated or
7 electronic business methods that enable the department to more
8 efficiently and effectively administer the revenue sources of
9 this state at less cost and effort for taxpayers.

10 (18) The right to waiver of interest that accrues as
11 the result of errors or delays caused by a department employee
12 (see s. 213.21(3)).

13 (19) The right to participate in free educational
14 activities that help the taxpayer successfully comply with the
15 revenue laws of this state.

16 (20) The right to pay a reasonable fine or percentage
17 of tax, whichever is less, to reinstate an exemption from any
18 tax which a taxpayer would have been entitled to receive but
19 which was lost because the taxpayer failed to properly
20 register as a tax dealer in this state or obtain the necessary
21 certificates entitling the taxpayer to the exemption (see s.
22 212.07(9)).

23 (21) The right to fair and consistent application of
24 the tax laws of this state by the Department of Revenue.

25 Section 51. Except as otherwise expressly provided in
26 this act, this act shall take effect upon becoming a law.

27
28
29
30
31