

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 333 Taxation
SPONSOR(S): Harrell
TIED BILLS: None **IDEN./SIM. BILLS:** SB 1162

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
1) <u>Tourism (Sub)</u>	<u>5 Y, 0 N</u>	<u>McDonald</u>	<u>Whitfield</u>
2) <u>Commerce</u>	_____	_____	_____
3) <u>Finance and Taxation</u>	_____	_____	_____
4) <u>Appropriations</u>	_____	_____	_____
5) _____	_____	_____	_____

SUMMARY ANALYSIS

In the 2000 legislative session, HB 509 was amended several times in the House and Senate during the last days of the Session. Some of those amendments added entire bills into the original language. One of those amendments placed a sunset provision intended for one particular provision into the body of the bill with no indication that it was to be limited in scope. The provision became section 11 in a law composed of 17 sections. The sunset provision in Chapter 2000-312, Laws of Florida, provided that all provisions of the act were required to be reviewed by the Legislature prior to October 1, 2005, and would be repealed on that date unless reenacted by the Legislature.

Two of the provisions contained in Chapter 2000-312, Laws of Florida, were an amendment to s. 125.0104(7), F.S., relating to the Local Option Tourist Development Tax, and the creation of s. 192.0105, F.S., the Florida Taxpayers' Bill of Rights.

House Bill 333 revives and reenacts s.125.0104(7), F.S., relating to the Local Option Tourist Development Tax, and s. 192.0105, F.S., the Florida Taxpayer's Bill of Rights, notwithstanding the repeal of those provisions scheduled in section 11 of Chapter 2000-312, Laws of Florida. This bill saves from repeal the changes in law made in Chapter 2000-312, Laws of Florida, and any subsequent changes.

The legislation appears to have no fiscal impact.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. DOES THE BILL:

- | | | | |
|--------------------------------------|-----------------------------------------|-----------------------------|-----------------------------------------|
| 1. Reduce government? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. Lower taxes? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 3. Expand individual freedom? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 4. Increase personal responsibility? | Yes <input checked="" type="checkbox"/> | No <input type="checkbox"/> | N/A <input type="checkbox"/> |
| 5. Empower families? | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. EFFECT OF PROPOSED CHANGES:

Present Situation

In the 2000 legislative session, HB 509 was amended several times in the House and Senate during the last days of the Session. Some of those amendments added entire bills into the original language. One of those amendments placed a sunset provision intended for one particular provision into the body of the bill with no indication that it was to be limited in scope. The provision became section 11 in a law composed of 17 sections. The sunset provision in Chapter 2000-312, L.O.F., provided that all provisions of the act were required to be reviewed by the Legislature prior to October 1, 2005, and would be repealed on that date unless reenacted by the Legislature.

Two of the provisions contained in Chapter 2000-312, L.O.F., were an amendment to s. 125.0104(7), F.S., relating to the Local Option Tourist Development Tax, and the creation of s. 192.0105, F.S., the Florida Taxpayers' Bill of Rights.

In addition to the automatic expiration of the local option tourist development tax upon retirement of bonds in s. 125.0104(7), F.S., the changes in the law stated that the expiration will occur upon the later of the retirement of bonds relating to acquisition, construction, or capital improvements to certain facilities or the expiration of any agreement by the county for the operation or maintenance, or both, of such facilities. The section was also amended to allow for the county to amend the ordinance, rather than having an automatic expiration, to extend the tax for the amount of time the board of the county determines is necessary to fund the operation and maintenance, any necessary capital improvements, or replacement of such facilities. Subsequent to this revision, the subsection was further amended in Chapter 2001-252, L.O.F., to further clarify that changes could be made without referendum approval unless the original referendum providing for the tax required ordinance expiration. These two amendments to s. 125.0104(7), F.S., are repealed by virtue of the sunset provision in Chapter 2000-312, L.O.F., unless revived.

Art. 1, sec 25 of the Florida Constitution, adopted in 1992, requires the Legislature to prescribe and adopt a Taxpayers' Bill of Rights that, in clear and concise language, sets forth taxpayers' rights and responsibilities and governments' responsibilities to deal fairly with taxpayers under the laws of the state. Prior to the enactment of changes in Chapter 2000-312, L.O.F., Florida law did not address taxpayer rights regarding property tax assessment and collections. The newly created law, s. 192.0105, F.S., compiled and referenced statutes and rules specifying taxpayers' rights with respect to taxes on real and personal property into a single section known as the Florida Taxpayers' Bill of Rights. The law is divided into four subsections: The Right to Know; The Right to Due Process; The Right to Redress; and The Right to Confidentiality.

Effect of Proposed Change

House Bill 333 revives and reenacts s.125.0104(7), F.S., relating to the Local Option Tourist Development Tax, and s. 192.0105, F.S., the Florida Taxpayer's Bill of Rights, notwithstanding the repeal of those provisions scheduled in section 11 of Chapter 2000-312, Laws of Florida. This bill saves from repeal the changes in law made in Chapter 2000-312, LOF, and any subsequent changes.

C. SECTION DIRECTORY:

Section 1. Revives and reenacts s. 125.0104(7), F.S., as amended by section 14 of chapter 2001-252, Laws of Florida.

Section 2. Revives and reenacts s. 192.0105, F.S., the Florida Taxpayer's Bill of Rights.

Section 3. Provides an effective date of becoming a law.

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

None.

2. Expenditures:

None.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

None.

2. Expenditures:

None.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

Although it is not known what impact the failure to revive the changes to the Local Option Tourist Tax would have on local government revenues or expenditures, it could have a potentially negative impact on some counties if the changes are not revived.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The legislation does not require expenditure of funds by local governments, does not reduce the authority to raise revenue, nor reduce the percentage of state tax shared with local governments.

2. Other:

None.

B. RULE-MAKING AUTHORITY:

None.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/COMMITTEE SUBSTITUTE CHANGES