

HB 0225

2004

1                                   A bill to be entitled  
 2           An act relating to the Department of Citrus; amending s.  
 3           601.155, F.S.; requiring the department to develop a  
 4           process for persons liable for the equalizing excise tax  
 5           to elect to not pay a portion of the tax; providing for  
 6           the dismissal of certain claims; providing an effective  
 7           date.

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

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 11           Section 1. Present subsections (10) and (11) of section  
 12           601.155, Florida Statutes, are renumbered as subsections (11)  
 13           and (12), respectively, and a new subsection (10) is added to  
 14           said section, to read:

15           601.155 Equalizing excise tax; credit; exemption.--  
 16           (10) Notwithstanding any other provision of law, the  
 17           Department of Citrus shall develop a process by which any person  
 18           liable for the excise tax imposed under this section may  
 19           annually object to payment of the tax. Any such objection must  
 20           be allowed without discretion as to the validity thereof and  
 21           that person shall be granted the immediate right to elect not to  
 22           pay two-thirds of the applicable tax rate. Upon any necessary  
 23           legislative appropriation of moneys due under the settlement  
 24           agreement of Consolidated Case No. 2002-CA-4686 in the Circuit  
 25           Court of the Tenth Judicial Circuit in Polk County, the  
 26           plaintiffs shall agree to the dismissal of their claim under the  
 27           foreign commerce clause with prejudice.

28           Section 2. This act shall take effect July 1, 2004.