

HOUSE OF REPRESENTATIVES STAFF ANALYSIS

BILL #: HB 1807.FT PCB FT 05-02 Taxation
SPONSOR(S): Finance & Tax Committee
TIED BILLS: **IDEN./SIM. BILLS:** SB 300

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR
Orig. Comm.: Finance & Tax Committee	8 Y, 0 N	Diez-Arguelles	Diez-Arguelles
1) Fiscal Council			
2)			
3)			
4)			
5)			

SUMMARY ANALYSIS

During the 2000 Regular Session a number of bills were amended onto HB 509. HB 509 passed the Legislature and became Chapter 2000-312, Laws of Florida. One of the bills added to HB 509 contained a section which was intended to repeal the provisions amending Section 212.055(5), F.S., on October 1, 2005. This provision became Section 11 of Chapter Law 2000-312, Laws of Florida. Because of the method used to combine these bills, Section 11 was made applicable to all the provisions in Chapter 2000-312, Laws of Florida. Therefore, the provisions of Chapter 2000-312 will be repealed on October 1, 2005, unless they are reenacted by the Legislature.

The bill repeals Section 11 of Chapter 2000-312, Laws of Florida, thereby saving from repeal the other sections of Chapter 2000-312, Laws of Florida.

The bill has an effective date of July 1, 2005.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. HOUSE PRINCIPLES ANALYSIS:

Ensure Lower Taxes: The bill continues the ability of certain counties to impose local option sales taxes.

B. EFFECT OF PROPOSED CHANGES:

Present Situation

During the 2000 Regular Session a number of bills were amended onto HB 509. HB 509 passed the Legislature and became Chapter 2000-312, Laws of Florida. One of the bills added to HB 509 contained a section which was intended to repeal the provisions of that bill on October 1, 2005. This provision became Section 11 of Chapter Law 2000-312, Laws of Florida. Because of the method used to combine these bills, Section 11 was made applicable to all the provisions in Chapter 2000-312, Laws of Florida. Therefore, the provisions of Chapter 2000-312 will be repealed on October 1, 2005, unless they are reenacted by the Legislature.

Chapter 2000-312, Laws of Florida made the following changes to the Florida statutes.

1. Amended Section 197.182, F.S., to provide that a Tax Collector may make a refund of taxes paid without approval from the Department of Revenue when the taxpayer's error was made because an erroneous tax notice was sent to the taxpayer.
2. Amended Section 120.80(14), F.S., to provide that a taxpayer may be awarded reasonable costs and attorney's fees in an action contesting a tax imposed under Chapter 212, if the court finds that the Department of Revenue improperly rejected or modified a conclusion of law.
3. Amended Section 213.21, F.S., to provide that the Department of Revenue may compromise tax and interest due by a taxpayer if a taxpayer can establish that it reasonable relied on a written determination by the department under specified circumstances.
4. Amended Section 199.185, F.S., to provide an exemption from the tax on intangible personal property for a leasehold estate in governmental property where the lessee is required to furnish space on the leasehold estate for public use by governmental agencies at no charge to those agencies.
5. Amended Section 125.0104(7), F.S., to provide an exception to the requirement that a tourist development tax imposed to construct a facility expires when all bonds issued by the county to finance the facility are retired. The exception allows for the tax to continue until the expiration of any agreement by the county for the operation and maintenance of the facility. Section 1 of Chapter 2003-34, Laws of Florida, removed the repeal of this section.
6. Amended Sections 125.104(10) and 213.053 (7), F.S. to allow a county that elects to collect and administer tourist development taxes to used certified public accountants licensed in Florida in the administration of its statutory duties and responsibilities, subject to the same confidentiality requirements that apply to the county.
7. Provided the School Board of Sarasota County the authority to levy up to an additional 1.0 mill of discretionary school millage for one year only, subject to referendum approval.

8. Amended Section 212.055(5), F.S., to require that Miami-Dade County must use 25% of the revenues received from the county public hospital local option sales tax solely for the purpose of funding a plan for indigent health care services. This provision of Chapter 2000-312, Laws of Florida was declared unconstitutional by the Third District Court of Appeal in 2002.
9. Amended Section 212.055(4), F.S., to provide that counties with a population of at least 800,000 residents levying the indigent care and trauma center local option sales tax must remit a specified portion of the proceeds annually to the hospital in the county that has a Level I trauma center. Section 1 of Chapter 2003-77, Laws of Florida, removed the repeal of this section.
10. Amended section 125.0104(6), F.S., to provide that when a county's tourist development tax is repealed by referendum, the repeal shall not be effective with respect to any portion of taxes initially levied in November 1989, which has been pledged for the or is being used to support certain bonds until the retirement of those bonds.
11. Created Section 192.0105, F.S., to provide for a Florida Taxpayer's Bill of Rights for property taxes and assessments. Section 2 of Chapter 2003-34, Laws of Florida, removed the repeal of this section.
12. Created Section 212.055(7), F.S., to provide counties with a population of less than 800,000 residents the authority to levy an indigent care local option sales tax by referendum.

Proposed Changes

This bill repeals section 11 of Chapter 2000-312, Laws of Florida, thereby saving from repeal those sections of Chapter 2000-312, Laws of Florida that are still subject to repeal on October 1, 2005.

C. SECTION DIRECTORY:

Section 1 repeals section 11 of Chapter 200-312, Laws of Florida.

Section 2 provides an effective date of July 1, 2005

II. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The Revenue Estimating Conference has determined that the fiscal impact of this bill to state government is indeterminate. Please see FISCAL COMMENTS, below.

2. Expenditures:

None

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The Revenue Estimating Conference has determined that the fiscal impact of this bill to local governments is indeterminate. Please see FISCAL COMMENTS, below.

2. Expenditures:

None

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

None

D. FISCAL COMMENTS:

This bill will continue the authority of counties with a population of less than 800,000 residents to levy the indigent care local option sales tax authorized by section 212.055(7), F.S. Currently Alachua and Pasco counties are levying this tax.

There is uncertainty as to whether the provisions of Chapter 2000-312, Laws of Florida, dealing with section 212.055(5), F.S., the County Hospital Surtax, will result in the repeal of the authorization to impose the tax. Currently Miami-Dade County levies this tax. If this bill were to pass, that uncertainty will be removed.

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

1. Applicability of Municipality/County Mandates Provision:

The mandates provision is not applicable because the bill does not require counties or cities to spend funds, does not reduce the authority that cities and counties have to raise revenues, and does not reduce the percentage of a state tax shared with cities or counties.

2. Other:

None

B. RULE-MAKING AUTHORITY:

None

C. DRAFTING ISSUES OR OTHER COMMENTS:

None

IV. AMENDMENTS/COMMITTEE SUBSTITUTE & COMBINED BILL CHANGES