

CHAMBER ACTION

1 The Education Appropriations Committee recommends the following:

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3 **Council/Committee Substitute**

4 Remove the entire bill and insert:

5 A bill to be entitled

6 An act relating to the tax on sales, use, and other  
7 transactions; amending s. 212.12, F.S.; authorizing a  
8 dealer to elect to forego the collection allowance and  
9 direct that collection allowance revenues be transferred  
10 to the Educational Enhancement Trust Fund for distribution  
11 to school districts as specified; providing exceptions;  
12 providing for rulemaking by the Department of Revenue;  
13 providing an appropriation; providing for costs recovery;  
14 requiring the Department of Revenue to report collection  
15 information to the Department of Education; providing an  
16 effective date.

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

19  
20 Section 1. Paragraph (c) is added to subsection (1) of  
21 section 212.12, Florida Statutes, to read:

22 212.12 Dealer's credit for collecting tax; penalties for  
23 noncompliance; powers of Department of Revenue in dealing with

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24 delinquents; brackets applicable to taxable transactions;  
25 records required.--

26 (1) Notwithstanding any other provision of law and for the  
27 purpose of compensating persons granting licenses for and the  
28 lessors of real and personal property taxed hereunder, for the  
29 purpose of compensating dealers in tangible personal property,  
30 for the purpose of compensating dealers providing communication  
31 services and taxable services, for the purpose of compensating  
32 owners of places where admissions are collected, and for the  
33 purpose of compensating remitters of any taxes or fees reported  
34 on the same documents utilized for the sales and use tax, as  
35 compensation for the keeping of prescribed records, filing  
36 timely tax returns, and the proper accounting and remitting of  
37 taxes by them, such seller, person, lessor, dealer, owner, and  
38 remitter (except dealers who make mail order sales) shall be  
39 allowed 2.5 percent of the amount of the tax due and accounted  
40 for and remitted to the department, in the form of a deduction  
41 in submitting his or her report and paying the amount due by him  
42 or her; the department shall allow such deduction of 2.5 percent  
43 of the amount of the tax to the person paying the same for  
44 remitting the tax and making of tax returns in the manner herein  
45 provided, for paying the amount due to be paid by him or her,  
46 and as further compensation to dealers in tangible personal  
47 property for the keeping of prescribed records and for  
48 collection of taxes and remitting the same. However, if the  
49 amount of the tax due and remitted to the department for the  
50 reporting period exceeds \$1,200, no allowance shall be allowed  
51 for all amounts in excess of \$1,200. The executive director of

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CODING: Words ~~stricken~~ are deletions; words underlined are additions.

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52 | the department is authorized to negotiate a collection  
53 | allowance, pursuant to rules promulgated by the department, with  
54 | a dealer who makes mail order sales. The rules of the department  
55 | shall provide guidelines for establishing the collection  
56 | allowance based upon the dealer's estimated costs of collecting  
57 | the tax, the volume and value of the dealer's mail order sales  
58 | to purchasers in this state, and the administrative and legal  
59 | costs and likelihood of achieving collection of the tax absent  
60 | the cooperation of the dealer. However, in no event shall the  
61 | collection allowance negotiated by the executive director exceed  
62 | 10 percent of the tax remitted for a reporting period.

63 |       (c)1. A dealer entitled to the collection allowance  
64 | provided in this section may elect to forego the collection  
65 | allowance and direct the department to transfer the amount of  
66 | the collection allowance into the Educational Enhancement Trust  
67 | Fund. Such an election must be made with the timely filing of a  
68 | return and may not be rescinded once made. If a dealer who makes  
69 | such an election files a delinquent return, underpays the tax,  
70 | or files an incomplete return, the amount transferred into the  
71 | Educational Enhancement Trust Fund shall be the amount of the  
72 | collection allowance remaining after resolution of liability for  
73 | all of the tax, interest, and penalty due on that return or  
74 | underpayment of tax. The Department of Education shall  
75 | distribute the remaining amount from the trust fund to the  
76 | school districts that have adopted a resolution stating that  
77 | those funds will be used to ensure that up-to-date technology is  
78 | purchased for the classrooms in the district and that teachers  
79 | are trained in the use of that technology. Revenues collected in

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80 districts that do not adopt such a resolution shall be equally  
81 distributed to districts that have adopted such resolutions.

82 2. This paragraph applies to all taxes, surtaxes, and any  
83 local option taxes administered under this chapter and remitted  
84 directly to the department. This paragraph does not apply to any  
85 locally imposed and self-administered convention development  
86 tax, tourist development tax, or tourist impact tax administered  
87 under this chapter.

88 Section 2. Notwithstanding the provisions of chapter 120,  
89 Florida Statutes, the Department of Revenue may adopt rules to  
90 carry out the amendment made by this act to s. 212.12, Florida  
91 Statutes.

92 Section 3. The sum of \$112,920 is appropriated from the  
93 General Revenue Fund to the Department of Revenue for the  
94 purpose of administering the amendment to s. 212.12, Florida  
95 Statutes, made by this act. The Department of Revenue shall  
96 retain all of the revenues from dealer collection allowances  
97 which are deposited into the Educational Enhancement Trust Fund  
98 until the \$112,920 appropriated from the General Revenue Fund  
99 has been recovered.

100 Section 4. Revenues from the dealer collection allowances  
101 shall be transferred quarterly from the General Revenue Fund to  
102 the Educational Enhancement Trust Fund. The Department of  
103 Revenue shall provide to the Department of Education quarterly  
104 information about such revenues by county to which the  
105 collection allowance was attributed.

106 Section 5. This act shall take effect January 1, 2007.