

HB 7081

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1 A bill to be entitled

2 An act relating to tax administration; amending s.
3 195.096, F.S.; revising the requirements for
4 assessment roll reviews; amending s. 196.1995, F.S.;
5 requiring certain real property improvements and
6 tangible personal property additions to occur within a
7 specified period in order to qualify for a specified
8 ad valorem tax exemption; amending s. 212.03, F.S.;
9 providing that certain charges for the impoundment of
10 an aircraft, boat, or motor vehicle by a law
11 enforcement agency are not subject to taxation;
12 amending s. 212.07, F.S.; conforming a cross-
13 reference; providing that a dealer who willfully fails
14 to collect certain taxes or fees after the Department
15 of Revenue provides notice commits a criminal offense;
16 providing civil and criminal penalties; amending s.
17 212.12, F.S.; deleting provisions providing criminal
18 and civil penalties for failing to register a business
19 as a dealer and for failing to collect specified taxes
20 after the department provides notice; amending s.
21 212.14, F.S.; authorizing the department to adopt
22 rules; defining the term "person"; amending s. 212.18,
23 F.S.; providing that a person who engages in acts
24 requiring a certificate of registration and willfully
25 fails to register after the department provides notice
26 commits a criminal offense; providing criminal

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

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27 penalties; reenacting s. 212.20(6)(c), F.S., relating
28 to the disposition of funds collected from the
29 imposition of specified fees, to incorporate the
30 amendments made by the act to s. 212.18(3), F.S., in a
31 reference thereto; amending s. 213.13, F.S.; revising
32 the date for transmitting certain funds collected by
33 the clerks of court to the department; amending s.
34 213.21 F.S.; authorizing the department to delegate to
35 the executive director of the department greater
36 compromise authority for closing agreements; creating
37 s. 213.295, F.S.; providing definitions; providing
38 that a person who knowingly sells, purchases,
39 installs, transfers, possesses, uses, or accesses an
40 automated sales suppression device, a zapper, or
41 phantom-ware commits a criminal offense; providing
42 civil and criminal penalties; providing that automated
43 sales suppression devices, zappers, and phantom-ware
44 are contraband articles; amending s. 443.131, F.S.;
45 requiring employers to produce certain records in
46 order to receive a reduced contribution rate; amending
47 s. 443.141, F.S.; revising the interest rate for
48 unpaid employer contributions or reimbursements;
49 increasing the number of days during which an employer
50 may protest a determination and assessment; providing
51 that certain local ordinances conveying ad valorem tax
52 exemptions shall not be invalidated on specified

53 grounds if the local governing body acted in
 54 accordance with this act; providing effective dates.
 55

56 Be It Enacted by the Legislature of the State of Florida:
 57

58 Section 1. Paragraph (a) of subsection (3) of section
 59 195.096, Florida Statutes, is amended to read:

60 195.096 Review of assessment rolls.—

61 (3) (a) Upon completing the reviews ~~completion of review~~
 62 pursuant to paragraph (2) (f), the department shall publish the
 63 results of reviews conducted under this section. The results
 64 must include all statistical and analytical measures computed
 65 under this section for the real property assessment roll as a
 66 whole, the personal property assessment roll as a whole, and
 67 independently for the following real property classes if the
 68 classes constituted 5 percent or more of the total assessed
 69 value of real property in a county on the previous tax roll:

70 1. Residential property that consists of one primary
 71 living unit, including, but not limited to, single-family
 72 residences, condominiums, cooperatives, and mobile homes.

73 2. Residential property that consists of two or more
 74 primary living units.

75 ~~3. Agricultural, high-water recharge, historic property~~
 76 ~~used for commercial or certain nonprofit purposes, and other~~
 77 ~~use-valued property.~~

78 ~~3.4.~~ Vacant lots.

79 ~~4.5.~~ Nonagricultural acreage and other undeveloped
 80 parcels.

81 ~~5.6.~~ Improved commercial and industrial property.

82 ~~6.7.~~ Taxable institutional or governmental, utility,
 83 locally assessed railroad, oil, gas and mineral land, subsurface
 84 rights, and other real property.

85
 86 If one of the above classes constituted less than 5 percent of
 87 the total assessed value of all real property in a county on the
 88 previous assessment roll, the department may combine it with one
 89 or more other classes of real property for purposes of
 90 assessment ratio studies or use the weighted average of the
 91 other classes for purposes of calculating the level of
 92 assessment for all real property in a county. The department
 93 shall also publish such results for any subclassifications of
 94 the classes or assessment rolls it may have chosen to study.

95 Section 2. Subsection (5) of section 196.1995, Florida
 96 Statutes, is amended to read:

97 196.1995 Economic development ad valorem tax exemption.—

98 (5) Upon a majority vote in favor of such authority, the
 99 board of county commissioners or the governing authority of the
 100 municipality, at its discretion, by ordinance may exempt from ad
 101 valorem taxation up to 100 percent of the assessed value of all
 102 improvements to real property made by or for the use of a new
 103 business and of all tangible personal property of such new
 104 business, or up to 100 percent of the assessed value of all

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105 added improvements to real property made to facilitate the
106 expansion of an existing business and of the net increase in all
107 tangible personal property acquired to facilitate such expansion
108 of an existing business. To qualify for this exemption, provided
109 ~~that~~ the improvements to real property must be ~~are~~ made or the
110 tangible personal property must be ~~is~~ added or increased after
111 approval by motion or resolution of the local governing body,
112 subject to ordinance adoption or on or after the day the
113 ordinance is adopted. However, if the authority to grant
114 exemptions is approved in a referendum in which the ballot
115 question contained in subsection (3) appears on the ballot, the
116 authority of the board of county commissioners or the governing
117 authority of the municipality to grant exemptions is limited
118 solely to new businesses and expansions of existing businesses
119 that are located in an enterprise zone or brownfield area.
120 Property acquired to replace existing property shall not be
121 considered to facilitate a business expansion. The exemption
122 applies only to taxes levied by the respective unit of
123 government granting the exemption. The exemption does not apply,
124 however, to taxes levied for the payment of bonds or to taxes
125 authorized by a vote of the electors pursuant to s. 9(b) or s.
126 12, Art. VII of the State Constitution. Any such exemption shall
127 remain in effect for up to 10 years with respect to any
128 particular facility, regardless of any change in the authority
129 of the county or municipality to grant such exemptions. The
130 exemption shall not be prolonged or extended by granting

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131 exemptions from additional taxes or by virtue of any
132 reorganization or sale of the business receiving the exemption.

133 Section 3. Subsection (6) of section 212.03, Florida
134 Statutes, is amended to read:

135 212.03 Transient rentals tax; rate, procedure,
136 enforcement, exemptions.—

137 (6) The Legislature finds ~~It is the legislative intent~~
138 that every person ~~is engaging in a taxable privilege~~ who leases
139 or rents parking or storage spaces for motor vehicles in parking
140 lots or garages, including storage facilities for towed
141 vehicles, who leases or rents docking or storage spaces for
142 boats in boat docks or marinas, or who leases or rents tie-down
143 or storage space for aircraft at airports is engaging in a
144 taxable privilege.

145 (a) For the exercise of this privilege, a tax is hereby
146 levied at the rate of 6 percent on the total rental charged.

147 (b) Charges for parking, docking, tie-down, or storage
148 arising from a lawful impoundment are not subject to taxation
149 under this subsection. As used in this paragraph, the term
150 "lawful impoundment" means the storing of or having custody over
151 an aircraft, boat, or motor vehicle by, or at the direction of,
152 a local, state, or federal law enforcement agency which the
153 owner or the owner's representative is not authorized to enter
154 upon, have access to, or remove without the consent of the law
155 enforcement agency.

156 Section 4. Effective July 1, 2014, paragraph (b) of

157 subsection (1) and subsection (3) of section 212.07, Florida
 158 Statutes, are amended to read:

159 212.07 Sales, storage, use tax; tax added to purchase
 160 price; dealer not to absorb; liability of purchasers who cannot
 161 prove payment of the tax; penalties; general exemptions.—

162 (1)

163 (b) A resale must be in strict compliance with s. 212.18
 164 and the rules and regulations adopted thereunder. ~~A, and any~~
 165 dealer who makes a sale for resale that ~~which~~ is not in strict
 166 compliance with s. 212.18 and the rules and regulations adopted
 167 thereunder is ~~shall himself or herself be~~ liable for and must
 168 pay the tax. A ~~Any~~ dealer who makes a sale for resale shall
 169 document the exempt nature of the transaction, as established by
 170 rules adopted ~~promulgated~~ by the department, by retaining a copy
 171 of the purchaser's resale certificate. In lieu of maintaining a
 172 copy of the certificate, a dealer may document, before ~~prior to~~
 173 the time of sale, an authorization number provided
 174 telephonically or electronically by the department, or by such
 175 other means established by rule of the department. The dealer
 176 may rely on a resale certificate issued pursuant to s.
 177 212.18(3)(d) ~~s. 212.18(3)(e)~~, valid at the time of receipt from
 178 the purchaser, without seeking annual verification of the resale
 179 certificate if the dealer makes recurring sales to a purchaser
 180 in the normal course of business on a continual basis. For
 181 purposes of this paragraph, "recurring sales to a purchaser in
 182 the normal course of business" refers to a sale in which the

183 dealer extends credit to the purchaser and records the debt as
 184 an account receivable, or in which the dealer sells to a
 185 purchaser who has an established cash or C.O.D. account, similar
 186 to an open credit account. For purposes of this paragraph,
 187 purchases are made from a selling dealer on a continual basis if
 188 the selling dealer makes, in the normal course of business,
 189 sales to the purchaser at least ~~no less frequently than~~ once in
 190 every 12-month period. A dealer may, through the informal
 191 protest provided for in s. 213.21 and the rules of the
 192 department ~~of Revenue~~, provide the department with evidence of
 193 the exempt status of a sale. Consumer certificates of exemption
 194 executed by those exempt entities that were registered with the
 195 department at the time of sale, resale certificates provided by
 196 purchasers who were active dealers at the time of sale, and
 197 verification by the department of a purchaser's active dealer
 198 status at the time of sale in lieu of a resale certificate shall
 199 be accepted by the department when submitted during the protest
 200 period, but may not be accepted in any proceeding under chapter
 201 120 or any circuit court action instituted under chapter 72.

202 (3) (a) A ~~Any~~ dealer who fails, neglects, or refuses to
 203 collect the tax or fees imposed under this chapter herein
 204 ~~provided, either~~ by himself or herself or through the dealer's
 205 agents or employees, ~~is~~, in addition to the penalty of being
 206 liable for ~~and~~ paying the tax or fee ~~himself or herself~~, commits
 207 ~~guilty of~~ a misdemeanor of the first degree, punishable as
 208 provided in s. 775.082 or s. 775.083.

209 (b) A dealer who willfully fails to collect a tax or fee
 210 after the department provides notice of the duty to collect the
 211 tax or fee is liable for a specific penalty of 100 percent of
 212 the uncollected tax or fee. This penalty is in addition to any
 213 other penalty that may be imposed by law. A dealer who willfully
 214 fails to collect taxes or fees totaling:

215 1. Less than \$300:

216 a. For a first offense, commits a misdemeanor of the
 217 second degree, punishable as provided in s. 775.082 or s.
 218 775.083.

219 b. For a second offense, commits a misdemeanor of the
 220 first degree, punishable as provided in s. 775.082 or s.
 221 775.083.

222 c. For a third or subsequent offense, commits a felony of
 223 the third degree, punishable as provided in s. 775.082, s.
 224 775.083, or s. 775.084.

225 2. An amount equal to \$300 or more, but less than \$20,000,
 226 commits a felony of the third degree, punishable as provided in
 227 s. 775.082, s. 775.083, or s. 775.084.

228 3. An amount equal to \$20,000 or more, but less than
 229 \$100,000, commits a felony of the second degree, punishable as
 230 provided in s. 775.082, s. 775.083, or s. 775.084.

231 4. An amount equal to \$100,000 or more, commits a felony
 232 of the first degree, punishable as provided in s. 775.082, s.
 233 775.083, or s. 775.084.

234 (c) The department shall provide written notice of the

235 duty to collect taxes or fees to the dealer by personal service
 236 or by sending notice to the dealer's last known address by
 237 registered mail. The department may provide written notice using
 238 both methods described in this paragraph.

239 Section 5. Effective July 1, 2014, paragraph (d) of
 240 subsection (2) of section 212.12, Florida Statutes, is amended
 241 to read:

242 212.12 Dealer's credit for collecting tax; penalties for
 243 noncompliance; powers of Department of Revenue in dealing with
 244 delinquents; brackets applicable to taxable transactions;
 245 records required.—

246 (2)

247 (d) A ~~Any~~ person who makes a false or fraudulent return
 248 and who has ~~with~~ a willful intent to evade payment of any tax or
 249 fee imposed under this chapter ~~is;~~ any person who, after the
 250 ~~department's delivery of a written notice to the person's last~~
 251 ~~known address specifically alerting the person of the~~
 252 ~~requirement to register the person's business as a dealer,~~
 253 ~~intentionally fails to register the business; and any person~~
 254 ~~who, after the department's delivery of a written notice to the~~
 255 ~~person's last known address specifically alerting the person of~~
 256 ~~the requirement to collect tax on specific transactions,~~
 257 ~~intentionally fails to collect such tax, shall, in addition to~~
 258 ~~the other penalties provided by law, be liable for a specific~~
 259 ~~penalty of 100 percent of any unreported or any uncollected tax~~
 260 or fee. This penalty is in addition to any other penalty

261 provided by law. A person who makes a false or fraudulent return
 262 with a willful intent to evade payment of taxes or fees
 263 totaling:

264 1. Less than \$300:

265 a. For a first offense, commits a misdemeanor of the
 266 second degree, punishable as provided in s. 775.082 or s.
 267 775.083.

268 b. For a second offense, commits a misdemeanor of the
 269 first degree, punishable as provided in s. 775.082 or s.
 270 775.083.

271 c. For a third or subsequent offense, commits a felony of
 272 the third degree, punishable as provided in s. 775.082, s.
 273 775.083, or s. 775.084.

274 2. An amount equal to \$300 or more, but less than \$20,000,
 275 commits a felony of the third degree, punishable as provided in
 276 s. 775.082, s. 775.083, or s. 775.084.

277 3. An amount equal to \$20,000 or more, but less than
 278 \$100,000, commits a felony of the second degree, punishable as
 279 provided in s. 775.082, s. 775.083, or s. 775.084.

280 4. An amount equal to \$100,000 or more, commits a felony
 281 of the first degree, punishable and, upon conviction, for fine
 282 and punishment as provided in s. 775.082, s. 775.083, or s.
 283 775.084. Delivery of written notice may be made by certified
 284 mail, or by the use of such other method as is documented as
 285 being necessary and reasonable under the circumstances. The
 286 civil and criminal penalties imposed herein for failure to

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287 ~~comply with a written notice alerting the person of the~~
288 ~~requirement to register the person's business as a dealer or to~~
289 ~~collect tax on specific transactions shall not apply if the~~
290 ~~person timely files a written challenge to such notice in~~
291 ~~accordance with procedures established by the department by rule~~
292 ~~or the notice fails to clearly advise that failure to comply~~
293 ~~with or timely challenge the notice will result in the~~
294 ~~imposition of the civil and criminal penalties imposed herein.~~

295 ~~1. If the total amount of unreported or uncollected taxes~~
296 ~~or fees is less than \$300, the first offense resulting in~~
297 ~~conviction is a misdemeanor of the second degree, the second~~
298 ~~offense resulting in conviction is a misdemeanor of the first~~
299 ~~degree, and the third and all subsequent offenses resulting in~~
300 ~~conviction is a misdemeanor of the first degree, and the third~~
301 ~~and all subsequent offenses resulting in conviction are felonies~~
302 ~~of the third degree.~~

303 ~~2. If the total amount of unreported or uncollected taxes~~
304 ~~or fees is \$300 or more but less than \$20,000, the offense is a~~
305 ~~felony of the third degree.~~

306 ~~3. If the total amount of unreported or uncollected taxes~~
307 ~~or fees is \$20,000 or more but less than \$100,000, the offense~~
308 ~~is a felony of the second degree.~~

309 ~~4. If the total amount of unreported or uncollected taxes~~
310 ~~or fees is \$100,000 or more, the offense is a felony of the~~
311 ~~first degree.~~

312 Section 6. Effective July 1, 2014, subsection (4) of

313 section 212.14, Florida Statutes, is amended to read:
 314 212.14 Departmental powers; hearings; distress warrants;
 315 bonds; subpoenas and subpoenas duces tecum.—
 316 (4) In all cases where it is necessary to ensure
 317 compliance with ~~the provisions of~~ this chapter, the department
 318 shall require a cash deposit, bond, or other security as a
 319 condition to a person obtaining or retaining a dealer's
 320 certificate of registration under this chapter. Such bond must
 321 ~~shall~~ be in the form and ~~such~~ amount ~~as~~ the department deems
 322 appropriate under the particular circumstances. A ~~Every~~ person
 323 failing to produce such cash deposit, bond, or other security is
 324 ~~as provided for herein shall~~ not be entitled to obtain or retain
 325 a dealer's certificate of registration under this chapter, and
 326 the Department of Legal Affairs is hereby authorized to proceed
 327 by injunction, if ~~when so~~ requested by the Department of
 328 Revenue, to prevent such person from doing business subject to
 329 ~~the provisions of~~ this chapter until such cash deposit, bond, or
 330 other security is posted with the department, and any temporary
 331 injunction for this purpose may be granted by any judge or
 332 chancellor authorized by law to grant injunctions. Any security
 333 required to be deposited may be sold by the department at public
 334 sale if ~~it becomes~~ necessary ~~so to do~~ in order to recover any
 335 tax, interest, or penalty due. Notice of such sale may be served
 336 personally or by mail upon the person who deposited the ~~such~~
 337 security. If by mail, notice sent to the last known address as
 338 it ~~the same~~ appears on the records of the department is ~~shall be~~

339 sufficient for the purpose of this requirement. Upon such sale,
340 the surplus, if any, above the amount due under this chapter
341 shall be returned to the person who deposited the security. The
342 department may adopt rules necessary to administer this
343 subsection. For the purpose of the cash deposit, bond, or other
344 security required by this subsection, the term "person"
345 includes:

346 (a) Those entities listed in s. 212.02(12).

347 (b) An individual or entity owning a controlling interest
348 in a business.

349 (c) An individual or entity that acquired an ownership
350 interest or a controlling interest in a business that would
351 otherwise be liable for posting a cash deposit, bond, or other
352 security, unless the department has determined that the
353 individual or entity is not liable for the taxes, interest, or
354 penalties described in s. 213.758.

355 (d) An individual or entity seeking to obtain a dealer's
356 certificate of registration for a business that will be operated
357 at the same location as a previous business that would otherwise
358 have been liable for posting a cash deposit, bond, or other
359 security, if the individual or entity fails to provide evidence
360 that the business was acquired for consideration in an arms-
361 length transaction.

362 Section 7. Effective July 1, 2014, subsection (3) of
363 section 212.18, Florida Statutes, is amended to read:

364 212.18 Administration of law; registration of dealers;

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365 rules.—

366 (3) (a) A ~~Every~~ person desiring to engage in or conduct
367 business in this state as a dealer, ~~as defined in this chapter,~~
368 or to lease, rent, or let or grant licenses in living quarters
369 or sleeping or housekeeping accommodations in hotels, apartment
370 houses, roominghouses, or tourist or trailer camps that are
371 subject to tax under s. 212.03, or to lease, rent, or let or
372 grant licenses in real property, ~~as defined in this chapter,~~ and
373 a ~~every~~ person who sells or receives anything of value by way of
374 admissions, must file with the department an application for a
375 certificate of registration for each place of business. The
376 application must include, ~~showing~~ the names of the persons who
377 have interests in such business and their residences, the
378 address of the business, and ~~such~~ other data reasonably required
379 by ~~as~~ the department ~~may reasonably require~~. However, owners and
380 operators of vending machines or newspaper rack machines are
381 required to obtain only one certificate of registration for each
382 county in which such machines are located. The department, by
383 rule, may authorize a dealer that uses independent sellers to
384 sell its merchandise to remit tax on the retail sales price
385 charged to the ultimate consumer in lieu of having the
386 independent seller register as a dealer and remit the tax. The
387 department may appoint the county tax collector as the
388 department's agent to accept applications for registrations. The
389 application must be submitted ~~made~~ to the department before the
390 person, firm, copartnership, or corporation may engage in such

391 business, and it must be accompanied by a registration fee of
392 \$5. However, a registration fee is not required to accompany an
393 application to engage in or conduct business to make mail order
394 sales. The department may waive the registration fee for
395 applications submitted through the department's Internet
396 registration process.

397 (b) The department, upon receipt of such application,
398 shall ~~will~~ grant to the applicant a separate certificate of
399 registration for each place of business, which ~~certificate~~ may
400 be canceled by the department or its designated assistants for
401 any failure by the certificateholder to comply with ~~any of the~~
402 ~~provisions of~~ this chapter. The certificate is not assignable
403 and is valid only for the person, firm, copartnership, or
404 corporation to which it is issued. The certificate must be
405 placed in a conspicuous place in the business or businesses for
406 which it is issued and must be displayed at all times. Except as
407 provided in this subsection, a ~~no~~ person may not ~~shall~~ engage in
408 business as a dealer or in leasing, renting, or letting of or
409 granting licenses in living quarters or sleeping or housekeeping
410 accommodations in hotels, apartment houses, roominghouses,
411 tourist or trailer camps, or real property, or ~~as hereinbefore~~
412 ~~defined, nor shall any person~~ sell or receive anything of value
413 by way of admissions, without a valid ~~first having obtained such~~
414 ~~a certificate.~~ A ~~or after such certificate has been canceled; no~~
415 person may not ~~shall~~ receive a ~~any~~ license from any authority
416 within the state to engage in any such business without a valid

417 ~~certificate first having obtained such a certificate or after~~
 418 ~~such certificate has been canceled. A person may not engage~~ The
 419 ~~engaging~~ in the business of selling or leasing tangible personal
 420 property or services ~~or as a dealer; engage, as defined in this~~
 421 ~~chapter, or the engaging~~ in leasing, renting, or letting of or
 422 granting licenses in living quarters or sleeping or housekeeping
 423 accommodations in hotels, apartment houses, roominghouses, or
 424 tourist or trailer camps that are taxable under this chapter, or
 425 real property; ~~or engage the engaging~~ in the business of
 426 selling or receiving anything of value by way of admissions, ~~or~~
 427 without a valid ~~such certificate first being obtained or after~~
 428 ~~such certificate has been canceled by the department, is~~
 429 ~~prohibited.~~

430 (c)1. A ~~The failure or refusal of any person who engages~~
 431 ~~in acts requiring a certificate of registration under this~~
 432 ~~subsection and who fails or refuses to register commits, firm,~~
 433 ~~copartnership, or corporation to so qualify when required~~
 434 ~~hereunder is~~ a misdemeanor of the first degree, punishable as
 435 provided in s. 775.082 or s. 775.083. Such acts are, or subject
 436 to injunctive proceedings as provided by law. A person who
 437 engages in acts requiring a certificate of registration and who
 438 fails or refuses to register is also subject ~~Such failure or~~
 439 ~~refusal also subjects the offender~~ to a \$100 initial
 440 registration fee in lieu of the \$5 registration fee required by
 441 ~~authorized in~~ paragraph (a). However, the department may waive
 442 the increase in the registration fee if it finds ~~is determined~~

443 ~~by the department~~ that the failure to register was due to
444 reasonable cause and not to willful negligence, willful neglect,
445 or fraud.

446 2.a. A person who willfully fails to register after the
447 department provides notice of the duty to register as a dealer
448 commits a felony of the third degree, punishable as provided in
449 s. 775.082, s. 775.083, or s. 775.084.

450 b. The department shall provide written notice of the duty
451 to register to the person by personal service or by sending
452 notice by registered mail to the person's last known address.
453 The department may provide written notice by both methods
454 described in this sub-subparagraph.

455 (d)~~(e)~~ In addition to the certificate of registration, the
456 department shall provide to each newly registered dealer an
457 initial resale certificate that will be valid for the remainder
458 of the period of issuance. The department shall provide each
459 active dealer with an annual resale certificate. For purposes of
460 this section, the term "active dealer" means a person who is
461 currently registered with the department and who is required to
462 file at least once during each applicable reporting period.

463 (e)~~(d)~~ The department may revoke a any dealer's
464 certificate of registration if ~~when~~ the dealer fails to comply
465 with this chapter. Before ~~Prior to~~ revocation of a dealer's
466 certificate of registration, the department must schedule an
467 informal conference at which the dealer may present evidence
468 regarding the department's intended revocation or enter into a

469 compliance agreement with the department. The department must
470 notify the dealer of its intended action and the time, place,
471 and date of the scheduled informal conference by written
472 notification sent by United States mail to the dealer's last
473 known address of record furnished by the dealer on a form
474 prescribed by the department. The dealer is required to attend
475 the informal conference and present evidence refuting the
476 department's intended revocation or enter into a compliance
477 agreement with the department which resolves the dealer's
478 failure to comply with this chapter. The department shall issue
479 an administrative complaint under s. 120.60 if the dealer fails
480 to attend the department's informal conference, fails to enter
481 into a compliance agreement with the department resolving the
482 dealer's noncompliance with this chapter, or fails to comply
483 with the executed compliance agreement.

484 (f)~~(e)~~ As used in this paragraph, the term "exhibitor"
485 means a person who enters into an agreement authorizing the
486 display of tangible personal property or services at a
487 convention or a trade show. The following provisions apply to
488 the registration of exhibitors as dealers under this chapter:

489 1. An exhibitor whose agreement prohibits the sale of
490 tangible personal property or services subject to the tax
491 imposed in this chapter is not required to register as a dealer.

492 2. An exhibitor whose agreement provides for the sale at
493 wholesale only of tangible personal property or services subject
494 to the tax imposed by ~~in~~ this chapter must obtain a resale

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495 certificate from the purchasing dealer but is not required to
496 register as a dealer.

497 3. An exhibitor whose agreement authorizes the retail sale
498 of tangible personal property or services subject to the tax
499 imposed by ~~in~~ this chapter must register as a dealer and collect
500 the tax ~~imposed under this chapter~~ on such sales.

501 4. An ~~Any~~ exhibitor who makes a mail order sale pursuant
502 to s. 212.0596 must register as a dealer.

503

504 A ~~Any~~ person who conducts a convention or a trade show must make
505 his or her ~~their~~ exhibitor's agreements available to the
506 department for inspection and copying.

507 Section 8. Effective July 1, 2014, for the purpose of
508 incorporating the amendment made by this act to subsection (3)
509 of section 212.18, Florida Statutes, in a reference thereto,
510 paragraph (c) of subsection (6) of section 212.20, Florida
511 Statutes, is reenacted to read:

512 212.20 Funds collected, disposition; additional powers of
513 department; operational expense; refund of taxes adjudicated
514 unconstitutionally collected.—

515 (6) Distribution of all proceeds under this chapter and s.
516 202.18(1)(b) and (2)(b) shall be as follows:

517 (c) Proceeds from the fees imposed under ss.
518 212.05(1)(h)3. and 212.18(3) shall remain with the General
519 Revenue Fund.

520 Section 9. Subsection (5) of section 213.13, Florida

521 Statutes, is amended to read:

522 213.13 Electronic remittance and distribution of funds
523 collected by clerks of the court.—

524 (5) All court-related collections, including fees, fines,
525 reimbursements, court costs, and other court-related funds that
526 the clerks must remit to the state pursuant to law, must be
527 transmitted electronically by the 10th ~~20th~~ day of the month
528 immediately following the month in which the funds are
529 collected.

530 Section 10. Paragraph (a) of subsection (2) of section
531 213.21, Florida Statutes, is amended to read:

532 213.21 Informal conferences; compromises.—

533 (2) (a) The executive director of the department or his or
534 her designee is authorized to enter into closing agreements with
535 any taxpayer settling or compromising the taxpayer's liability
536 for any tax, interest, or penalty assessed under any of the
537 chapters specified in s. 72.011(1). Such agreements must ~~shall~~
538 be in writing if ~~when~~ the amount of tax, penalty, or interest
539 compromised exceeds \$30,000, or for lesser amounts, if ~~when~~ the
540 department deems it appropriate or if ~~when~~ requested by the
541 taxpayer. When a written closing agreement has been approved by
542 the department and signed by the executive director or his or
543 her designee and the taxpayer, it shall be final and conclusive;
544 and, except upon a showing of fraud or misrepresentation of
545 material fact or except as to adjustments pursuant to ss. 198.16
546 and 220.23, no additional assessment may be made by the

547 department against the taxpayer for the tax, interest, or
548 penalty specified in the closing agreement for the time period
549 specified in the closing agreement, and the taxpayer is ~~shall~~
550 not ~~be~~ entitled to institute any judicial or administrative
551 proceeding to recover any tax, interest, or penalty paid
552 pursuant to the closing agreement. The department is authorized
553 to delegate to the executive director the authority to approve
554 any such closing agreement resulting in a tax reduction of
555 \$500,000 ~~\$250,000~~ or less.

556 Section 11. Effective July 1, 2014, section 213.295,
557 Florida Statutes, is created to read:

558 213.295 Automated sales suppression devices.-

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

560 (a) "Automated sales suppression device" or "zapper" means
561 a software program that falsifies the electronic records of
562 electronic cash registers or other point-of-sale systems,
563 including, but not limited to, transaction data and transaction
564 reports. The term includes the software program, any device that
565 carries the software program, or an Internet link to the
566 software program.

567 (b) "Electronic cash register" means a device that keeps a
568 register or supporting documents through the use of an
569 electronic device or computer system designed to record
570 transaction data for the purpose of computing, compiling, or
571 processing retail sales transaction data.

572 (c) "Phantom-ware" means a hidden programming option

573 embedded in the operating system of an electronic cash register
 574 or hardwired into the electronic cash register which may be used
 575 to create a second set of records or eliminate or manipulate
 576 transaction records, which may or may not be preserved in
 577 digital formats, to represent the true or manipulated record of
 578 transactions in the electronic cash register.

579 (d) "Transaction data" includes:

- 580 1. The identification of items purchased by a customer.
- 581 2. The price charged for each item.
- 582 3. A taxability determination for each item.
- 583 4. A segregated tax amount for each of the taxed items.
- 584 5. The amount of cash or credit tendered.
- 585 6. The net amount returned to the customer in change.
- 586 7. The date and time of the purchase.
- 587 8. The name, address, and identification number of the
 588 vendor.

- 589 9. The receipt or invoice number of the transaction.

590 (e) "Transaction report" means:

591 1. A report printed on cash register tape at the end of a
 592 day or shift that contains information including, but not
 593 limited to, the sales, taxes, or fees collected, media totals,
 594 and discount voids on an electronic cash register; or

595 2. A report that is stored electronically which documents
 596 every action on an electronic cash register.

597 (2) A person may not knowingly sell, purchase, install,
 598 transfer, possess, use, or access an automated sales suppression

599 device, a zapper, or phantom-ware.

600 (3) A person who violates this section:

601 (a) Commits a felony of the third degree, punishable as
 602 provided in s. 775.082, s. 775.083, or s. 775.084.

603 (b) Is liable for all taxes, fees, penalties, and interest
 604 due the state which result from the use of an automated sales
 605 suppression device, a zapper, or phantom-ware.

606 (c) Shall forfeit to the state as an additional penalty
 607 all profits associated with the sale or use of an automated
 608 sales suppression device, a zapper, or phantom-ware.

609 (4) An automated sales suppression device, a zapper,
 610 phantom-ware, or any device containing such device or software
 611 is a contraband article as provided in s. 932.701(2)(a) and may
 612 be seized and forfeited pursuant to the Florida Contraband
 613 Forfeiture Act.

614 Section 12. Paragraph (h) of subsection (3) of section
 615 443.131, Florida Statutes, is amended to read:

616 443.131 Contributions.—

617 (3) VARIATION OF CONTRIBUTION RATES BASED ON BENEFIT
 618 EXPERIENCE.—

619 (h) *Additional conditions for variation from the standard*
 620 *rate.*—An employer's contribution rate may not be reduced below
 621 the standard rate under this section unless:

622 1. All contributions, reimbursements, interest, and
 623 penalties incurred by the employer for wages paid by him or her
 624 in all previous calendar quarters, except the 4 calendar

625 quarters immediately preceding the calendar quarter or calendar
 626 year for which the benefit ratio is computed, are paid; ~~and~~

627 2. The employer has produced for inspection and copying
 628 all work records in his or her possession, custody, or control
 629 which were requested by the Department of Economic Opportunity
 630 or its tax collection service provider pursuant to s.
 631 443.171(5). An employer shall have at least 60 days to provide
 632 the requested work records before the employer is assigned the
 633 standard rate; and

634 ~~3.2.~~ The employer entitled to a rate reduction must have
 635 at least one annual payroll as defined in subparagraph (b)1.
 636 unless the employer is eligible for additional credit under the
 637 Federal Unemployment Tax Act. If the Federal Unemployment Tax
 638 Act is amended or repealed in a manner affecting credit under
 639 the federal act, this section applies only to the extent that
 640 additional credit is allowed against the payment of the tax
 641 imposed by the ~~Federal Unemployment Tax~~ act.

642
 643 The tax collection service provider shall assign an earned
 644 contribution rate to an employer for ~~under subparagraph 1.~~ the
 645 quarter immediately after the quarter in which all
 646 contributions, reimbursements, interest, and penalties are paid
 647 in full and all work records requested pursuant to s. 443.171(5)
 648 are produced for inspection and copying by the Department of
 649 Economic Opportunity or the tax collection service provider.

650 Section 13. Effective January 1, 2015, paragraph (a) of

651 subsection (1) and paragraph (b) of subsection (2) of section
 652 443.141, Florida Statutes, are amended to read:

653 443.141 Collection of contributions and reimbursements.—

654 (1) PAST DUE CONTRIBUTIONS AND REIMBURSEMENTS; DELINQUENT,
 655 ERRONEOUS, INCOMPLETE, OR INSUFFICIENT REPORTS.—

656 (a) *Interest.*—Contributions or reimbursements unpaid on
 657 the date due bear interest at the rate of 1 percent per month
 658 through December 31, 2014. Beginning January 1, 2015, the
 659 interest rate shall be calculated in accordance with s. 213.235,
 660 except that the rate of interest may not exceed 1 percent per
 661 month from and after the ~~that~~ date due until payment plus
 662 accrued interest is received by the tax collection service
 663 provider, unless the service provider finds that the employing
 664 unit has good reason for failing to pay the contributions or
 665 reimbursements when due. Interest collected under this
 666 subsection must be paid into the Special Employment Security
 667 Administration Trust Fund.

668 (2) REPORTS, CONTRIBUTIONS, APPEALS.—

669 (b) *Hearings.*—The determination and assessment are final
 670 20 ~~15~~ days after the date the assessment is mailed unless the
 671 employer files with the tax collection service provider within
 672 the 20 ~~15~~ days a written protest and petition for hearing
 673 specifying the objections ~~thereto~~. The tax collection service
 674 provider shall promptly review each petition and may reconsider
 675 its determination and assessment in order to resolve the
 676 petitioner's objections. The tax collection service provider

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677 shall forward each unresolved petition ~~remaining unresolved~~ to
678 the department for a hearing on the objections. Upon receipt of
679 a petition, the department shall schedule a hearing and notify
680 the petitioner of the time and place of the hearing. The
681 department may appoint special deputies to conduct hearings who
682 shall ~~and to~~ submit their findings together with a transcript of
683 the proceedings before them and their recommendations to the
684 department for its final order. Special deputies are subject to
685 the prohibition against ex parte communications in s. 120.66. At
686 any hearing conducted by the department or its special deputy,
687 evidence may be offered to support the determination and
688 assessment or to prove it is incorrect. In order to prevail,
689 however, the petitioner must ~~either~~ prove that the determination
690 and assessment are incorrect or file full and complete corrected
691 reports. Evidence may also be submitted ~~at the hearing~~ to rebut
692 the determination by the tax collection service provider that
693 the petitioner is an employer under this chapter. Upon evidence
694 taken before it or upon the transcript submitted to it with the
695 findings and recommendation of its special deputy, the
696 department shall ~~either~~ set aside the tax collection service
697 provider's determination that the petitioner is an employer
698 under this chapter or reaffirm the determination. The amounts
699 assessed under the final order, together with interest and
700 penalties, must be paid within 15 days after notice of the final
701 order is mailed to the employer, unless judicial review is
702 instituted in a case of status determination. Amounts due when

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703 the status of the employer is in dispute are payable within 15
704 days after the entry of an order by the court affirming the
705 determination. However, a ~~any~~ determination that an employing
706 unit is not an employer under this chapter does not affect the
707 benefit rights of an ~~any~~ individual as determined by an appeals
708 referee or the commission unless:

709 1. The individual is made a party to the proceedings
710 before the special deputy; or

711 2. The decision of the appeals referee or the commission
712 has not become final or the employing unit and the department
713 were not made parties to the proceedings before the appeals
714 referee or the commission.

715 Section 14. A local ordinance enacted pursuant to s.
716 196.1995, Florida Statutes, before the effective date of this
717 act shall not be invalidated on the ground that improvements to
718 real property were made or that tangible personal property was
719 added or increased before the date that such ordinance was
720 adopted, as long as the local governing body acted substantially
721 in accordance with s. 196.1995(5), Florida Statutes, as amended
722 by this act.

723 Section 15. Except as otherwise expressly provided in this
724 act, this act shall take effect upon becoming a law.