An act relating to taxation and financial matters; amending s. 288.075, F.S.; redefining the term "economic development agency"; providing a penalty; providing for the creation of one or more Florida Equity Exchanges for certain purposes, contingent upon a feasibility study; providing for a committee to write a constitution and bylaws for the exchange; providing requirements with respect to the self-regulation thereof; providing for a members' security fund; providing for legislative consideration of tax policy for the exchange; providing for the applicability of securities laws; providing for reimbursement of administrative costs; providing for limitations on investments in exchange members; amending s. 199.042, F.S.; providing due dates for early payment discounts for annual intangible personal property tax; amending s. 199.062, F.S.; revising information required to be filed annually by corporations and security brokers; amending s. 199.232, F.S.; providing time periods for audits or assessments of said tax; amending s. 199.282, F.S.; providing criminal and civil penalties with respect to intangible taxes; providing for personal liability of corporate officers and directors under certain circumstances with respect to said taxes; providing for an amnesty program for annual intangible taxes; providing appropriations to the Department of Revenue; amending s. 199.103, F.S.; providing a method for valuing shares of regulated investment companies; amending s. 261.02, F.S., relating to excise tax on instruments relating to real property; providing for taxing certain partnership conveyances; amending s. 206.44, F.S.; providing a date certain from which to calculate interest on delinquent fuel tax; amending s. 206.45, F.S.; requiring maintenance of a specified balance in the Gas Tax Collection Trust Fund; amending s. 213.06, F.S.; authorizing adoption of emergency rules by the department under certain circumstances; amending ss. 213.33, 213.21, and 220.34, F.S.; authorizing the department to settle or compromise certain tax penalties; amending s. 213.22, F.S.; authorizing the department to collect fees with respect to technical assistance advisements; amending s. 215.26, F.S.; authorizing the denial of certain tax refunds; amending ss. 159.15, 159.31, 159.50, 159.621, and 159.708, F.S.; exempting certain security instruments related to bonds issued in connection with specified projects from taxation; declaring certain governmental obligations to be legal investments for certain public funds; amending s. 214.23, F.S.; providing procedures for issuing notice to taxpayers with respect to designated nonproperty taxes; amending s. 324.26, F.S.; limiting the liability of the department with respect to proof of liability insurance and required identifying devices; amending s. 196.295, F.S.; revising a provision for repeal of said section and providing for repeal of provisions which allow partial tax abatement when residential buildings are destroyed by fire; specifying taxpayer's liability for prior years' taxes when property is acquired by an exempt governmental unit or for exempt use; amending s. 197.502, F.S.; revising tax deed; providing for taxes on lands listed as available for taxes; providing for escheat to the county and cancellation of outstanding tax

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certificates and liens; amending s. 206.27, P.S.; providing for confidentiality of certain audits or records relating to fuel taxes; providing a penalty; providing for review and repeal; amending s. 196.199, P.S.; providing that certain improvements to real property on state owned land and leased to public institutions shall be deemed owned by such institution; amending s. 145.10, P.S.; allowing the executive director of the Department of Revenue to waive certain requirements relating to property appraiser certification; amending s. 213.053, P.S., relating to confidentiality of information received under specified tax laws; removing reference to application to chapter 206, P.S., and removing an obsolete reference; providing for confidentiality of letters of technical advice; providing a penalty; amending s. 213.24, P.S.; providing for thresholds for billings of deficiencies of tax, penalties, and interest; requiring the Inspector General of the department to conduct an annual study; amending s. 206.404, P.S.; providing that retail fuel dealers shall make monthly reports and remit local option taxes; providing a penalty; amending s. 206.877, P.S., which provides decal fees in lieu of taxes for vehicles powered by alternative fuels; removing certain farm vehicles and vehicles used in harvesting crops from application of said section; providing for partial fees; correcting a reference; amending s. 336.021, P.S., relating to the county voted gas tax; revising provisions relating to collection of such tax; specifying that the deduction is allowed to licensed retail dealers and jobbers; granting the dealer collection allowance for certain dealers; amending s. 336.026, P.S., relating to the local option tax for metropolitan transportation systems; correcting references; revising provisions for collection and distribution of the tax; amending s. 72.041, P.S., which specifies conditions under which actions to enforce tax liabilities of other states may be brought in this state, to include fuel taxes; amending s. 206.47, P.S.; revising the provision of "the tax collected on retail sales or use in each county" for purposes of distribution of the constitutional gas tax; amending s. 206.41, P.S.; revising provisions relating to imposition of the constitutional gas tax; specifying that sales by importers or wholesalers to refiners are not first sales; specifying that sales by wholesalers or importers to other importers or wholesalers are not exempt; amending s. 206.59, P.S.; providing investigatory and audit powers of the Department of Revenue; specifying that fuel that cannot be accounted for is subject to tax; providing liability and penalties for collection of more tax than was paid when fuel was purchased; amending ss. 206.60 and 206.605, P.S.; revising provisions relating to the levy of the county and municipal taxes on fuel; amending s. 212.66, P.S.; specifying that provisions relating to refunds to ethanol dealers shall apply to the sales tax on fuel; amending s. 336.025, P.S.; revising time periods with respect to levy of the county local option tax on fuel; revising provisions relating to collection; specifying that the deduction is allowed to licensed retail dealers and jobbers; revising procedure for imposing the tax; revising requirements relating to annual notice to the department; requiring redetermination of the method of distribution under certain circumstances; authorizing establishment of a new interlocal agreement in any year under certain

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circumstances; providing for recalculation of
distribution proportions periodically; providing for
participation by newly incorporated municipalities in
distribution of tax revenues; specifying effect on rights
of certain shareholders; granting the dealer collection
allowance for certain dealers; providing for application
to the year 1986; amending s. 165.017, F.S.; authorizing
establishment of a procedure for distributing local
option gas tax moneys when incorporating a new
municipality; amending s. 206.87, F.S., relating to
refunds applicable to purchases of special fuel used for
agricultural or marine purposes; deleting the requirement
that such purchases be 26 gallons or more; amending s.
212.67, F.S.; removing provisions which limit refunds for
the sales tax on fuel to purchases of 26 gallons or more;
specifying that the refund for shrinkage applies to
licensed retail dealers; requiring additional information
on the sales invoice; revising provisions relating to
authority of the department to designate retail service
stations as agents of refiners, importers, wholesalers,
jobbers, or dealers; amending s. 213.27, F.S.;
authorizing the department to contract with certain
auditing agencies for activities related to mail-order
businesses; providing limitations; providing for
confidentiality and providing a penalty; amending s.
206.9825, F.S.; exempting aviation fuel from certain
local option fuel taxes; amending s. 199.143, F.S.;
specifying applicability of provisions relating to
intangible tax on mortgages or other liens that secure
future advances; providing for payment of nonrecurring
tax credits respect to certain lines of credit; providing
that the Jacksonville Transportation Authority shall have
the powers conferred by the Metropolitan Transportation
Authority Act; amending s. 215.44, F.S., requiring the
Auditor General to conduct postaudits on investment
activity of the Board of Administration; amending s.
215.444, F.S., revising the criteria for membership on
the Investment Advisory Council; amending s. 215.47,
F.S.; authorizing the Board of Administration to invest
Florida Retirement System Trust Fund and other available
moneys in certain obligations and securities; authorizing
investments as deemed appropriate by the board; amending
s. 280.03, F.S.; exempting Florida Retirement System
Trust Fund deposits and securities from public deposit
security requirements under ch. 280, F.S.; amending s.
220.181, F.S.; providing that certain tax credits for
certain new employees continue to apply notwithstanding
an expiration date relating to enterprise zone approval;
amending s. 290.0055, F.S.; modifying the population
limitation and zoning requirements for enterprise zones;
amending s. 290.0065, F.S.; modifying the population
categories in which enterprise zone applications are
considered and the number of enterprise zones that may be
selected; amending s. 290.015, F.S.; revising contents of
a report to the Legislature and requiring consideration
of the recommendations of the Auditor General; creating
an advisory council in those counties which have
implemented the provisions of ch. 83-226, Laws of
Florida, as amended; specifying membership and terms of
office; providing for removal of members; providing staff
assistance; providing for meetings; providing an
expiration date; amending s. 212.02, F.S.; providing
definitions; specifying conditions for taxing certain
materials and property used to manufacture tangible
personal property; amending s. 212.07, F.S.; providing

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criteria for "resale"; authorizing the Department of Revenue to establish effective tax rates for certain industries under certain circumstances; providing tax liability for certain taxable transactions; amending s. 212.031, F.S.; applying the sales tax to certain licenses in real property; providing exemptions; creating s. 212.0905, F.S.; providing for taxing of unlawful transactions involving certain drugs, cannabis, or controlled substances; providing exemptions; providing for administration; amending s. 212.054, F.S.; providing criteria for collecting, and indicating the amount of, certain surtaxes; granting the Jacksonville Transportation Authority additional powers; amending s. 212.0305, F.S.; relating to levy of a convention development tax by certain counties operating under a consolidated government; designating said section the "Convention Development Tax Act" and incorporating the provisions of said repealed sections therein; requiring that the levy of any convention development tax on transient rentals be authorized under said section; providing uniform application, administrative, collection, penalty, and lien provisions; redesignating said taxes as the charter county convention development tax, the special district convention development tax, and the consolidated county convention development tax, respectively; providing procedures and requirements for levy of such taxes and providing for use of the proceeds; providing legislative intent with respect to said repeal and recodification; amending s. 213.05, F.S.; deleting references to conform; amending s. 212.06, F.S.; providing a definition; applying certain title certificate restrictions to mobile homes and motor vehicles; amending s. 212.08, F.S.; requiring certain prescriptions to be written by certain persons; correcting a reference to a certain educational institution for tax-exemption purposes; limiting the exemption for boiler fuels; defining educational institutions and religious institutions; providing an exemption for nonprofit corporations which raise money for military museums; reviving and readopting s. 212.11, F.S., relating to tax returns and regulations; amending s. 212.12, F.S.; providing a tax collection credit for certain dealers; authorizing the Department of Revenue, under certain circumstances, to use certain sampling procedures in estimating sales taxes due; amending ss. 212.14 and 212.17, F.S.; including persons engaged in certain licensing activities and provisions relating to department powers regarding hearings and warrants and credits for returned goods; amending s. 212.18, F.S.; providing registration requirements for certain businesses; providing legislative intent; preserving certain ordinances; repealing s. 212.057, F.S., relating to levy of a convention development tax by certain home rule charter counties, and s. 5 of chapter 84-67, Laws of Florida, s. 8 of chapter 84-324, Laws of Florida, and s. 2 of chapter 84-372, Laws of Florida, relating to levy of a convention development tax by certain counties levying a tourist advertising ad valorem tax; amending s. 212.05, F.S., providing a penalty; providing an effective date.

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

Section 1. Subsection (1) of section 288.075, Florida Statutes, is amended to read:

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288.075 Confidentiality of records.--

(1) "Economic development agency" means the Division of Economic Development of the Department of Commerce, any industrial development authority created in accordance with part III of chapter 159 or by special law, the public economic development agency which advises the county commission on the issuance of industrial revenue bonds of a county which does not have an industrial development authority created in accordance with part III chapter 159 or by special law or any research and development authority created in accordance with part V of chapter 159.

(5) Any person who is an employee of an economic development agency who violates the provisions of this section is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 2. Florida Equity Exchange.--

(1) There may be created one or more Florida Equity Exchanges, with one or more offices each, upon a determination by the Comptroller that each such exchange has a reasonable promise of successful operation, will promote economic development, will produce net economic benefits in the state, and will not expose the public to undue risk of financial loss. This determination shall be based on the results of a feasibility study concerning the possible structure, operation, and regulation of each such exchange, to be carried out under the supervision of the Comptroller. The Secretary of Commerce shall provide the Comptroller any needed advice on economic development aspects of the feasibility study. Said feasibility study shall evaluate to what extent securities laws may limit the transferability of investments in which any exchange would deal; to what extent companies financed through securities in which the exchange would deal would prefer a stable group of investors; to what extent the particular investment objectives of potential participants in any exchange might be inconsistent with an exchange operation; and the possibility that the frequency of investment opportunities of the type in which an exchange would deal would be too low to economically operate any exchange. The determination of the Comptroller shall constitute an "order" as defined in s. 120.52(10), Florida Statutes, and shall be subject to the provisions of chapter 120, Florida Statutes. Nothing in this section, however, shall be construed to require the expenditure of state funds for the purpose of conducting any such feasibility study. For the purposes of this section, the term "exchange" shall apply to any such Florida equity exchange proposed or created under this section.

(2) The purpose of the exchange shall be to provide a marketplace for the negotiation, arrangement, exchange, sale, purchase, brokerage, syndication, underwriting, and all activities incidental thereto, of investment opportunities, in an institutionalized, and, to the maximum extent possible, self-regulated fashion.

(3) Within 30 days following such determination, a committee shall be appointed to write the constitution and bylaws of the exchange. The Comptroller may provide technical assistance to the committee on the development of the constitution and bylaws of the exchange. The committee shall consist of 15 members, 11 members to be appointed by the Governor, 2 members to be appointed by the Speaker of the House of Representatives, and 2 members to be appointed by the President of the Senate. The chairman shall be elected by a majority of the committee. The committee shall transmit such proposed constitution, bylaws, and other recommendations for the approval of the Comptroller no later than 90 days following the first meeting of the committee. In reviewing the constitution and the

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bylaws of the exchange, as well as any other recommendations made to the Comptroller by the committee, the Comptroller shall consider whether such constitution, bylaws, and recommendations are reasonably consistent with the public interest and the efficient functioning of the exchange. The Comptroller shall approve the constitution and bylaws of the exchange if he finds that they specifically describe the types of business that the exchange will conduct, that such business activities are not inconsistent with state or federal law, that the form of business organization of the exchange complies with statutory requirements, and that the interest of owners or members of the exchange would be adequately protected. The submission of the proposed constitution and bylaws to the Comptroller shall be deemed an application for a license and shall be subject to the provisions of s. 120.60(4), Florida Statutes.

(4) The exchange shall have full authority to function 60 days after its constitution and bylaws are approved by the Comptroller. The initial Board of Governors of the exchange shall consist of the members of the committee who shall serve until the first election pursuant to the constitution and bylaws. If the constitution and bylaws are disapproved by the Comptroller, the committee, in consultation with the Comptroller, shall have 60 days from the date of such disapproval within which to submit an acceptable constitution and bylaws.

(5) The constitution and bylaws of the exchange shall include provision that:

(a) There shall be no less than nine nor more than fifteen governors of the exchange, at least one-third of whom shall not be members of the exchange.

(b) The principal offices of each exchange and the principal office of its members shall be located within this state for the purpose of conducting the type of business described in subsection (2). Any exchange may have such other offices around the state as it deems necessary from time to time, subject to a determination by the Comptroller that such additional offices will be necessary for the efficient operation of the exchange and will be in the public interest.

(c) All members and applicants for membership on the exchange shall submit all financial information reasonably required by the Comptroller.

(d) The exchange shall establish or participate in a security fund which shall be capitalized or underwritten in such form and amount as will reasonably protect persons transacting business through the exchange from any harm or loss occasioned by the insolvency of any member of the exchange. The formation of such security fund and the adequacy of the financial security provided thereby shall be subject to the approval of the Department of Banking and Finance based upon the types and amounts of transactions effected through the facilities of the exchange.

(e) Rules shall be adopted prescribing eligibility for membership and the voting power, duties, and rights to participate in the conduct and management of the affairs of the exchange by the members thereof, such rights and duties to include, without limitation, the manner and form of conducting business, financial stability requirements, dues, membership fees, resolution of dispute mechanisms, and all other matters necessary or appropriate to conduct any business permitted herein, provided, however, that such rules shall not impose any limit on the number of members of any such

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exchange. Any amendments to the constitution and bylaws shall be subject to the approval of the Comptroller.

(f) Elections to the Board of Governors of the exchange shall be held once every 2 years, with those persons receiving the greatest number of votes cast being elected thereto.

(6) If the exchange contemplated by this section is established, the Comptroller shall furnish the chairmen of the finance and taxation committees of the Legislature with copies of its constitution and bylaws. Upon receipt of the constitution and bylaws, the Legislature shall consider what tax policy and tax exemptions are needed to facilitate successful operation of the exchange.

(7) If the exchange contemplated by this section is finally established, the Comptroller shall forthwith adopt rules providing for the reimbursement by the exchange or any member thereof of the actual costs incurred by the Comptroller in connection with the regulation and supervision of the exchange. As used in this section, "actual costs" means all direct and indirect costs and expenses incurred by the Comptroller in connection with the exchange including, without limitation, general administrative costs, travel expenses, salaries, and other benefits given to persons involved in the regulation and supervision of the exchange. The Comptroller shall have the power to make any allocations that are deemed reasonable and necessary and may require the exchange or any members to pay interim assessments related to estimated final assessments.

(8) The Florida securities laws and rules shall apply to the exchange and to its members.

(9) The Comptroller may establish limitations on investments in members of the exchange by any person or company, consistent with the public interest and the efficient functioning of the exchange.

Section 3. Subsection (2) of section 199.042, Florida Statutes, is amended to read:

199.042 Due date of annual tax.--

(2) A discount for early payment of the annual tax shall be allowed as follows: for payment on or before the last day of February, 4 percent; for payment on or before March 31, 3 percent; for payment on or before April 30, 2.4 percent; and for payment after April 30 but on or before May 31, 1.8 percent.

Section 4. Subsections (2) and (3) of section 199.062, Florida Statutes, are amended to read:

199.062 Annual tax information reports.--

(2) On or before June 30 of each year, each corporation doing business in this state shall file the following with the department:

(e) A written notice containing a listing of the corporation’s Florida stockholders of record as of the preceding December 31, including such additional information as the department may prescribe. However, no list is required:

1st--As to stockholders holding only classes of stock as to which an election has been made under s. 199.857;

2nd--As to stockholders holding only shares not subject to the annual tax or

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(a) A copy of any written notice to stockholders required by subsection (1) or, if no written notice is required by subsection (1), written notice stating the reason that no written notice is required by subsection (1).

(b) If the corporation's Florida stockholders hold only shares not subject to the annual tax, a written notice to that effect.

(c) If the corporation's Florida stockholders hold shares with respect to which a dividend was paid during the preceding calendar year, a written notice to that effect.

(d) If the corporation has no Florida stockholders, a written notice to that effect.

(3) On or before June 30 of each year, all security brokers registered under the laws of this state shall file with the department a position statement as of December 31 of the preceding year for each customer whose mailing address is within the state. Such statement shall include the customer's name, address, social security number or federal identification number; the number of units, value, and description, including the Committee on Uniform Security Identification Procedures (CUSIP) number, if any, of all securities held for the customer; and such other information as the department may reasonably require. The information required by this subsection shall be reported by a broker on magnetic media using specifications and instructions of the department, unless the broker demonstrates that an undue hardship exists.

Section 5. Paragraph (b) of subsection (1) and paragraph (a) of subsection (3) of section 199.232, Florida Statutes, are amended to read:

199.232 Powers of department.--

(1)

(b) With regard to annual tax, an audit for any year may be commenced:

1. Within 3 years from the due date for filing the return for the year or from actual filing of the return, whichever is later; or

2. At any time while a right to refund for any tax due during the year is available;

3. At any time within 6 years of the date a return is filed if a taxpayer has omitted an amount properly includable therein which is in excess of 25 percent of the amount of the total taxable value stated in the return; or

4. At any time, if a required return is not filed, or if a grossly false or fraudulent return is filed.

No amount shall be deemed omitted from a return if the amount, or item giving rise to it, is adequately disclosed in the return or statements attached thereto, so that the department was apprised of the nature and amount of the item.

(3) With or without an audit, the department may assess any tax deficiency resulting from nonpayment or underpayment of the tax, as
well as any applicable interest and penalties. The department shall assess on the basis of the best information available to it, including estimates based on the best information available to it if the taxpayer fails to permit inspection of the taxpayer's records, fails to file an annual return, files a grossly incorrect return, or files a false and fraudulent return. To be valid, an assessment must be made within the following time periods:

(a) As to annual tax for any year:

1. Within 3 years from the due date for filing the return or from actual filing of the return, whichever is later; or

2. At any time while a right to refund for any tax due during the year is available;

3. Within 6 years of the date a return is filed if the taxpayer has omitted an amount properly includable therein which is in excess of 25 percent of the total taxable value stated in the return; or

4. At any time, if no return is filed, or if a grossly false or fraudulent return is filed.

However, the time for making an assessment shall be stayed during the period of an audit.

Section 6. Subsections (1), (3), and (7) of section 199.282, Florida Statutes, are amended, and subsections (8) and (9) are added to said section, to read:

199.282 Penalties for violation of this chapter.—

(1) Any person willfully violating or failing to comply with any of the provisions of this chapter shall be guilty of a felony of the third degree misdemeanor-of-the-second-degree, punishable as provided in s. 775.082 or s. 775.083.

(3)(a) If any annual or nonrecurring tax is not paid or if an annual tax return is not filed by the due date, a delinquency penalty shall be charged. The delinquency penalty shall be 5 percent of the delinquent tax for each calendar month or portion thereof from the due date until paid, up to a limit of 25 percent of the total tax not timely paid.

(b) If any annual tax return required by this chapter is not filed by the due date, a penalty of 15 percent of the tax due with the return shall be charged for each year, or portion of the year, during which the return remains unfiled.

(7) Interest and penalties attributable to any tax shall be deemed assessed when the tax is assessed. Interest and penalties shall be collected in the same manner as tax. The department may waive or compromise tax, interest, or penalties under the provisions of paragraph (3)(b), except that the penalty imposed under paragraph (3)(b) shall not be waived or compromised.

(8) Any person who fails or refuses to file an annual return, or who fails or refuses to make records available for inspection, when requested to do so by the department, shall be guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083.

(9) Any officer or director of a corporation who has administrative control over the filing of a return or payment of any

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tax due under this chapter and who willfully directs any employee of
the corporation to fail to file the return or pay the tax due, or to
avoids referring for a property account for the tax due. In addition to
any other penalties provided by law, shall be liable for a penalty
equal to the amount of tax not paid as required by this chapter. The
filing of a protest based upon doubt as to liability for the tax
shall not be deemed an attempt to evade or defeat the tax under this
subsection. The penalty imposed hereunder shall be abated to the
extent the tax is paid and may be compromised by the executive
director of the department as provided in s. 213.21. An assessment
of penalty made pursuant to this section shall be deemed prima facie
correct in any judicial or quasi-judicial proceeding brought to
collect this penalty.

Section 7. No later than July 1, 1987, the Department of Revenue
shall develop and implement a one-time amnesty program for taxpayers
subject to the annual intangible tax. The department may prescribe
such terms and conditions for participation in the program as it
deems necessary for fair and effective administration, and may
establish procedures and promulgate forms and guidelines which are
necessary for the purposes of the program. The amnesty program shall
provide a grace period of no more than 6 months during which a
taxpayer may avoid criminal prosecution and penalties for failure to
file returns due by filing all delinquent returns. Full payment of
the tax and interest determined by the taxpayer to be due shall
accompany the return. Participation in the program shall be
conditioned upon the taxpayer’s agreement that the right to protest
or initiate an administrative or judicial proceeding with respect to
amounts subject to a pending administrative or judicial proceeding
shall be conditioned upon the taxpayer’s agreement that the right to protest
or initiate an administrative or judicial proceeding with respect to
amounts subject to a pending administrative or judicial proceeding shall
not apply to taxpayers under audit or investigation, amounts included
in a proposed assessment, assessment, bill, notice, or demand for
payment issued by the department, and amounts subject to a pending
administrative or judicial proceeding. No refund shall be made of
any tax, interest, or penalty paid prior to the date the amnesty
program is implemented and any refund or credit of amounts paid as a
result of participation in the program shall be limited to amounts
determined by the department to have been paid in error. The
department may issue a notice of demand for payment, with or without
an audit, with respect to any tax or interest not paid with a return
filed under the amnesty program.

Section 8. There is hereby appropriated to the Department of
Revenue for fiscal year 1986-1987 from the Intangibles Tax Trust Fund
$230,000 and nine positions for the purpose of implementing section 4
and $200,000 for the purpose of implementing sections 5, 6, and 7.

Section 9. Section 199.103, Florida Statutes, is amended to read:

199.103 Basis of assessment; valuation.—All intangible personal
property shall be subject to the annual tax at its just valuation as
of January 1 of each year. Such property shall be valued in the
following manner:

(1) Shares of stock of corporations regularly listed on any
public stock exchange or regularly traded over-the-counter shall be
valued at their closing prices on the last business day of the
previous calendar year.

(2) Shares of regulated investment companies, including mutual
funds and money market funds organized as business trusts or
incorporated companies, shall be valued at the offering price of such
shares on the last business day of the previous calendar year.

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(3) Bonds regularly listed on any public stock exchange or regularly traded over-the-counter shall be valued at their closing bid prices on the last business day of the previous calendar year.

(4) Shares of stocks, bonds, or similar instruments of corporations not listed on any public stock exchange or not regularly traded over-the-counter shall be valued as of January 1 of each year on the basis of those factors customarily considered in determining fair market value.

(5) Accounts receivable shall be valued at their face value as of January 1 of each year, less a reasonable allowance for uncollectible accounts.

(6) Notes and other obligations shall have a value equal to their unpaid balance as of January 1 of each year, unless the taxpayer can establish a lesser value upon proof satisfactory to the department.

(7) All other forms of intangible personal property shall be valued on the basis of those factors customarily considered in determining fair market value.

Section 10. Section 201.02, Florida Statutes, is amended to read:

201.02 Tax on deeds and other instruments relating to real property realty or interests in real property realty.--

(1) On deeds, instruments, or writings whereby any lands, tenements, or other real property realty, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser, or any other person by his direction, on each $100 of the consideration therefor the tax shall be 50 cents. When the full amount of the consideration for the execution, assignment, transfer, or conveyance is not shown in the face of such deed, instrument, document, or writing, the tax shall be at the rate of 50 cents for each $100 or fractional part thereof of the consideration therefor.

(2) The tax imposed by subsection (1) shall also be payable upon documents by which the right is granted to a tenant-stockholder to occupy an apartment in a building owned by a cooperative apartment corporation.

(3) The tax imposed by subsection (2) shall be paid by the purchaser, and the document recorded in the office of the clerk of the circuit court as evidence of ownership.

(4) The tax imposed by subsection (1) shall also be payable upon documents which convey or transfer, pursuant to s. 689.071, any beneficial interest in lands, tenements, or other real property realty, or any interest therein, even though such interest may be designated as personal property, notwithstanding the provisions of s. 689.071(4). The tax shall be paid upon execution of any such document.

(5) All conveyances of real property to a partner from a partnership meeting the following conditions are taxable, unless the taxpayer establishes that the conveyance is for purposes other than the avoidance of tax under this chapter:

(a) The real property was conveyed to the partnership less than 6 months prior to the conveyance to the partner by the partnership;

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(b) The partner receiving the real property from the partnership is a partner other than the partner who conveyed the real property to the partnership; and

(c) The real property was conveyed to the partnership after July 1, 1986.

For purposes of this subsection, the value of the consideration paid for the conveyance of the real property to the partner from the partnership is the amount of any outstanding mortgage debt or other debt which the partner pays or agrees to pay in exchange for the real property, regardless of whether the partner was personally liable for the debts of the partnership prior to the conveyance to the partner from the partnership.

Section 11. Subsection (2) of section 206.44, Florida Statutes, is amended to read:

206.44 Penalty and interest for failure to report on time; penalty and interest on tax deficiencies.--

(2) Any payment that is not received by the department on or before the due date as provided in s. 206.43 shall bear interest at the rate of 1 percent per month, from the date due until paid. Interest on any delinquent tax shall be calculated beginning on the 21st day of the month for which the tax is due, except as otherwise provided in this part.

Section 12. Section 206.45, Florida Statutes, is amended to read:

206.45 Payment of tax into State Treasury.--All moneys derived from the gas taxes imposed by this part shall be paid into the State Treasury by the department for deposit in the Gas Tax Collection Trust Fund. The department shall maintain a balance of at least $500 in the fund after making which fund is created and from which the following transfers shall be made:

(1) The constitutional gas tax shall be remitted to the State Board of Administration for distribution as provided in the State Constitution.

(2) The county gas tax collected pursuant to s. 206.60, as such may be amended by the 1971 Legislature, shall be distributed as therein provided.

(3) The municipal gas tax collected pursuant to s. 206.605 shall be distributed as therein provided.

Nothing in this section shall be construed to authorize a deduction from the constitutional gas tax in order to maintain any balance in the Gas Tax Collection Trust Fund.

Section 13. Section 213.06, Florida Statutes, is amended to read:

213.06 Rules and regulations.--

(1) The Department of Revenue may adopt such rules as are necessary to carry out the intent and purposes of this act and may amend such rules to conform to legislation or departmental policy changes made in the absence of any legislation.

(2) The executive director of the department may adopt emergency rules pursuant to s. 120.54 on behalf of the department when the

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effective date of a legislative change occurs sooner than 60 days after the close of a legislative session in which enacted and the change affects a tax rate or a collection or reporting procedure which affects a substantial number of dealers or persons subject to the tax change or procedure. The Legislature finds that such circumstances qualify as an exception to the prerequisite of a finding of immediate danger to the public health, safety, or welfare as set forth in s. 120.54(9)(a), and qualify as circumstances requiring an emergency rule.

Section 14. Paragraph (a) of subsection (2) and subsection (3) of section 213.21, Florida Statutes, are amended to read:

213.21 Informal conferences; compromises.--

(1)(a) The executive director of the department or his designee is authorized to enter into a written closing agreement with any taxpayer settling or compromising the taxpayer’s liability for any tax, interest, or penalty assessed under any of the chapters specified in s. 72.011(1), except taxes imposed under chapter 206 and estimated tax penalties provided for in ss. 220.34(3)(a)(3)(b) and 624.509(3)(b). When such a closing agreement has been approved by the department and signed by the executive director or his designee and the taxpayer, it shall be final and conclusive; and, except upon a showing of fraud or misrepresentation of material fact or except as to adjustments pursuant to ss. 220.23 and 198.16, no additional assessment may be made by the department against the taxpayer for the tax, interest, or penalty specified in the closing agreement for the time period specified in the closing agreement, and the taxpayer shall not be entitled to institute any judicial or administrative proceeding to recover any tax, interest, or penalty paid pursuant to the closing agreement. The department is authorized to delegate to the executive director the authority to approve any such closing agreement resulting in a tax reduction of $100,000 or less.

(3) A taxpayer’s liability for any tax or interest specified in s. 72.011(1), except taxes imposed under chapter 206, may be compromised by the department upon the grounds of doubt as to liability for or collectibility of such tax or interest. A taxpayer’s liability for penalties under any of the chapters specified in s. 72.011(1) may be settled or compromised if it is determined by the department that the noncompliance is due to reasonable cause and not to willful neglect or fraud. The department shall maintain records of all compromises, and the records shall state the basis for the compromise. The records of compromise shall not be subject to disclosure pursuant to chapter 119 and shall be considered confidential information governed by the provisions of s. 213.053.

Section 15. Paragraph (g) is added to subsection (1) of section 211.33, Florida Statutes, to read:

211.33 Administration of the tax; returns; delinquency penalties and interest; departmental inspections of records.--

(1) Pursuant to s. 213.21, the department may settle or compromise any penalty or interest assessed under this subsection.

Section 16. Subsection (3) of section 220.34, Florida Statutes, is renumbered as subsection (4), and a new subsection (3) is added to said section to read:

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funds for schools teaching grades kindergarten through high school, colleges, and universities located in this state. The term "educational institutions" includes any educational television or radio network or system established pursuant to s. 229.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(3) of the Internal Revenue Code. The term "educational institution" also includes state, district or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members within the state or district organization.

e. "Veterans' organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., and Jewish War Veterans of the U.S.A. and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

(m) Boiler fuels.—When purchased for use as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material for use as a fuel, coal, sulfur, or wood, wood residues, or wood bark used in an industrial manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein. This exemption does not apply to the use of boiler fuels that are not used in manufacturing, processing, compounding or producing items of tangible personal property for sale, or to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation.

(v) Also exempt are sales to nonprofit corporations which hold current exemptions from federal corporate income tax pursuant to s. 501(c)(3); U.S. Internal Revenue Code, 1954, as amended, and whose primary purpose is to raise money for military museums.

Section 75. Notwithstanding the provisions of section 37 of chapter 85-120, Laws of Florida, no provision of s. 212.11, Florida Statutes, as amended by chapter 85-120, Laws of Florida, shall expire on July 1, 1986, but said section, as amended by chapter 85-120, Laws of Florida, is hereby revived and readopted.

Section 76. Subsection (1), paragraphs (a), (b) and (c) of subsection (6), and subsections (8), (9), and (13) of section 212.12, Florida Statutes, are amended to read:

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

(1) For the purpose of compensating persons granting licenses for and the lessors of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property for the purpose of compensating dealers providing communication services, and for the purpose of compensating owners of places where admissions are collected, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, and owner shall be allowed 3 percent of the amount of the tax due and accounted for and remitted to the
Section 20. Section 159.31, Florida Statutes, is amended to read:

159.31 Tax exemption.—The exercise of the powers granted by this part in all respects will be for the benefit of the people of the state, for the increase of their industry and prosperity, for the improvement of their health and living conditions, and for the provision of gainful employment and will constitute the performance of essential public functions. The local agency shall not be required to pay any taxes on any project or any other property owned by the local agency under the provisions of this part or upon the income therefrom, and the bonds issued under the provisions of this part, their transfer, and the income therefrom (including any profit made on the sale thereof), and all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with a project financed under this part shall at all times be free from taxation by the state or any local unit, political subdivision, or other instrumentality of the state. Nothing in this section, however, shall be construed as exempting from taxation or assessments the leasehold interest of a lessee in any project or any other property or interest owned by the lessee. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 21. Section 159.50, Florida Statutes, is amended to read:

159.50 Tax exemption.—The exercise of the powers granted by ss. 159.44-159.53 in all respects will be for the benefit of the people of the state, for the increase of their industry and prosperity and the improvement of their health and living conditions, and for the provision of gainful employment and will constitute the performance of essential public functions, and the authority shall not be required to pay any taxes on any project or any other property owned by the authority under the provisions of ss. 159.44-159.53 or upon the income therefrom, and the bonds issued under the provisions of ss. 159.44-159.53, their transfer, and the income therefrom (including any profit made on the sale thereof), and all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with any project financed under this part shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state. Nothing in this section, however, shall be construed as exempting from taxation or assessments the leasehold interest of any lessee in any project or any other property or interest owned by any lessee. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 22. Section 159.621, Florida Statutes, is amended to read:

159.621 Housing bonds exempted from taxation.—The bonds of a housing finance authority issued under this act, together with all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with the financing of any housing development under this part, as well as the interest thereon and income therefrom, shall be exempt from all taxes. The exemption granted by this section shall not be applicable to any tax imposed by

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chapter 220 on interest, income, or profits on debt obligations owned by Corporations.

Section 23. Section 159.708, Florida Statutes, is amended to read:

159.708 Tax exemption.--The exercise of all powers granted by ss. 159.701-159.7095 in all respects will be for the benefit of the people of the State for the increase of their industry and prosperity and the improvement of their health and living conditions, and for the provision of gainful employment and will constitute the performance of essential public functions. The authority shall not be required to pay any taxes on any project or any other property owned by the authority under the provisions of ss. 159.701-159.7095 or upon the income therefrom. The bonds issued under the provisions of ss. 159.701-159.7095, their transfer, and the income therefrom (including any profit made on the sale thereof), and all notes, mortgages, security agreements, letters of credit, or other instruments which arise out of or are given to secure the repayment of bonds issued in connection with a project financed under this part shall at all times be free from taxation by the state or any local unit or political subdivision or other instrumentality of the state. Nothing in this section, however, shall be construed as exempting from taxation or assessments the leasehold interest of any lessee in any project or any other property or interest owned by any lessee. The exemption granted by this section shall not be applicable to any tax imposed by chapter 220 on interest, income, or profits on debt obligations owned by corporations.

Section 24. Section 214.23, Florida Statutes, is amended to read:

214.23 Procedure for notices.--Whenever notice is required by this chapter, such notice shall, if not otherwise provided, be given to the taxpayer by personal delivery by an agent of the department or by mailing it by registered or certified mail to the taxpayer concerned at his last known address as shown on the most recently filed return under applicable law or, if no return has previously been filed, at the address shown on the corporation report last filed under s. 607.357. Alternatively, notice may be issued by registered or certified mail to the taxpayer at any other address which the taxpayer has designated in writing as his current mailing address.

Section 25. Subsection (6) is added to section 324.26, Florida Statutes, to read:

324.26 Liability insurance required; amount governed by federal regulations.--

(6) The verifying of proof of liability insurance and the issuance or failure to issue an identifying device for a reporting period or any portion thereof by the Department of Revenue under the provisions of this chapter or s. 207.064(1) may not be construed in any court as a warranty of the reliability or accuracy of the evidence of such proof. The Department of Revenue shall not be liable for damages for any inadequacy, insufficiency, falsification, or unauthorized modification of any item of the proof of liability insurance either prior to, during, or subsequent to the verification of the proof. The issuance of an identifying device by the Department of Revenue upon registration of any commercial motor vehicle does not constitute prima facie evidence or a presumption of insurance coverage.

Section 26. Subsection (3) of section 196.295, Florida Statutes, as created by chapter 85-322, Laws of Florida, is amended, and subsection (4) is added to said section, to read:

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196.295 Property transferred to exempt governmental unit; tax payment into escrow; abatement of taxes upon destruction or damage to buildings and structures due to fire or other disaster.--

(3) Subsection (2) of this section shall stand repealed July 1, 1986.

(4) In the event fee title to property is acquired by a governmental unit exempt under this chapter by any means except condemnation, or is acquired by any means except condemnation for use exclusively for federal, state, county, or municipal purposes, the taxpayer is required to pay all taxes due from prior years.

Section 27. Subsection (8) is added to section 197.502, Florida Statutes, to read:

197.502 Application for obtaining tax deed by holder of tax sale certificate; fees.--

(8) Taxes shall not be extended against parcels listed as lands available for taxes, but in each year the taxes that would have been due shall be treated as omitted years and added to the required minimum bid. Seven years from the day the land was offered for public sale, the land shall escheat to the county in which it is located and all tax certificates and liens against the property shall be canceled and the clerk shall execute a tax deed vesting title in the board of county commissioners of the county in which it is located.

Section 28. Section 206.27, Florida Statutes, is amended to read:

206.27 Records and files as public records.--

(1) The records and files in the office of the department appertaining to part I and part II of this chapter and part II of chapter 119 are available in Tallahassee to the public at any time during business hours. The department shall prepare a list each month of all current licensed refiners, importers, and wholesalers which also shall include all new licenses issued and all licenses canceled during the past 12 months, and mail a copy thereof to each licensee. Such list shall be used to verify license numbers of purchasers issuing exemption certificates or affidavits.

(2) Nothing herein shall be construed as requiring the department to provide as a public record any information concerning audits in progress or those records and files of the department described in this section which are currently the subject of pending investigation by the Department of Revenue or the Florida Department of Law Enforcement. It is specifically provided that the foregoing information shall be exempt from the provisions of chapter 119 and shall be considered confidential notwithstanding the provisions of s. 213.053. Any officer, employee, or former officer or employee of the department who divulges any such information in any manner except for such official purposes is guilty of a misdemeanor of the first degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084. This exemption is subject to the Open Government Sunset Review Act in accordance with s. 119.14.

Section 29. Subsections (1) and (2) of section 213.053, Florida Statutes, are amended to read:

213.053 Confidentiality and information sharing.--

(1) The provisions of this section apply to s. 125.0104, county government; chapter 198, estate taxes; chapter 199, intangible

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Section 32. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 206.877, Florida Statutes, are amended to read:

206.877 Motor vehicles fueled by liquefied petroleum gas or compressed natural gas; payment of annual decal fees in lieu of tax.--

(1) The tax imposed by s. 206.87 does not apply to motor vehicles licensed in this state pursuant to chapter 320 which are powered by alternative fuels and for which valid decals have been acquired as provided in this section.

(a) The owners or operators of such vehicles shall, in lieu of the excise tax imposed by this part, pay an annual decal fee on each such motor vehicle in accordance with the following rate schedule:

<table>
<thead>
<tr>
<th>Class</th>
<th>Vehicle License Category</th>
<th>Fee for each</th>
<th>Fees for each</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>State Fee</td>
<td>cent of tax imposed</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>by chapter 335</td>
</tr>
<tr>
<td>A</td>
<td>Vehicles licensed pursuant to s. 320.08(1), (2), (3)(a)-(c), (f), (6)(a), and (9)(c).</td>
<td>$44</td>
<td>$11</td>
</tr>
<tr>
<td>B</td>
<td>Vehicles licensed pursuant to s. 320.08(3)(d), (e), (6)(b), (9)(c), and (14)(b).</td>
<td>$60</td>
<td>$15</td>
</tr>
<tr>
<td>C</td>
<td>Vehicles licensed pursuant to s. 320.08(4).</td>
<td>$84</td>
<td>$21</td>
</tr>
</tbody>
</table>

B---Vehicles used exclusively on a farm, no part of which is used in any vehicle-driven state fee or operated upon public highways.

(2)(a) The department shall issue annual decals, which shall be valid for the current 12-month period for which they are issued and shall be attached to the upper right corners of the front windshields on the motor vehicles for which they are issued. However, if a motor vehicle owner applies for the decal after March 31, June 30, or September 30 of any year he shall pay three-fourths, one-half, or one-fourth of the fee, respectively.

Section 33. Subsection (1) of section 336.021, Florida Statutes, is amended to read:

336.021 County transportation system; levy of voted gas tax on motor fuel and special fuel.--

(1) Any county in the state, in the discretion of its governing body and subject to a referendum, may impose, in addition to all other taxes required or allowed by law, a 1-cent voted gas tax upon every gallon of motor fuel and special fuel sold in such county and taxed under the provisions of chapter 206, for the purpose of paying the costs and expenses of establishing, operating, and maintaining a transportation system and related facilities and the cost of acquisition, construction, reconstruction, and maintenance of roads and streets. The governing body of the county may provide that the referendum be worded to limit the number of years such tax will remain in effect. The governing body of the county may, by joint agreement with one or more of the municipalities located therein, provide for these transportation purposes and the distribution of the

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proceeds of this tax within both the unincorporated and incorporated areas of the county. The tax shall be collected and remitted by any person engaged in using or selling at retail motor fuel or using or selling at retail special fuel within a county in which the tax is authorized and shall be distributed monthly by the department to the county where collected. The provisions for refund provided in ss. 206.625 and 206.64 shall not be applicable to such tax levied by any county. Any retail dealer licensed under s. 206.404 or jobber licensed under s. 206.021 shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor or special fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the department for the reporting period exceeds $1,000, the 3 percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped in the envelope in which the report is submitted shall be considered as the date the report is received by the department.

Section 34. Paragraph (a) of subsection (1) and paragraph (a) of subsection (2) of section 336.026, Florida Statutes, are amended to read:

336.026 Metropolitan transportation system; levy of local option gas tax on motor fuel and special fuel.---

(1)(a) In addition to other taxes allowed by law, including the 6-cent 0-4-cent local option gas tax on motor fuel and special fuel as provided in s. 336.026, there may be imposed as provided herein a 1-cent, 2-cent, 3-cent, or 4-cent local option gas tax upon every gallon of motor fuel and special fuel sold in a regional ground transportation area as defined in s. 163.803(4) and taxed under the provisions of part I or part II of chapter 206.

(2)(a) The tax shall be collected and remitted by any person engaged in selling at retail motor fuel or using or selling at retail special fuel within a regional ground transportation area in which the tax is authorized in the same manner as all other gas--taxes pursuant to chapter 206 and shall be distributed monthly by the department to the authority in the regional ground transportation area where collected. The tax remitted to collected by the Department of Revenue pursuant to this section shall be transferred to the Local Option Gas Tax Trust Fund, which fund is created for distribution to the Metropolitan Transportation Authority in the regional ground transportation area in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The department has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax and shall promulgate such rules as may be necessary for the enforcement of this section. The sections of chapter 206, including, but not limited to, those sections relating to timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for collection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement and collection also apply to the tax authorized in this section.

Section 35. Section 72.041, Florida Statutes, is amended to read:

72.041 Tax liabilities arising under the laws of other states.---Actions to enforce lawfully imposed sales, use, and corporate income taxes.
taxes and motor and other fuel taxes of another state may be brought
in a court of this state under the following conditions:

(1) The state seeking to institute an action for the collection,
assessment, or enforcement of a lawfully imposed tax must have
extended a like courtesy to this state;

(2) Venue for any action under this section shall be the circuit
court of the county in which the defendant resides;

(3) This section does not apply to the enforcement of tax
warrants of another state unless the warrant has been obtained as a
result of a judgment entered by a court of competent jurisdiction in
the taxing state or unless the courts of the state seeking to enforce
its warrant allow the enforcement of the warrants issued by the
Department of Revenue pursuant to chapters 206, 212, 213, 214, 220,
and 221; and

(4) All tax liabilities owing to this state or any of its
subdivisions shall be paid first and shall be prior in right to any
tax liability arising under the laws of other states.

Section 36. Subsection (5) of section 206.47, Florida Statutes,
is amended to read:

206.47 Distribution of constitutional gas tax pursuant to State
Constitution.--

(5)(a) The distribution factor, "the tax collected on retail
sales or use in each county," shall be based upon a certificate of
the Department of Revenue of the taxable gallons attributable to
sales-and-use-tax-collected-in each county as of June 30 for each
fiscal year. The Department of Revenue shall furnish a certificate
to the State Board of Administration on or before July 31 following
the end of each fiscal year, and such certificate shall be conclusive
as to the sales-and-use tax collected on retail sales or use in each
county for the prior fiscal year. The factor based on such
certificate shall be applied to the gas tax collections for the
following fiscal year beginning July 1 and ending June 30.

(b) For the purpose of this section, "taxable gallons
attributable to each county" shall be calculated as a consumption
factor for each county divided by the sum of such consumption factors
for all counties, and multiplied by the total gallons statewide upon
which a tax was paid pursuant to s. 336.021 or s. 336.025. The consumption factor
shall be the gallons upon which the county's tax was paid under
either or both of said sections. For each other county, the
consumption factor shall be calculated as the taxable gallons
yielding the tax amount certified pursuant to this section for fiscal
year 1984-1985 for the county, multiplied by the quotient of the
statewide total taxes collected pursuant to s. 206.41 for the current
year divided by the statewide total taxes certified pursuant to this

Section 37. The amendment to s. 206.47(5), Florida Statutes, by
this act shall apply with respect to the certification of taxes for
fiscal year 1985-1986 and each year thereafter.

Section 38. Subsection (1) and paragraph (a) of subsection (2) of
section 206.41, Florida Statutes, are amended to read:

206.41 Constitutional gas tax imposed.--

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An excise or license tax of 2 cents per gallon is imposed upon every gallon of motor fuel upon the first sale or transfer of title, or use, within this state whether by a refiner, importer, or wholesaler, except as expressly provided in subsection (2), sold--in this--state--or--brought--into--this--state--for--use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. This tax, which is the tax as levied by s. 16, Art. IX of the Constitution of 1885, as amended, and continued by s. 9(c), Art. XII of the 1968 Constitution, as amended, and which is therein referred to as the "second gas tax," is hereby designated the "constitutional gas tax." This levy of tax, revenues from which become state funds at the time of collection by the refiner, importer, or wholesaler, shall be collected and remitted paid upon the first sale or transfer of title, or use, within this state whether by a refiner, importer, or wholesaler, except as expressly provided in subsection (2), who shall act as agent for the state in the collection of such tax whether he is the ultimate seller or not.

(2)(4) Persons who hold a valid refiner, importer, or wholesaler license may purchase motor fuel from licensed refiners and importers without the tax imposed by this section being paid upon the first sale of title in this state as foreseen--for sale--in wholesale--quantities--to--dealers--in--the--state and be liable for and pay the tax on all motor fuel sold or used by him for sale or use on which the tax herein provided has not been paid so-purchased--and--sold, and they shall act as agents for the state in the collection and payment thereof. Provided, however, sales by a refiner to another refiner or sales by an importer or wholesaler to a refiner within the state shall not be considered as a first sale. Sales by a wholesaler or importer to another importer or another wholesaler are not exempt from the tax imposed by this part.

Section 39. Subsection (3) is added to section 206.59, Florida Statutes, to read:

206.59 Department to make rules; powers.--

(3) The department may investigate and audit inventories, receipts, and disposals of motor fuel to ascertain the validity of all taxes collected and remitted to the department. Any motor fuel which cannot be accounted for by a refiner, importer, or wholesaler is subject to all taxes levied under this part. Any person who collects on any one sale of motor fuel more tax than was paid when purchased by that person is liable for the difference in tax plus all applicable interest and penalties. If any person fails to properly remit this difference, the penalty shall be equal to 100 percent of the tax.

Section 40. Subsection (1) of section 206.60, Florida Statutes, is amended to read:

205.60 County tax on motor fuel.--

(1) Every refiner, importer, or wholesaler of motor fuel, in addition to all other taxes required by law, shall collect and remit pay an additional tax of 1 cent per gallon for every gallon of motor fuel sold or used by him which is hereby levied upon the first sale or transfer of title or use within this state pursuant to ss. 206.41 and 206.42 on which the tax herein provided has not been paid or the payment thereof has not been assumed by a person preceding him in the handling or sale of products. Delivery shall be deemed to be made at the point of destination. This additional--tax--of--1 cent-per-gallon-on-motor-fuel--shall--be-paid-to--the--department--monthly as--provided--in--s--206.43. However,--alcohol--blended--fuels--which

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Section 41. Subsection (1) of section 206.605, Florida Statutes, is amended to read:

206.605 Municipal tax on motor fuel.—

(1) Every refiner, importer, or wholesaler of motor fuel, in addition to all other taxes required by law, shall collect and remit an additional tax of 1 cent per gallon for every gallon of motor fuel sold or used by him which is hereby levied upon the first sale or transfer of title or use within this state pursuant to s. 206.41 and s. 206.43 or brought into this state by him for resale or use on which the tax herein provided has not been paid or the payment thereof has not been assumed by a person preceding him in the handling of said lot of products. Delivery shall be deemed to be made at the point of destination. The additional license tax of 1 cent per gallon on motor fuel shall be paid to the department monthly as provided in s. 206.43.

Section 42. Section 212.66, Florida Statutes, is amended to read:

212.66 Applicability of specified sections of chapter 206.—The provisions of ss. 206.026, 206.027, 206.028, 206.055, 206.06, 206.07, 206.075, 206.08, 206.09, 206.095, 206.10, 206.11, 206.12, 206.13, 206.14, 206.15, 206.16, 206.17, 206.175, 206.18, 206.19, 206.20, 206.204, 206.205, 206.21, 206.215, 206.22, 206.224, 206.27, 206.28, 206.41(2), 206.425, 206.426, 206.44, 206.445, 206.48, 206.49, 206.56, 206.59, 206.626, 206.872(a) and (3)(f), (g), 206.94, and 206.945 shall, as far as lawful or practicable, be applicable to the levy and collection of taxes imposed pursuant to this part as if fully set out in this part.

Section 43. Section 334.025, Florida Statutes, is amended to read:

334.025 County transportation system; levy of local option gas tax on motor fuel and special fuel.—

(1)(a) In addition to other taxes allowed by law, there may be imposed as provided in this section herein a 1-cent, 2-cent, 3-cent, 4-cent, 5-cent, or 6-cent local option gas tax upon every gallon of motor fuel and special fuel sold in a county and taxed under the provisions of chapter 206.

(b) The tax shall be imposed before July 1 to be effective September 1 of any year for a period not to exceed 30 years, and the applicable method of distribution shall be established pursuant to this section (3) or subsection (4). Upon expiration, the tax may be reimposed provided that a redetermination of the method of distribution is made as provided in this section herein.

(c) County and municipal governments shall utilize moneys received pursuant to this section only for transportation expenditures.

(d) Any county which has adopted as of June 1, 1985, a tax levied pursuant to this section for a period of less than 10 years or less than 10 years upon a majority vote of the governing body of the county, extend such tax to a period not to exceed 10 years. Any tax imposed pursuant to

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this section after June 18, 1985, may be extended from year to year on a majority vote of the governing body of the county. A redetermination of the method of distribution shall be established pursuant to subsection (3) or subsection (4). If, after the effective date of this act, the tax is extended or the tax rate changed, for the period of extension or for the additional tax.

(e) After June 18, 1985, local governments may pledge the revenues from only the third, fourth, fifth and six cents of local-option taxes issued pursuant to this section. Local governments may use the services of the Division of Bond Finance of the Department of General Services pursuant to the State Bond Act to issue any bonds through the provisions of this section. In no case may a jurisdiction issue bonds pursuant to this section more frequently than once per year. Counties and municipalities may join together for the issuance of bonds issued pursuant to this section.

(2)(a) The tax shall be collected and remitted by any person engaged in using or selling at retail motor fuel or using or selling at retail special fuel within a county in which the tax is authorized and shall be distributed monthly by the Department of Revenue to the county where collected. The tax remitted to collected—by the Department of Revenue pursuant to this section shall be transferred to the Local Option Gas Tax Trust Fund, which fund is created for distribution to the county and eligible municipal governments within the county in which the tax was collected and which fund is subject to the service charge imposed in chapter 215. The Department of Revenue has the authority to prescribe and publish all forms upon which reports shall be made to it and other forms and records deemed to be necessary for proper administration and collection of the tax and shall promulgate such rules as may be necessary for the enforcement of this section. The sections of chapter 206, including, but not limited to, those sections relating to timely filing of reports and tax collected, suits for collection of unpaid taxes, department warrants for collection of unpaid taxes, penalties, interest, retention of records, inspection of records, liens on property, foreclosure, and enforcement and collection also apply to the tax authorized in this section.

(b) The provisions for refund provided in ss. 206.625 and 206.64 are not applicable to such tax levied by any county. Any retail dealer licensed under s. 206.404 or jobber licensed under s. 206.021 shall deduct from the amount of tax shown by the report to be payable an amount equivalent to 3 percent of the tax on motor or special fuels imposed by this section, which deduction is hereby allowed on account of services and expenses in complying with the provisions of the law. If the amount of taxes due and remitted to the Department of Revenue for the reporting period exceeds $1,000, the 3 percent allowance shall be reduced to 1 percent for all amounts in excess of $1,000. However, this allowance shall not be deductible unless payment of the tax is made on or before the 20th day of the month as required. The United States post office date stamped on the envelope in which the report is submitted shall be considered the date the report is received by the Department of Revenue. The provisions for refund in s. 212.67(1)(a) and (e) apply to such tax, and the refund shall be administered in accordance with the provisions of s. 212.67. However, the amount refunded shall be deducted from moneys in the Local Option Gas Tax Trust Fund otherwise distributed to the county area in which the tax is levied.

(3) The tax shall be imposed using either of the following procedures:

(a) The tax first—2-cents shall be levied by an ordinance adopted by a majority vote of the governing body or by referendum. The--next

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4—cents—shall—be—levied—by—an—ordinance—adopted—by—a—majority—plus
one-vote-of-the-governing-body—or—subject-to—approval—by—referendum;
by—a—majority—vote-of-the-governing-body. Such ordinance shall be
adopted in accordance with the requirements imposed under one of the
following circumstances, whichever is applicable:

1. The county may, prior to June 1, 1985, establish by
interlocal agreement with one or more of the municipalities located
therein, representing a majority of the population of the
incorporated area within the county, a distribution formula for
dividing the entire proceeds of the local option gas tax among the
county government and all eligible municipalities within the county.
If no interlocal agreement exists, a new interlocal agreement may be
established prior to August 1, 1986, or June 1 of any year thereafter
pursuant to this subparagraph. However, any interlocal agreement
agreed to under this subparagraph after the initial imposition of the
tax, extension of the tax, or change in the tax rate authorized in
this section shall under no circumstances materially or adversely
affect the rights of holders of outstanding bonds which are backed by
taxes authorized by this section, and the amounts distributed to the
county government and each municipality shall not be reduced below
the amount necessary for the payment of principal and interest and
reserves for principal and interest as required under the covenants
of any bond resolution outstanding on the date of establishment of
the new interlocal agreement.

2. If an interlocal agreement has not been executed pursuant to
subparagraph 1., the county may, prior to June 10, 1985, adopt a
resolution of intent to levy the tax allowed in this section herein.

(b) If no interlocal agreement or resolution is adopted pursuant
to subparagraph (a) or subparagraph (a)2., municipalities
representing more than 50 percent of the county population may, prior
to June 20, 1986, adopt uniform resolutions approving the local
option tax, establishing the duration of the levy and the rate
authorized in paragraph (1)(a) and setting the date for a countywide
referendum on whether to impose the tax. A referendum shall be held
in accordance with the provisions of such resolution and applicable
state law, provided that the county shall bear the costs thereof.
The tax shall be imposed and collected countywide on September 1
following 30 days after voter approval.

4(a) If the tax is imposed under the circumstances of
subparagraph (3)(a)2. or paragraph (3)(b), the proceeds of the tax
shall be distributed among the county government and eligible
municipalities based on the transportation expenditures of each for
the immediately preceding 5 fiscal years preceding the year in which
the tax is authorized, as a proportion of the total of such
expenditures for the county and all municipalities within the county.
After the initial imposition of a tax being distributed pursuant to
the provisions of this paragraph, the proportions shall be
recalculated every 10 years based on the transportation expenditures
of the immediately preceding 5 years; however, such recalculation
shall under no circumstances materially or adversely affect the
rights of holders of bonds outstanding on the effective date of this
act which are backed by taxes authorized in this section, and the
amounts distributed to the county government and each municipality
shall not be reduced below the amount necessary for the payment of
principal and interest and reserves for principal and interest as
required under the covenants of any bond resolution outstanding on
the date of the recalculation.

(b) Any newly incorporated municipality which is eligible for
participation in the distribution of moneys under parts II and VI of
chapter 218 and which is located in a county levying the tax imposed
pursuant to this section is entitled to receive a share of the tax revenues. Such revenues to a newly incorporated municipality shall begin in the first full fiscal year following incorporation. The distribution to a newly incorporated municipality shall be:

1. Equal to the county's per lane mile expenditure in the previous year times the lane miles within the jurisdiction or responsibility of the municipality, in which case the county's share shall be reduced proportionately; or

2. Determined by the local act incorporating the municipality.

Such distribution shall under no circumstances materially or adversely affect the rights of holders of outstanding bonds which are backed by taxes authorized in this section, and the amounts distributed to the county government and each municipality shall not be reduced below the amount necessary for the payment of principal and interest as required under the covenants of any bond resolution outstanding on the date of the redistribution.

(5)(a) By July 1 August 35 of each year, the county shall notify the Department of Revenue of the rate of tax levied, of its decision to rescind the tax, if applicable, and provide the department of Revenue with a certified copy of the interlocal agreement established under subparagraph (3)(a), with distribution proportions established by such agreement or pursuant to subsection (4), if applicable.

(b) Any dispute as to the determination by the county of distribution proportions shall be resolved through an appeal to the Administration Commission in accordance with procedures developed by the commission. Pending final disposition of such proceeding, the tax shall be collected pursuant to this section, and such funds shall be held in escrow by the clerk of the circuit court of the county until final disposition.

(6) Only those municipalities and counties eligible for participation in the distribution of moneys under parts II and VI of chapter 218 are eligible to receive moneys under this section. Any funds otherwise undistributed because of ineligibility shall be distributed to eligible governments within the county in proportion to other moneys distributed pursuant to this section.

(7) For the purposes of this section, the term "transportation expenditures" means expenditures by the local government from local or state shared revenue sources, excluding expenditures of bond proceeds, for the following programs:

(a) Public transportation operations and maintenance.

(b) Roadway and right-of-way maintenance and equipment.

(c) Roadway and right-of-way drainage.

(d) Streetlighting.

(e) Traffic signs, traffic engineering, signalization, and pavement markings.

(f) Bridge maintenance and operation.

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(g) Debt service and current expenditures for transportation capital projects in the foregoing program areas, including construction or reconstruction of roads.

Section 44. For the year 1986 only, the tax levied under s. 336.025, Florida Statutes, shall be imposed before August 15 to be effective September 1, 1986, and by August 15 the county shall notify the Department of Revenue of the rate of tax levied, of its decision to rescind the tax, if applicable, and provide the department with a certified copy of the interlocal agreement established under s. 336.025(3)(a). Florida Statutes, or the distribution formula pursuant to s. 336.025(4), if applicable.

Section 45. Subsection (1) of section 165.071, Florida Statutes, is amended to read:

165.071 Financial allocations.--

(1) The law incorporating incorporation of a new municipality in previously unincorporated lands may provide a procedure for establishing the distributive share of local option gas tax moneys in counties where such tax is levied when appropriate under the provisions of s. 336.025(4)(b). The law shall also provide for assumption of the existing governmental indebtedness of property specially benefiting that area, if any, the fair value of such and the manner of transfer and financing.

Section 46. Subsection (5) of section 206.87, Florida Statutes, is amended to read:

206.87 Levy of tax.--

(5) The provisions set forth in s. 206.87-206.89 relating to refunds and refund procedures apply to purchases of 26-gallons-or-more of special fuel upon which the tax has been paid when such fuel is for nonhighway agricultural or marine purposes.

Section 47. Paragraphs (a) and (b) of subsection (1), paragraphs (a) and (d) of subsection (3), and paragraph (a) of subsection (4) of section 212.67, Florida Statutes, are amended to read:

212.67 Refunds.--

(1) The following refunds apply to the tax imposed by this part, to the extent provided in this section:

(a) Refunds on fuel used for local transit operations.--Any person who uses motor fuel or special fuel on which the taxes imposed by this part have been paid for any system of mass public transportation authorized to operate within any city, town, municipality, county, or transit authority region in this state, as distinguished from any over-the-road or charter system of public transportation, is entitled to a refund of such taxes. A public transportation system or transit system as defined above may operate outside its limits when such operation is found necessary to adequately and efficiently provide mass public transportation services for the city, town, or municipality involved. A transit system as defined above includes demand service that is an integral part of a city, town, municipality, county, or transit or transportation authority system but does not include independent taxicab or limousine operations. The terms "city," "county," and "authority" as used in this paragraph include any city, town, municipality, county, or transit or transportation authority organized in this state by virtue of any general or special law enacted by the Legislature. Notwithstanding the provisions of

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paragraphs 33(a) and 44(a) of the Mass. Public Transportation System—shall—be refunded the tax imposed by this part on motor fuel or special fuel purchased of less than 26 gallons:

(b) Refunds to retail dealers for shrinkage of motor fuel.—Every retail dealer licensed under s. 206.404 is entitled to a refund of 1.4 percent of the tax imposed by this part on motor fuel purchased by such retail dealer to cover losses due to evaporation and shrinkage of motor fuel.

(3)(a) When motor fuel or special fuel is sold to a person who claims to be entitled to a refund under this section and the amount sold is not less than 26 gallons, the seller of such motor fuel or special fuel shall make out a sales invoice, which shall contain the following information:

1. The name, post-office address, and residence address of the purchaser.
2. The number of gallons purchased.
3. The date on which the purchase was made.
4. The price paid for the motor fuel or special fuel.
5. The name and place of business of the seller of the motor fuel or special fuel.
6. The license number, or other identification number, of the motor vehicle or boat of the purchaser.

(d) Notwithstanding provisions of this subsection to the contrary, the department has authority to designate certain retail service stations as agents of refiners, importers, wholesalers, jobbers, or dealers when no refiners, importers, wholesalers, jobbers, or dealers are available to serve commercial fishermen.

(4)(a) No refund may be authorized unless a sworn application therefor containing such information as the department may determine is filed with the department not later than the last day of the month following the quarter for which the refund is claimed. However, when a justified excuse for late filing is presented to the department, and the last preceding claim was filed on time, the deadline for filing may be extended an additional month. No refund will be authorized for any purchase of less than 26 gallons at any one time and no refund will be authorized unless the amount due is for $5 or more for any refund period and unless application is made upon forms prescribed by the department.

section 48. Section 213.27, Florida Statutes, is amended to read:

213.27 Contracts with debt collection agencies.—

(1) The Department of Revenue may, for the purpose of collecting any delinquent taxes due from a taxpayer, contract with any debt collection agency or attorney doing business within or without this state for the collection of such delinquent taxes including penalties and interest thereon. Contracts will be made pursuant to chapter 287. The taxpayer must be notified by certified mail by the department, its employees, or its authorized representative 30 days prior to commencing any litigation to recover any delinquent taxes. The taxpayer must be notified by certified mail by the department 30 days prior to the department assigning the collection of any delinquent taxes to the debt collection agency.

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(2) Any contract may provide, in the discretion of the executive director of the Department of Revenue, the manner in which the compensation for such services will be paid. Under standards established by the department, such compensation shall be added to the amount of the tax and collected as a part thereof by the agency or deducted from the amount of tax, penalty, and interest actually collected.

(3) All funds collected under the terms of the contract, less the fees provided in the contract, shall be remitted to the Department of Revenue within 30 days from the date of collection from a taxpayer. Forms to be used for such purpose shall be prescribed by the department.

(4) The department shall require a bond from the debt collection agency not in excess of $100,000 guaranteeing compliance with the terms of the contract.

(5) The Department of Revenue may, for the purpose of ascertaining the amount of or collecting any delinquent taxes due from a person doing mail order business in this state, contract with any auditing agency doing business within or without this state for the purpose of conducting an audit of such mail order business; provided, that such audit agency may not conduct an audit on behalf of the department of any person domiciled in this state, person registered for sales and use tax purposes in this state, or corporation filing a Florida corporate tax return, if any such person or corporation objects to such audit in writing to the department and the auditing agency. The department shall notify the taxpayer by certified mail at least 30 days before the department assigns the collection of such delinquent taxes to the debt collection or auditing agency.

(6) Debt collection or auditing agencies shall be bound by the same requirements of confidentiality as the Department of Revenue. Breach of confidentiality is a misdemeanor of the first degree, punishable as provided by ss. 775.082 and 775.083.

Section 49. Section 206.9825, Florida Statutes, is amended to read:

206.9825 Aviation fuel tax.—An excise tax of 5.7 cents per gallon of aviation fuel is imposed upon every gallon of aviation fuel sold in this state, or brought into this state for use, upon which such tax has not been paid or the payment thereof has not been lawfully assumed by some person handling the same in this state. Fuel taxed pursuant to this part shall not be subject to the tax imposed by ss. 336.021, and 336.025, and 336.026.

Section 50. Subsection (1) of section 199.143, Florida Statutes, is amended, and subsection (3) is added to said section, to read:

199.143 Future advances.—

(1) Except as provided in subsection (3), if the mortgage, deed of trust, or other lien is recorded or executed after December 31, 1985 and secures a line of credit or otherwise secures future advances, as provided in s. 697.04, the nonrecurring tax shall initially be paid on the initial obligation secured, excluding future advances. Each time an additional amount is borrowed or a future advance is made, additional nonrecurring tax shall be paid on the amount of the advance. However, any increase in the amount of original indebtedness caused by interest accruing under an adjustable interest rate obligation having an initial interest rate adjustment interval of not less than 6 months shall be taxable as a future

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advance only to the extent such increase is a computable sum certain when the original indebtedness is incurred.

(3) If the property subject to the mortgage, deed of trust, or other lien which secures a line of credit is a residence of the borrower, then the nonrecurring tax shall be paid as provided in s. 199.245 on the maximum amount of the line of credit and no further nonrecurring tax shall be due on any borrowing under the line of credit.

Section 51. Notwithstanding any other law to the contrary, any transportation authority created by chapter 349, Florida Statutes, shall have all the powers conferred by part VI of chapter 163, Florida Statutes.

Section 52. Subsection (6) of section 215.44, Florida Statutes, is amended to read:

215.44 Board of Administration; powers and duties in relation to investment of trust funds.--

(6) The Auditor General shall audit annually the entire operation of the board. In addition to his regular financial and compliance audit, the Auditor General shall also perform or cause to be performed a performance audit of the management by the board of investments, including among other things his independent verification of the data included by the board in its reports to the Legislature required by subsection (5). The Auditor General may elect to contract with a private professional firm qualified in investment portfolio management to conduct the performance audit of investment management required by this subsection. In addition to the duties prescribed in this subsection, the Auditor General shall conduct performance postaudits of each investment under s. 215.47(6), which is not otherwise authorized under ss. 215.44-215.53. These reviews will be initiated within 60 days following the final approval of investments by the board. The Auditor General shall submit such audit report to the board, the President of the Senate, the Speaker of the House of Representatives, and their designees.

Section 53. Subsection (2) of section 215.444, Florida Statutes, is amended to read:

215.444 Investment Advisory Council.--

(2) The members of the council shall be appointed by the board and shall be subject to confirmation by the Senate. These individuals shall possess special knowledge, experience, and familiarity with financial investments and portfolio management. Initially, the board shall appoint two members for terms of 3 years each, two members for terms of 2 years each, and two members for terms of 1 year each. Thereafter, members shall be appointed for 3-year terms. A vacancy shall be filled for the remainder of the unexpired term. No member shall serve for more than one 3-year term.

Section 54. Paragraph (n) is added to subsection (1) of section 215.47, Florida Statutes, present subsections (5), (6), (7), and (8) are renumbered as subsections (7), (8), (9), and (10), respectively, and new subsections (5) and (6) are added to said section, to read:

215.47 Investments; authorized securities.--Subject to the limitations and conditions of the State Constitution or of the trust agreement relating to a trust fund, moneys available for investments under ss. 215.44-215.53 may be invested as follows:

(1) Without limitation in:

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(a) Short-term obligations not authorized elsewhere in this section to be purchased individually or in pooled accounts or other collective investment funds, for the purpose of providing liquidity to any fund or portfolio.

(b) With no more than 5 percent of any fund in corporate obligations and securities of any kind of a foreign corporation or a foreign commercial entity having its principal office located in any country other than the United States of America or its possessions or territories, not including U.S. dollar-denominated securities listed and traded on a United States exchange which are a part of the ordinary investment strategy of the board.

(c) With no more than 5 percent of any fund to be invested as deemed appropriate by the board, notwithstanding investment limitations otherwise expressed in this section, Prior to the board engaging in any investment activity not otherwise authorized under ss. 215.42-215.53, excluding investments in publicly traded securities, options, financial futures or similar instruments, the board shall present to the Investment Advisory Council a proposed plan for such investment. Said plan shall include, but not be limited to, the expected benefits and potential risks of such activity, methods for monitoring and measuring the performance of the investment, a complete description of the type, nature, extent and purpose of the investment, including, description of issuer, security in which investment is proposed to be made, voting rights, or lack thereof, and control to be acquired, restrictions upon voting, transfer, and other material rights of ownership, and the existence of any contracts, arrangements, understandings or relationships with any person or entity (having the same) with respect to the proposed investment, and assurances that sufficient investment expertise is available to the board to properly evaluate and manage such activity. The Investment Advisory Council may obtain independent investment counsel to provide expert advice with regard to such proposed investment activity by the board and the board shall defray such costs.

Section 55. Subsection (2) of section 280.03, Florida Statutes, is amended to read:

280.03 Public deposits to be secured; exceptions.--

(2) Every public deposit held in trust or in escrow pursuant to the provisions of any trust indenture or escrow agreement authorized by law as, unless provided otherwise in the documents or proceedings authorizing the terms of and the execution of the trust indenture or escrow agreement, and moneys of the System Trust Fund, as defined in s. 121.021(36), and securities acquired with such moneys pursuant to s. 215.47, are exempt from the requirements of this chapter.

Section 56. Subsection (10) of section 220.161, Florida Statutes, is renumbered as subsection (11), and a new subsection (10) is added to said section to read:

220.161 Enterprise zone jobs credit.--

(10) Any new employee or replacement new employee otherwise qualified and eligible for the credit authorized in this section designated pursuant to s. 290.006 and approved by the secretary pursuant to s. 290.006 and who is not a resident of an enterprise zone approved under s. 290.006 shall continue to be eligible for the credit authorized in this section for the full time periods prescribed in paragraphs (1)(a) and (b), notwithstanding the
expiration date contained in s. 290.006(5). The provisions of paragraph (1)(c) shall not be applicable to such employees.

Section 57. Subsections (4) and (5) of section 290.0055, Florida Statutes, are amended to read:

290.0055 Local authorization of enterprise zones after January 1, 1986; requirements; application for state approval.—

(4) Each area authorized to be an enterprise zone must have:

(a) A continuous boundary;

(b) A population that does not exceed the greater of 2,500 persons, or 10 percent of the population of the county or municipality, or both, which authorized the creation of the enterprise zone, or the percentage of the population of such county or municipality, or both, which is equal to the percentage of families with incomes below the poverty level in the county in which the enterprise zone is to be located; and

(c) Not less than 40 percent of the land area available for commercial or industrial uses and not less than 40 percent of the land area available for residential uses, as determined by the zoning of the area, excluding the land area used for public facilities, prior to the passage of the resolution authorizing the creation of the enterprise zone. The provisions of this paragraph shall not apply when the population of the jurisdiction that authorized the creation of the enterprise zone is less than 2,500.

(5) The total population of all areas authorized to be enterprise zones in a county defined in s. 125.011(1) may not exceed the greater of 10 percent of the total population of such county or the percentage of the total population of such county which is equal to the percentage of families with incomes below the poverty level in such county. The population of a county, other than a county defined in s. 125.011(1), shall be the unincorporated area population of such county.

Section 58. Subsection (1) and paragraph (a) of subsection (3) of section 290.0065, Florida Statutes, are amended to read:

290.0065 State approval of areas authorized to be enterprise zones.—

(1) Upon application of the governing body of a county or municipality, or of a county and municipality jointly, pursuant to s. 290.0055, the department shall determine which areas authorized by such governing bodies are the most appropriate for the purposes of the incentives enumerated in s. 290.007. The department is authorized to approve up to six five areas within each of the categories established in subsection (3)(a); however, such approval shall not be effective prior to January 1, 1987.

(3)(a) Each area authorized to be an enterprise zone pursuant to s. 290.0055 shall be placed in one of the following five four categories:

1. Communities consisting of census tracts in urbanized areas having a total population of 125,000 50,000 persons or more.

2. Communities consisting of census tracts in urbanized areas having a total population of 50,000 persons or more but less than 125,000 50,000 persons.

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3. Communities having a population of 20,000 persons or more but less than 50,000 persons.

4. Communities consisting of cities having a population of 7,500 persons or more but less than 20,000 persons and unincorporated census-places.

5. Communities consisting of cities having a population of less than 7,500 persons.

Section 59. Subsection (3) of section 290.015, Florida Statutes, is amended to read:

290.015 Evaluation and review.--

(3) Prior to the 1990 Regular Session of the Legislature, the Auditor General shall perform a review and evaluation of ss. 290.001-290.015, together with the incentives and programs listed in s. 290.007, using the research design promulgated pursuant to subsection (1). The report shall critique the enterprise zone program and shall include an analysis of the impact of limiting the application of the jobs credits in ss. 220.18 and 212.096 only to businesses located in an enterprise zone and an analysis of the impact of the program on small business. A report of the findings and recommendations of the Auditor General shall be submitted to the President of the Senate and the Speaker of the House of Representatives prior to the 1990 Regular Session. The appropriate committees of the Senate and House of Representatives shall consider legislation to implement the recommendations of the Auditor General.

Section 60. There is created an advisory council in each county which has implemented the provisions of chapter 83-220, Laws of Florida, as amended. The council shall advise the county on all documentary surtax issues, including the administration of all home ownership and housing rehabilitation programs funded through the documentary surtax.

(1) The advisory council shall have nine members including:

(a) One person actively engaged in the residential home building industry;

(b) One person actively engaged in the real estate industry;

(c) One person actively engaged in the banking or mortgage banking industry;

(d) One person actively engaged in the savings and loan industry;

(e) One person from the local nonprofit community development corporation; and

(f) Four other persons, one of whom is principally employed by or represents any of the groups specified in paragraphs (a)–(d).

(2) The members of the advisory council shall be appointed by the board of county commissioners. Initially, the board of county commissioners shall appoint three members for terms of 2 years, and three members for terms of 1 year. Thereafter, members shall be appointed for 3-year terms. A vacancy shall be filled for the remainder of the unexpired term.

(3) Any member may be removed from the advisory council for cause by a majority vote of the board of county commissioners.

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The advisory council shall elect a chairman and vice chairman from among its members. The board of county commissioners shall provide staff assistance to the advisory council.

The advisory council shall meet regularly at the call of the chairman, but not less frequently than monthly.

This section shall take effect October 1, 1986, and shall expire October 1, 1993.

Section 61. Subsection (9) is added to section 196.199, Florida Statutes, to read:

196.199 Exemptions for property owned by governmental units.--

(9) Improvements to real property which are located on state owned land and which are leased to a public educational institution shall be deemed owned by the public educational institution for purposes of this section where, by the terms of the lease, the improvement will become the property of the public educational institution or the State of Florida at the expiration of the lease.

Section 62. Paragraph (c) of subsection (2) of section 145.10, Florida Statutes, is amended to read:

145.10 Property appraiser.--

(2)(a) There shall be an additional $2,000 per year special qualification salary for each property appraiser who has met the requirements of the Department of Revenue and has been designated a certified Florida property appraiser. Any property appraiser who is certified during a calendar year shall receive in that year a pro rata share of the special qualification salary based on the remaining period of the year. The department shall establish and maintain a certified Florida property appraiser program.

(b) In order to qualify for the special qualification salary described in paragraph (a), the property appraiser must complete the requirements established by the Department of Revenue within 6 years after first taking office, except that those property appraisers holding office on July 1, 1980, shall have until July 1, 1986, to complete such requirements.

(c) After a property appraiser meets the requirements of paragraph (a), in order to remain certified the property appraiser shall thereafter be required to complete each year a course of continuing education as prescribed by the department. The Executive Director of the Department of Revenue may, at his discretion, waive the requirements of this paragraph for any property appraiser who has reached 60 years of age and who has been a property appraiser for 20 years.

Section 63. Except as otherwise provided herein, this act shall take effect upon becoming a law.

Section 64. Paragraph (a) of subsection (2), paragraphs (a) and (c) of subsection (3), paragraph (h) of subsection (6), subsection (9), and subsection (12) of section 212.02, Florida Statutes, as amended by section 1 of chapter 85-310, Laws of Florida, are amended, and paragraph (i) is added to subsection (6) of said section to read:

212.02 Definitions.--The following terms and phrases when used in this chapter have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

CODING: Words struck out are deletions; words underlined are additions.
(2) "Sale" means and includes:

(a) Any transfer of title or possession, or both, exchange, barter, license, lease, or rental, conditional or otherwise, in any manner or by any means whatsoever, of tangible personal property for a consideration.

(3)(a) "Retail sale" or a "sale at retail" means a sale to a consumer or to any person for any purpose other than for resale in the form of tangible personal property and includes all such transactions that may be made in lieu of retail sales or sales at retail. A--sale--must--be--in--strict--compliance--with--the--rules--and regulations--and--any--dealer--making--a--sale--for--resale--which--is--not--in--strict--compliance--with--the--rules--and--regulations--shall--himself--be liable--for--and--pay--the--tax. A--dealer--may--through--the--informal protest--provided--for--in--S. 213:21 and the rules of the Department of Revenue--provide--the--department--with--evidence--of--the--exempt--status--of a--sale. The--department--shall--adopt--rules--to--implement--this--act--which shall--provide--that--valid--sale--certificates--and--consumer certificates--of--exemption--executed--by--those--dealers--on--exempt entities--which--were--registered--with--the--department--at--the--time--of sales--shall--be--accepted--by--the--department--when--submitted--during--the protest--period--but--shall--not--be--accepted--in--any--proceeding--under chapter--128--or--any--court--action--instituted--under--chapter--128.

(c) The terms "Retail sales," "sale at retail," "use," "storage," and "consumption" do not include materials, containers, labels, packs, or bags intended to be used one time only for packaging tangible personal property for sale and do not include the sale, use, storage, or consumption of industrial materials, including chemicals and fuels except as provided herein, for future processing, manufacture, or conversion into articles of tangible personal property for resale when such industrial materials, including chemicals and fuels except as provided herein, become a component of or ingredient of the finished product. However, said terms include the sale, use, storage, or consumption of tangible personal property, including machinery and equipment or parts thereof, purchased electricity, and fuels used to power machinery, when said items are fuels used and dissipated in fabricating, converting, or processing tangible personal property for sale, even though they may become ingredients or components of the tangible personal property for sale through accident, wear, tear, erosion, corrosion or similar means.

(b) "Lease," "let," or "rental" means leasing or renting of living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps and real property, the same being defined as follows:

(b) "Real property" means any interest in the surface of real property unless the property is:

1. Assessed as agricultural property under s. 193.461.

2. Used exclusively as dwelling units.

3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owners of individual condominium units or the owners of individual condominium units to the extent provided in s. 718.314(1). However, only the lease payments on such property shall be exempt from the tax.
imposed by this chapter, and any other use made by the owner or the
condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by
a utility for utility purposes.

6. A public street or road which is used for transportation
purposes.

7. Property used at an airport exclusively for the purpose of
aircraft landing or aircraft taxiing or property used by an airline
for the purpose of loading or unloading passengers or property onto
or from aircraft or for fueling aircraft.

8. Property used at a port authority as defined in s. 315.02(2)
exclusively for the purpose of ocean going vessels or tugs docking,
or such vessels mooring on property used by a port authority for the
purpose of loading or unloading passengers or cargo onto or from such
a vessel, or property used at a port authority for fueling such
vessels.

(i) "License," as used in this chapter with reference to the use
of real property, means the granting of a privilege to use or occupy
a building or a parcel of real property for any purpose.

(9) "Business" means any activity engaged in by any person, or
caused to be engaged in by him, with the object of private or public
gain, benefit, or advantage, either direct or indirect. Except for
the sales of any aircraft, boat, mobile home, or motor vehicle, the
term "business" shall not be construed in this chapter to include
occasional or isolated sales or transactions involving tangible
personal property by a person who does not hold himself out as
engaged in business, but includes other charges for the sale or
rental of tangible personal property, sales of or charges of
admission, communication services, all rentals and leases of living
quarters, other than low-rent housing operated under chapter 421,
sleeping or housekeeping accommodations in hotels, apartment houses,
rooming houses, tourist or trailer camps, and all rentals or
licenses in real property, other than low-rent housing operated under
chapter 421, all leases or rentals of or licenses in parking lots or
garages for motor vehicles, docking or storage spaces for boats in
boat docks or marinas as defined in this chapter and made subject to
a tax imposed by this chapter. Any tax on such sales, charges,
rentals, admissions, or other transactions made subject to the tax
imposed by this chapter shall be collected by the state, county,
municipality, any political subdivision, agency, bureau, or
department, or other state or local governmental instrumentality in
the same manner as other dealers, unless specifically exempted by
this chapter.

(12) "Tangible personal property" means and includes personal
property which may be seen, weighed, measured, or touched or is in
any manner perceptible to the senses, including electric power or
energy, boats, motor vehicles and mobile homes as defined in s.
320.01(1) and (2), aircraft as defined in s. 330.27, and
all other types of vehicles. The term "tangible personal property"
does not include stocks, bonds, notes, insurance, or other
obligations or securities; intangibles as defined by the intangible
tax law of the state; or pari-mutuel tickets sold or issued under the
racing laws of the state.

Section 65. Subsections (1), (2), and (9) of section 212.07,
Florida Statutes, are amended to read:

CODING: Words stricken are deletions; words underlined are additions.
212.07 Sales, storage, use tax; tax added to purchase price; dealer not to absorb; liability of purchasers who cannot prove payment of the tax; penalties; general exemptions.--

(1)(a) The privilege tax herein levied measured by retail sales shall be collected by the dealers from the purchaser or consumer.

(b) A resale must be in strict compliance with the rules and regulations, and any dealer who makes a sale for resale which is not in strict compliance with the rules and regulations shall himself be liable for and pay the tax. A dealer may, through the informal protest provided for in s. 213.21 and the rules of the Department of Revenue, provide the department with evidence of the exempt status of a sale. The Department of Revenue shall adopt rules which shall provide that valid resale certificates and consumer certificates of exemption executed by those dealers or exempt entities which were registered with the department at the time of sale shall be accepted by the department when submitted during the protest period but may not be accepted in any proceeding under chapter 120 or any circuit court action instituted under chapter 72.

(2) A dealer shall, as far as practicable, add the amount of the tax imposed under this chapter to the sale price, and the amount of the tax shall be separately stated as Florida tax on any charge ticket, sales slip, invoice, or other tangible evidence of sale; and such tax shall constitute a part of such price, charge, or proof of sale which shall be a debt from the purchaser or consumer to the dealer, until paid, and shall be recoverable at law in the same manner as other debts. Where it is impracticable, due to the nature of the business practices within an industry, to separately state Florida tax or any charge ticket, sales slip, invoice, or other tangible evidence of sale, the department may establish an effective tax rate for such industry. The department may also amend this effective tax rate as the industry's pricing or practices change. Any dealer who neglects, fails, or refuses to collect the tax herein provided upon any, any way, and all retail sales made by him or his agents or employees of tangible personal property which is subject to the tax imposed by this chapter shall be liable for and pay the tax himself.

(9) Any person who has purchased at retail, used, consumed, distributed, or stored for use or consumption in this state tangible personal property, admissions, communication services, or leased tangible personal property, or who has leased, occupied, or used or was entitled to use any commercial--offices--or--buildings, real property, space or spaces in parking lots or garages for motor vehicles or docking or storage space, or spaces for boats in boat docks or marinas and cannot prove that the tax levied by this chapter has been paid to his vendor, or lessor, or other person is directly liable to the state for any tax, interest, or penalty due on any such taxable transactions.

Section 66. Section 212.031, Florida Statutes, as amended by section 2 of chapter 85-310, Laws of Florida, is amended to read:

212.031 Lease or rental of or license in real property.--

(1)(a) It is declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of renting, leasing, or letting, or granting a license for the use of any real property unless such property is:

1. Assessed as agricultural property under s. 193.461.
2. Used exclusively as dwelling units.

CODING: Words struck out are deletions; words underlined are additions.
3. Property subject to tax on parking, docking, or storage spaces under s. 212.03(6).

4. Recreational property or the common elements of a condominium when subject to a lease between the developer or owner thereof and the condominium association in its own right or as agent for the owner of individual condominium units or the owners of individual condominium units. However, only the lease payments on such property shall be exempt from the tax imposed by this chapter, and any other use made by the owner or the condominium association shall be fully taxable under this chapter.

5. A public or private street or right-of-way occupied or used by a utility for utility purposes.

6. A public street or road which is used for transportation purposes.

7. Property used at an airport exclusively for the purpose of aircraft landing or aircraft taxing or property used by an airline for the purpose of loading or unloading passengers or property onto or from aircraft or for fueling aircraft.

8. Property used at a port authority as defined in s. 315.02(2) exclusively for the purpose of ocean going vessels or tugs docking, or such vessels mooring on property used by a port authority for the purpose of loading or unloading passengers or cargo onto or from such a vessel, or property used at a port authority for fueling such vessels.

(b) When a lease involves multiple use of real property wherein a part of the real property is subject to the commercial-rental tax herein, and a part of the property would be excluded from the tax under subparagraphs 1., 2., or 3. of paragraph (a), the department shall determine, from the lease or license and such other information as may be available, that portion of the total rental charge which is exempt from the tax imposed by this section.

(c) For the exercise of such privilege, a tax is levied in an amount equal to 5 percent of and on the total rent or license fee charged for such real property by the person charging or collecting the rental or license fee.

(d) When the rental or license fee of any such real property is paid by way of property, goods, wares, merchandise, services, or other thing of value, the tax shall be at the rate of 5 percent of the value of the property, goods, wares, merchandise, services, or other thing of value.

(2)(a) The tenant or person actually occupying, using, or entitled to the use of any property the rental or license fee from which is subject to taxation under this section shall pay the tax to his immediate landlord or other person granting the right to such tenant or person to occupy or use such real property.

(b) It is the further intent of this Legislature that only one tax be collected on the rental or license fee payable for the occupancy or use of any such property and that the tax so collected shall not be pyramided by a progression of transactions and further that the amount of the tax due the state shall not be decreased by any such progression of transactions.

(3) The tax imposed by this section shall be in addition to the total amount of the rental or license fee and shall be charged by the lessor or person receiving the rent or payment in and by a rental or...
license fee arrangement with the lessee or person paying the rental or license fee and shall be due and payable at the time of the receipt of such rental or license fee payment by the lessor or other person who receives the rental or payment. The owner, lessor, or person receiving the rent or license fee shall remit the tax to the department at the times and in the manner hereinafter provided for dealers to remit taxes under this chapter. The same duties imposed by this chapter upon dealers in tangible personal property respecting the collection and remission of the tax; the making of returns; the keeping of books, records, and accounts; and the compliance with the rules and regulations of the department in the administration of this chapter shall apply to and be binding upon all persons who manage any leases or operate real property, hotels, apartment houses, roominghouses, or tourist and trailer camps and all persons who collect or receive rents or license fees taxable under this chapter on behalf of owners or lessors.

(4) The tax imposed by this section shall constitute a lien on the property of the lessee or licensee of any real estate in the same manner as, and shall be collectible as are, liens authorized and imposed by ss. 713.68 and 713.69.

(5) No money paid to a merchants' association by a lessee or licensee shall be considered rent for the purposes of this section, whether or not the payment of the money to the association is a condition of the lease or license. As used in this subsection, "merchants' association" means a corporation not for profit organized and existing for the sole and exclusive purpose of promoting the businesses of a group of merchants.

(6) When space is subleased to a convention or industry trade show in a convention hall, exhibition hall, or auditorium, whether publicly or privately owned, the sponsor who holds the prime lease is subject to tax on the prime lease and the sublease is exempt.

(7) The lease or rental of land or a hall or other facilities by a fair association subject to the provisions of chapter 616 to a show promoter or prime operator of a carnival or midway attraction is exempt from the tax imposed by this section; however, the sublease of land or a hall or other facilities by the show promoter or prime operator is not exempt from the provisions of this section.

(8) The lease, sublease, or rental of space by a movie theater owner or operator to a person providing food and drink concessionaire services within the premises of such theater is exempt from the tax imposed by this section.

Section 67. Section 212.0505, Florida Statutes, is created to read:

212.0505 Taxation of unlawful sales, use, and other transactions involving medicinal drugs, cannabis, or controlled substances.--

(1) Every person is exercising a taxable privilege who engages in this state in the unlawful sale, use, consumption, distribution, manufacture, derivation, production, transportation, or storage of any medicinal drug, as defined in chapter 465, cannabis, as defined in s. 893.02, or controlled substance enumerated in s. 893.03. For the exercise of such privilege, a tax is levied on each taxable transaction or incident, including each occasional or isolated unlawful sale, use, consumption, distribution, manufacture, derivation, production, transportation, or storage, at the rate of 20 percent of the estimated retail price of the medicinal drug, cannabis, or controlled substance involved in the transaction or incident.

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(2) The sale, use, consumption, distribution, manufacture, designation, possession, transportation, or storage of any medicinal drug, as defined in chapter 465, cannabis, as defined in s. 893.02, or controlled substance enumerated in s. 893.03 by a federal, state, or local government officer or employee, or his agent, acting in his official capacity is exempt from the tax imposed by this section.

(3) The taxes imposed under this section are subject to the same interest and penalties and the same procedures for collection and enforcement as other taxes imposed under this part, except that a dealer's credit under s. 212.12(1) is not allowed. The department may adopt rules for administering the taxes imposed by this section.

(4) Neither this section nor the assessment or collection of taxes under this section shall be construed as making lawful the transaction or incident which is the subject of the tax.

(5) Any assessment made pursuant to this section shall be deemed prima facie correct in any judicial or administrative proceeding in this state. The suppression of evidence on any ground by a court in a criminal case involving a transaction or incident taxable under this section or the dismissal of criminal charges in such a case shall not affect any assessment made under this section.

(6) The department shall notify the state attorney of the appropriate circuit of an assessment made under this section. The department or executive director may settle or compromise any tax, penalty, or interest imposed under this section only when requested by the state attorney, in writing, to do so and only when the department or executive director finds that it is in the best interest of the state to do so. A request by the state attorney under this subsection shall specify the reasons for the request. The request and all information and documents furnished by the state attorney in support of such request are confidential and exempt from the provisions of chapter 119 and are subject to the provisions of s. 213.053.

Section 68. Subsections (3) and (4) of section 212.054, Florida Statutes, are amended to read:

212.054 Discretionary sales surtax; limitations, administration, and collection.--

(3) For the purpose of this section, a transaction shall be deemed to have occurred in a county imposing the surtax when:

(a) The dealer is located in the county and the sale includes tangible personal property, except as provided in paragraph (c);

(b) The event for which an admission is charged is located in the county;

(c) The consumer of utility or wired television services is located in the county, or the telecommunication services are provided to a location within the county;

(d) The user of any aircraft, boat, motor vehicle, or mobile home of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government imported into the county for use, consumption, distribution, or storage to be used or consumed in the county is located in the county; however, it shall be presumed that such items used outside the county for 6 months or longer before being imported into the county were not purchased for use in the county. The provisions of this paragraph shall not apply to the use or

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consumption of such items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county;

(e) The real property which is leased or rented is located in the county;

(f) The transient rental transaction occurs in the county;

(g) The delivery of any aircraft, boat, motor vehicle, or mobile home of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government is to a location in the county; however, the provisions of this paragraph shall not apply to the use or consumption of such items upon which a like tax of equal or greater amount has been lawfully imposed and paid outside the county or

(h) The dealer owes a use tax on purchases or leases is located in the county.

(4) The department shall administer, collect, and enforce the tax authorized under s. 212.055 pursuant to the same procedures used in the administration, collection, and enforcement of the general state sales tax imposed under the provisions of this chapter, except as provided in this section. The provisions of this chapter regarding interest and penalties on delinquent taxes shall apply to the surtax. Discretionary sales surtaxes shall not be included in the computation of estimated taxes pursuant to s. 212.11(1)(a) and the provisions of s. 212.055 shall not apply. Notwithstanding any other provision of law, a dealer need not separately state the amount of the surtax on the charge ticket, sales slip, invoice, or other tangible evidence of sale. For the purposes of this section and s. 212.055, the “proceeds” of any surtax shall be construed to mean all funds collected and received by the department pursuant to a specific authorization and levy under s. 212.055, including any interest and penalties on delinquent surtaxes. Notwithstanding the provisions of s. 212.20, the proceeds of each discretionary sales surtax imposed by each county, less the cost of administration, shall be transferred to a discretionary sales surtax trust fund. A separate trust fund shall be established in the State Treasury for each county imposing a discretionary surtax. The amount deducted for the costs of administration shall not exceed 3 percent of the total revenue generated for all counties levying a surtax authorized in s. 212.055. The amount deducted for the costs of administration shall be used only for those costs which are solely and directly attributable to the surtax. The total cost of administration shall be prorated among those counties levying the surtax on the basis of the amount collected for a particular county to the total amount collected for all counties. No later than March 1 of each year, the department shall submit a written report which details the expenses and amounts deducted for the costs of administration to the President of the Senate, the Speaker of the House of Representatives, and the governing authority of each county levying a surtax. Proceeds shall be distributed monthly to the appropriate counties, unless otherwise provided in s. 212.055.

Section 69. Notwithstanding any other provision of law, any transportation authority created by chapter 349, Florida Statutes, shall have all the powers conferred by part VI of chapter 163, Florida Statutes, and s. 212.055(1). The revenues provided by this section shall be used to pay principal and interest on bonds for which tolls have been pledged, the powers provided by this section shall expire when all such bonds in existence on the effective date of this act have been retired.
Section 70. Effective January 1, 1987, section 212.0305, Florida Statutes, is amended to read:

(Substantial rewording of section. See s. 212.0305, F.S., for present text.)

212.0305 Convention development taxes; intent; administration; authorization; use of proceeds.—

(1) TITLE.—This section may be cited as the "Convention Development Tax Act."

(2) LEGISLATIVE INTENT.—No convention development tax on transient rentals shall be imposed by the governing body of any county unless specifically authorized herein. Any tax authorized pursuant to this section shall be administered and collected exclusively as provided herein and may consist of one or more component levies as enumerated in subsection (4). It is the legislative intent that any authorization for imposition of a convention development tax shall be published in the Florida Statutes as a paragraph of subsection (4), irrespective of the duration of the levy. Each enactment shall specify the types of local governments authorized to levy; the rate or rates which may be imposed; the maximum length of time the tax may be imposed, if any; the procedure which must be followed to secure voter approval, if required; the purpose for which the proceeds may be expended; and such other requirements as the Legislature may provide.

(3) APPLICATION; ADMINISTRATION; PENALTIES.—

(a) The convention development tax on transient rentals imposed by the governing body of any county authorized to so levy shall apply to the amount of any payment made by any person to rent, lease, or use for a period of 6 months or less any living quarters or accommodations in a hotel, motel, or a hotel, motel, or a motel or resort motel, apartment, apartment motel, or a motel or roominghouse, tourist or trailer camp, mobile home park, recreational vehicle park or condominium. When receipt of consideration is by way of property other than money, the tax shall be levied and imposed on the fair market value of such nonmonetary consideration. Any payment made by a person to rent, lease, or use any living quarters or accommodations which are exempt from the tax imposed under s. 212.03 shall likewise be exempt from any tax imposed under this section.

(b) The tax shall be charged by the person receiving the consideration for the lease or rental, and the tax shall be collected from the lessee, tenant, or customer at the time of payment of the consideration for such lease or rental.

(c) The person receiving the consideration for such rental or lease shall receive, account for, and remit the tax to the department at the time and in the manner provided for persons who collect and remit taxes under s. 212.03. The same duties and privileges imposed by this part upon dealers in tangible property respecting the collection and remission of tax; the making of returns; the keeping of books, records, and accounts; and compliance with the rules of the department in the administration of this part apply to and are binding upon all persons who are subject to the provisions of this section. However, the department may authorize a quarterly return and payment when the tax remitted by the dealer for the preceding quarter did not exceed $25.

(d) The department shall keep records showing the amount of taxes collected, which records shall disclose the taxes collected from each county in which a local government resort tax is levied. These
records shall be open for inspection during the regular office hours of the department, subject to the provisions of s. 213.053.

(e) The collections received by the department from the tax, less costs of administration, shall be paid and returned monthly to the county which imposed the tax, for use by the county as provided in this section. Such receipts shall be placed in a specific trust fund or funds created by the county.

(f) The department shall promulgate such rules and shall prescribe and publish such forms as may be necessary to effectuate the purposes of this section. The department is authorized to establish audit procedures and to assess for delinquent taxes.

(g) The department, under applicable rules of the Career Service Commission, is authorized to employ persons and incur other expenses for which funds are appropriated by the Legislature.

(h) The estimated tax provisions contained in s. 212.11(1) do not apply to the administration of any tax levied under this section.

(i) Any person taxable under this section who, either by himself or through his agents or employees, fails or refuses to charge and collect the taxes herein provided from the person paying any rental or lease is, in addition to being personally liable for the payment of the tax, guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(j) No person shall advertise or hold out to the public in any manner, directly or indirectly, that he will absorb all or any part of the tax; that he will relieve the person paying the rental of the payment of all or any part of the tax; or that the tax will not be added to the rental or lease consideration or, if added, that the tax or any part thereof will be refunded or refused, either directly or indirectly, by any method whatsoever. Any person who willfully violates any provision of this paragraph is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

(k) The tax shall constitute a lien on the property of the lessee, customer, or tenant in the same manner as, and shall be collectible as are, liens authorized and imposed by ss. 713.67, 713.68, and 713.69.

(l) Any tax levied pursuant to this section shall be in addition to any other tax imposed pursuant to this part and in addition to all other taxes and fees and the consideration for the rental or lease.

(m) The Department shall administer the taxes levied herein as increases in the rate of the tax authorized in s. 125.0104. The Department shall collect and enforce the provisions of this section and s. 125.0104 in conjunction with each other in those counties authorized to levy the taxes authorized herein. The Department shall distribute the proceeds received from the taxes levied pursuant to this section and s. 125.0104 in proportion to the rates of the taxes authorized to the appropriate trust funds as provided by law. In the event of underpayment of the total amount due by a taxpayer pursuant to this section and s. 125.0104, the department shall distribute the amount received in proportion to the rates of the taxes authorized to the appropriate trust funds as provided by law and the penalties and interest due on both of said taxes shall be applicable.

(4) Authorization to levy; use of proceeds; other requirements.

(a) Consolidated government levy for convention development.--
1. Each county which operates under a government consolidated with that of one or more municipalities in the county may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 2 percent of each dollar and major fraction of each dollar of the total consideration charged therefor. The proceeds of this levy shall be known as the consolidated county convention development tax.

2. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month which is at least 60 days after enactment of the ordinance.

3. All consolidated county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. To extend, enlarge, and improve existing publicly owned convention centers in the county;

b. To construct a multipurpose convention/coliseum/exhibition center or the maximum components thereof as funds permit in the county; and

c. To acquire, construct, extend, enlarge, remodel, repair, improve, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums.

4. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

a. As collateral, pledged or hypothecated, for projects authorized by this paragraph, including bonds issued in connection therewith; or

b. As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between the county and one or more business entities for projects authorized by this paragraph.

5.a. The county may designate or appoint an authority to administer and disburse such proceeds and any other related source of revenue. However, the annual budget of such authority shall be subject to approval of the governing body of the county.

b. Except as otherwise provided by law, one-half of the proceeds of the tax which is collected within a municipality the government of which is not consolidated with that of the county shall, at the request of the governing body of the municipality be remitted to the municipality. The revenue remitted to a municipality pursuant to this sub-subparagraph may be used by the municipality only for the purposes and in the manner authorized in this paragraph, but the municipality may enter into an interlocal agreement with the county or any other municipality in the county to use such revenue to jointly finance any project authorized by this paragraph. The provisions of this sub-subparagraph do not apply to the distribution to the county of any convention development tax revenues necessary to repay the principal of or the interest on any bonds issued pursuant to sub-subparagraph 4.a. before May 29, 1984.

6. The consolidated county convention development tax shall be in addition to any other levy imposed pursuant to this section.

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7. Revenues collected and returned to the county shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

(b) Charter county levy for convention development.--

1. Each county, as defined in s. 125.011(1), may impose, pursuant to an ordinance enacted by the governing body of the county, a levy on the exercise within its boundaries of the taxable privilege of leasing or letting transient rental accommodations described in subsection (3) at the rate of 3 percent of the total consideration charged therefor. The proceeds of this levy shall be known as the charter county convention development tax.

2. All charter county convention development moneys, including any interest accrued thereon, received by a county imposing the levy shall be used as follows:

a. Two-thirds of the proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county.

b. One-third of the proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center or the maximum components thereof as funds permit in the most populous municipality in the county.

c. After the completion of any project under sub-subparagraph a. or sub-subparagraph b., the tax revenues and interest accrued may be used to acquire, construct, extend, enlarge, remodel, repair, improve, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums.

d. For the purposes of completion of any project pursuant to this paragraph, tax revenues and interest accrued may be used:

(I) As collateral, pledged, or hypothecated, for projects authorized by this paragraph, including bonds issued in connection therewith; or

(II) As a pledge or capital contribution in conjunction with a partnership, joint venture, or other business arrangement between a municipality and one or more business entities for projects authorized by this paragraph.

3. The governing body of each municipality in which a municipal tourist tax is levied may adopt a resolution prohibiting imposition of the charter county convention development levy within such municipality. If the governing body adopts such a resolution, the convention development levy shall be imposed by the county in all other areas of the county except such municipality. No funds collected pursuant to this paragraph may be expended in a municipality which has adopted such a resolution.

4. Before the county enacts an ordinance imposing the levy, the county shall notify the governing body of each municipality in which projects are to be developed pursuant to sub-subparagraph 2.a. or sub-subparagraph 2.b. The governing bodies of such municipalities shall designate or appoint an authority that shall have the sole power to approve the concept, location, program, and design of the facilities or improvements to be built in accordance with this paragraph and to administer and disburse such proceeds and any other related source of revenue. The members of each such authority shall be selected from the tourism and hospitality industry that does
business within such municipality and shall serve at the pleasure of the governing body of such municipality. The annual budget of such authority shall be subject to approval of the governing body of the municipality.

5. The charter county convention development levy shall be in addition to any other levy imposed pursuant to this section.

6. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of imposition of the levy shall be the first day of any month at least 60 days after enactment of the ordinance.

7. Revenues collected pursuant to this paragraph shall be deposited in a convention development trust fund, which shall be established by the county as a condition precedent to receipt of such funds.

(c) Special district levy for convention development.--

1. Each county which was chartered under Art. VIII of the Florida Constitution and which on January 1, 1984, levied a tourist advertising ad valorem tax within a special taxing district in that county may impose, pursuant to an ordinance enacted by the governing body of the county, a levy within the boundaries of such special taxing district on the exercise of the taxable privilege of leasing or renting transient motel accommodations described in subsection (3) at a rate of 1 percent of each dollar and major fraction of each dollar of the total consideration charged therefor. The proceeds of this levy shall be known as the special district convention development tax.

2. The county shall designate or appoint an authority to administer and disburse the proceeds of such levy and any revenue related to the levy authorized by this paragraph. The members of such authority shall be selected from persons involved in the tourism and lodging industries doing business within such special district. Not less than a majority of the members shall be selected from persons doing business in the lodging industry. Members shall serve at the pleasure of the governing body of such county and shall serve without compensation. The annual budget of such authority shall be subject to approval of the governing body of the county. The authority shall consist of 11 members, who shall annually select a chairman from among their members.

3. The county shall have no power to levy and impose the tourist advertising ad valorem tax in such district on or after January 1 of the year following the date of the adoption of the levy authorized in this paragraph. All special district convention development moneys, including any interest accrued thereon, received by a county imposing the special district convention development levy shall be used for the following purposes only:

a. To promote and advertise tourism;

b. To fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus.

4. The special district convention development tax shall be in addition to any other levy imposed pursuant to this section.

5. A certified copy of the ordinance imposing the levy shall be furnished by the county to the department within 10 days after approval of such ordinance. The effective date of the levy shall be

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the first day of any month at least 60 days after enactment of the
ordinance.

6. Revenues collected and returned to the county shall be
deposited in a convention development trust fund, which shall be
established by the county as a condition precedent to receipt of such
funds.

Section 71. (1) Effective January 1, 1987, section 212.057,
Florida Statutes, as amended by chapter 84-67, Laws of Florida,
section 5 of chapter 84-67, Laws of Florida, section 8 of chapter 84-
324, Laws of Florida, and section 2 of chapter 84-373, Laws of
Florida, are hereby repealed.

(2) It is the legislative intent that the amendment of s.
212.0305, Florida Statutes, by this act be construed as a
reenactment, recodification, and consolidation in said section of the
provisions repealed in subsection (1). No county imposing a tax
under any of the provisions amended or repealed by this act shall be
required to amend or reenact its original ordinance imposing the tax.
All provisions of the ordinance shall remain in effect as though
adopted pursuant to s. 212.0305, Florida Statutes, as amended herein.

Section 72. Section 213.05, Florida Statutes, is amended to read:

213.05 Department of Revenue; control and administration of
revenue laws.—The Department of Revenue shall have only those
responsibilities for ad valorem taxation specified to the department
in chapter 192, taxation, general provisions; chapter 193,
assessments; chapter 194, administrative and judicial review of
property taxes; chapter 195, property assessment administration and
finance; chapter 196, exemption; chapter 197, tax collections, sales,
and liens; chapter 199, intangible personal property taxes; and
chapter 200, determination of millage. The Department of Revenue
shall have the responsibility of regulating, controlling, and
administering all revenue laws and performing all duties as provided
in s. 125.0104, the Local Option Tourist Development Act; s.
259.65; discretionary sales tax; chapter 198, estate taxes; chapter
201, excise tax on documents; chapter 203, gross receipts taxes;
chapter 206, motor and other fuel taxes; chapter 207, tax on
operation of commercial motor vehicles; chapter 208, tax on
generation of hazardous wastes; chapter 211, tax on production of oil
and gas and severance of solid minerals; chapter 212, tax on sales,
use, and other transactions; chapter 214, administration of
designated nonproperty taxes; chapter 220, income tax code; s.
376.11, pollutant spill prevention and control; and ss. 624.509-
624.514, insurance code: administration and general provisions.

Section 73. Paragraph (j) of subsection (2) and subsection (10)
of section 212.06, Florida Statutes, are amended to read:

212.06 Sales, storage, use tax; collectible from dealers;
"dealer" defined; dealers to collect from purchasers; legislative
intent as to scope of tax.—

(2)

(j) The term "dealer" is further defined to mean any person who
leases, or grants a license to use, occupy, or enter upon, living
quarters, sleeping or housekeeping accommodations in hotels,
apartment houses, roominghouses, tourist or trailer camps, real
property, space or spaces in parking lots or garages for motor
vehicles, or docking or storage space or spaces for boats in boat
docks or marinas, or tie down or storage space or spaces for aircraft
at airports. The term "dealer" also means any person who has leased,

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occupied, or used or was entitled to use any living quarters, sleeping or housekeeping accommodations in hotels, apartment houses, rooming houses, tourist or trailer camps, real property, space or spaces in parking lots or garages for motor vehicles or docking or storage space or spaces for boats in boat docks or marinas, or who has purchased communication services or electric power or energy, and who cannot prove that the tax levied by this chapter has been paid to the vendor or lessor on any such transactions.

(20) No title certificate may be issued on any boat, mobile home, motor vehicle, or other vehicle, or, if no title is required by law, no license or registration may be issued for any boat, mobile home, motor vehicle, or other vehicle, unless there is filed with such application for title certificate or license or registration certificate a receipt issued by an authorized dealer or a designated agent of the Department of Revenue, evidencing the payment of the tax imposed by this chapter where the same is payable. For the purpose of enforcing this provision, all county tax collectors and all persons or firms authorized to sell or issue boat, mobile home, and motor vehicle licenses are hereby designated agents of the department and are required to perform such duty in the same manner and under the same conditions prescribed for their other duties by the constitution or any statute of this state. All transfers of title to boats, mobile homes, motor vehicles, and all other vehicles are presumed to be taxable transactions, unless expressly exempt under this chapter until otherwise shown.

Section 74. Subsection (2) and paragraphs (a) and (m) of subsection (7) of section 212.08, Florida Statutes, are amended, and paragraph (v) is added to subsection (7), to read:

212.08 Sales, rental, use, consumption, distribution, and storage tax; specified exemptions.--The sale at retail, the rental, the use, the consumption, the distribution, and the storage to be used or consumed in this state of the following are hereby specifically exempt from the tax imposed by part I of this chapter.

(2) EXEMPTIONS; MEDICAL.--

(a) There shall be exempt from the tax imposed by this chapter any product, supply, or medicine dispensed in a retail establishment by a pharmacist licensed by the state, according to an individual prescription or prescriptions written by a prescriber authorized by law to prescribe medicinal drugs practiced at the healing arts licensed by the state; hypodermic needles; hypodermic syringes; chemical compounds and test kits used for the diagnosis or treatment of human disease, illness, or injury; and common household remedies recommended and generally sold for internal or external use, in the cure, mitigation, treatment, or prevention of illness or disease in human beings, but not including cosmetics or toilet articles, notwithstanding the presence of medicinal ingredients therein, according to a list prescribed and approved by the Department of Health and Rehabilitative Services, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue. There shall also be exempt from the tax imposed by this chapter artificial eyes and limbs; prescription eyeglasses and items incidental thereto or which become a part thereof; dentures; hearing aids; crutches; prosthetic and orthopedic appliances; feminine hygiene products, including, but not limited to, sanitary panties, sanitary belts, sanitary napkins, and tampons; and funerals. Funeral directors shall pay tax on all tangible personal property used by them in their business.

(b) For the purposes of this subsection;

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1. "Prosthetic and orthopedic appliances" means any apparatus, instrument, device, or equipment used to replace or substitute for any missing part of the body, to alleviate the malfunction of any part of the body, or to assist any disabled person in leading a normal life by facilitating such person's mobility. Such apparatus, instrument, device, or equipment shall be exempted according to an individual prescription or prescriptions written by a prescriber authorized by law to prescribe medicinal drugs practitioner--of--the healing--arts--who--is--licensed--by--the--state or according to a list prescribed and approved by the Department of Health and Rehabilitative Services, which list shall be certified to the Department of Revenue from time to time and included in the rules promulgated by the Department of Revenue.

2. "Cosmetics" means articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to the human body for cleansing, beautifying, promoting attractiveness, or altering the appearance and articles intended for use as a compound of any such articles, including, but not limited to, cold creams, suntan lotions, makeup, and body lotions.

3. "Toilet articles" means any article advertised or held out for sale for grooming purposes and those articles which are customarily used for grooming purposes, regardless of the name by which they may be known, including, but not limited to, soap, toothpaste, hair spray, shaving products, colognes, perfumes, shampoo, deodorant, and mouthwash.

(c) This subsection shall be strictly construed and enforced.

(7) MISCELLANEOUS EXEMPTIONS.--

(a) Religious, charitable, scientific, educational, and veterans' institutions and organizations.--

1. There are exempt from the tax imposed by part I of this chapter transactions involving:

a. Sales or leases directly to churches or sales or leases of tangible personal property by churches;

b. Sales or leases to nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational institutions when used in carrying on their customary nonprofit religious, nonprofit charitable, nonprofit scientific, or nonprofit educational activities, including church cemeteries; and

C. Sales or leases to the state headquarters of qualified veterans' organizations and the state headquarters of their auxiliaries when used in carrying on their customary veterans' organization activities. If a qualified veterans' organization or its auxiliary does not maintain a permanent state headquarters, then transactions involving sales or leases to such organization and used to maintain the office of the highest ranking state official are exempt from the tax imposed by this part.

2. The provisions of this section authorizing exemptions from tax shall be strictly defined, limited, and applied in each category as follows:

a. "Religious institutions" means churches, synagogues, and established physical places for worship in this state at which nonprofit religious services and activities are regularly conducted and carried on. The term "religious institutions" includes nonprofit corporations the sole purpose of which is to provide free

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transportation services to church members, their families, and other church attendees. The term "religious institution" also includes state, district or other governing or administrative offices the function of which is to assist or regulate the customary activities of religious organizations or members within the state or district organization.

b. "Charitable institutions" means only nonprofit corporations qualified as nonprofit pursuant to s. 501(c)(3), United States Internal Revenue Code, 1954, as amended, and other nonprofit entities, the sole or primary function of which is to provide, or to raise funds for organizations which provide, one or more of the following services if a reasonable percentage of such service is provided free of charge, or at a substantially reduced cost, to persons, animals, or organizations that are unable to pay for such service:

I. Medical aid for the relief of disease, injury, or disability;

II. Regular provision of physical necessities such as food, clothing, or shelter;

III. Services for the prevention of, or rehabilitation of persons from, alcoholism or drug abuse; the prevention of suicide; or the alleviation of mental, physical, or sensory health problems;

IV. Social welfare services including adoption placement, child care, community care for the elderly, and other social welfare services which clearly and substantially benefit a client population which is disadvantaged or suffers a hardship;

V. Medical research for the relief of disease, injury, or disability;

VI. Legal services; or

VII. Food, shelter, or medical care for animals or adoption services; cruelty investigations, or education programs concerning animals;

and the term includes groups providing volunteer manpower to organizations designated as charitable institutions hereunder.

c. "Scientific organizations" means scientific organizations in this state which hold current exemptions from federal income tax under s. 501(c)(3) of the Internal Revenue Code and also means organizations the purpose of which is to protect air and water quality in this state or the purpose of which is to protect wildlife in this state and which hold current exemptions from the federal income tax under s. 501(c)(3) of the Internal Revenue Code.

d. "Educational institutions" means state tax-supported or parochial, church and nonprofit private schools, colleges, or universities which conduct regular classes and courses of study required for accreditation by, or membership in, the Southern Association of Colleges and Secondary Schools, the Department of Education, the Florida Council of Independent Schools, or the Florida Association of Christian Colleges and Schools, Inc. or which conduct regular classes and courses of study accepted for continuing education credit by the American Medical Association or the American Dental Association. Nonprofit libraries, art galleries, and museums open to the public are defined as educational institutions and are eligible for exemption. The term "educational institutions" includes private nonprofit organizations the purpose of which is to raise

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funds for schools teaching grades kindergarten through high school, colleges, and universities located in this state. The term "educational institutions" includes any educational television or radio network or system established pursuant to s. 228.805 or s. 229.8051 and any nonprofit television or radio station which is a part of such network or system and which holds a current exemption from federal income tax under s. 501(c)(7) of the Internal Revenue Code. The term "educational institutions" also includes state, district or other governing or administrative offices the function of which is to assist or regulate the customary activities of educational organizations or members within the state or district organization.

s. "Veterans' Organizations" means nationally chartered or recognized veterans' organizations, including, but not limited to, Florida chapters of the Paralyzed Veterans of America, Catholic War Veterans of the U.S.A., and Jewish War Veterans of the U.S.A. and the Disabled American Veterans, Department of Florida, Inc., which hold current exemptions from federal income tax under s. 501(c)(4) or s. 501(c)(19) of the Internal Revenue Code.

m. Boiler fuels.—When purchased for use as a combustible fuel, purchases of natural gas, residual oil, recycled oil, waste oil, solid waste material for—use as fuel, coal, sulfur, or wood, wood residues, or wood bark used in an industrial, manufacturing, processing, compounding, or production process at a fixed location in this state are exempt from the taxes imposed by this chapter; however, such exemption shall not be allowed unless the purchaser signs a certificate stating that the fuel to be exempted is for the exclusive use designated herein. This exemption does not apply to the use of boiler fuels that are not used in manufacturing, processing, compounding, or producing items of tangible personal property for sale, or to the use of boiler fuels used by any firm subject to regulation by the Division of Hotels and Restaurants of the Department of Business Regulation.

v. Also exempt are sales to nonprofit corporations which hold current exemptions from federal corporate income tax pursuant to s. 501(c)(3). U.S. Internal Revenue Code, 1954, as amended, and whose primary purpose is to raise money for military museums.

Section 75. Notwithstanding the provisions of section 37 of chapter 85-120, Laws of Florida, no provision of s. 212.11, Florida Statutes, as amended by chapter 85-120, Laws of Florida, shall expire on July 1, 1966, but said section, as amended by chapter 85-120, Laws of Florida, is hereby revived and readopted.

Section 76. Subsection (1), paragraphs (a), (b) and (c) of subsection (6), and subsections (8), (9), and (13) of section 212.12, Florida Statutes, are amended to read:

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

(1) For the purpose of compensating persons granting licenses for and the lessees of real and personal property taxed hereunder, for the purpose of compensating dealers in tangible personal property for the purpose of compensating dealers providing communication services, and for the purpose of compensating owners of places where admissions are collected, as compensation for the keeping of prescribed records and the proper accounting and remitting of taxes by them, such seller, person, lessor, dealer, and owner shall be allowed 3 percent of the amount of the tax due and accounted for and remitted to the
department, in the form of a deduction in submitting his report and
paying the same, and the department shall allow such
deduction of 3 percent of the amount of the tax to the person paying
the same for remitting the tax in the manner herein provided, for
paying the amount due to be paid by him, and as further compensation
to dealers in tangible personal property for the keeping of
prescribed records and for collection of taxes and remitting the
same. However, if the amount of the tax due and remitted to the
department for the reporting period exceeds $1,000, the 3-percent
allowance shall be reduced to 1 percent for all amounts in excess of
$1,000.

(a) The collection allowance may not be granted, nor may any
deduction be permitted, if the tax is delinquent at the time of
payment.

(b) The Department of Revenue may reduce the collection allowance
by 10 percent or $50, whichever is less, if a taxpayer files an
incomplete return.

1. An "incomplete return" is, for purposes of this chapter, a
return which is lacking such uniformity, completeness, and
arrangement that the physical handling, verification, or review of
the return may not be readily accomplished.

2. The department shall adopt rules requiring such information as
it may deem necessary to ensure that the tax levied hereunder is
properly collected, reviewed, compiled, and enforced, including, but
not limited to: the amount of gross sales; the amount of taxable
sales; the amount of tax collected or due; the amount of lawful
refunds, deductions, or credits claimed; the amount claimed as the
dealer’s collection allowance; the amount of penalty and interest;
the amount due with the return; and such other information as the
Department of Revenue may specify.

(6)(a) The department is given the power to prescribe the records
to be kept by all persons subject to taxes imposed by this chapter;
and it shall be the duty of every person required to make a report
and pay any tax under this chapter, every person receiving rentals or
license fees, and owners of places of admission, to keep and preserve
suitable records of the sales, leases, rentals, license fees, admissions,
or purchases, as the case may be, taxable under this chapter; such other books of account as may be necessary to determine
the amount of the tax due hereunder; and other information as may be
required by the department. It shall be the duty of every such
person so charged with such duty, moreover, to keep and preserve for
a period of 3 years all invoices and other records of goods, wares
and merchandise, records of admissions, leases, license fees and
rentals and all other subjects of taxation under this chapter; and
all such books, invoices, and other records shall be open to
examination at all reasonable hours to the department or any of its
duly authorized agents.

(b) For the purpose of this subsection, if a dealer does not have
adequate records of his retail sales or purchases, the department
may, upon the basis of a test or sampling of the dealer’s available
records or other information relating to the sales or purchases made
by such dealer, for a representative period, determine the proportion
that taxable retail sales bear to total retail sales or the
proportion that taxable purchases bear to total purchases. This
subsection does not affect the duty of the dealer to collect, or the
liability of any consumer to pay, any tax imposed by or pursuant to
this part chapter.

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(c) If the records of a dealer are adequate but voluminous in nature and substance, the department may statistically sample such records, except for fixed assets, and project the audit findings derived therefrom over the entire audit period to determine the proportion that taxable retail sales bear to total retail sales or the proportion that taxable purchases bear to total purchases. In order to conduct such a sample, the department must: first, make a good faith effort to reach an agreement with the dealer, which agreement provides for the means and methods to be used in the sampling process. In the event that no agreement is reached, the dealer is entitled to a review by the executive director.

(8) In the case of the lease or rental of tangible personal property, or other rentals or license fees as herein defined and taxed, if the consideration given or reported by the lessor, person receiving rental or license fee, or dealer does not, in the judgment of the department, represent the true or actual consideration, then the department is authorized to ascertain the same and assess and collect the tax thereon in the same manner as above provided, with respect to imported tangible property, together with interest, plus penalties, if such have accrued.

(9) Taxes imposed by this chapter upon the privilege of the use, consumption, storage for consumption, or sale of tangible personal property, admissions, license fees, and rentals, and communication services as herein taxed shall be collected upon the basis of an addition of the tax imposed by this chapter to the total price of such admissions, license fees, rentals, communication services, or sale price of such article or articles that are purchased, sold, or leased at any one time by or to a customer or buyer; and the dealer, or person charged herein, is required to pay a privilege tax in the amount of the tax imposed by this chapter on the total of his gross sales of tangible personal property, admissions, license fees, and rentals, and communication services, and such person or dealer shall add the tax imposed by this chapter to the price, license fee, rental, or admissions, and communication services and collect the total sum from the purchaser, admittee, licensee, lessee, or consumer. Notwithstanding the rate of taxes imposed upon the privilege of sales, admissions, license fees, rentals, and communication services, the following brackets shall be applicable to all transactions taxable at the rate of 5 percent:

(a) On single sales of less than 10 cents, no tax shall be added.

(b) On single sales in amounts from 10 cents to 20 cents, both inclusive, 1 cent shall be added for taxes.

(c) On sales in amounts from 21 cents to 40 cents, both inclusive, 2 cents shall be added for taxes.

(d) On sales in amounts from 41 cents to 60 cents, both inclusive, 3 cents shall be added for taxes.

(e) On sales in amounts from 61 cents to 80 cents, both inclusive, 4 cents shall be added for taxes.

(f) On sales in amounts from 81 cents to $1, both inclusive, 5 cents shall be added for taxes.

(g) On sales in amounts of more than $1, 5 percent shall be charged upon each dollar of price, plus the appropriate bracket charge upon any fractional part of a dollar.

(13) In order to aid the administration and enforcement of the provisions of this chapter with respect to the rentals and license

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fees, each lessor or person granting the use of any hotel, apartment
house, roominghouse, tourist or trailer camp, real property, or any
interest therein, or any portion thereof, inclusive of owners,
property managers, lessors, landlords, hotel, apartment house, and
roominghouse operators and all licensed real estate agents within the
state leasing, granting the use of or renting such property, shall be
required to keep a record of each and every such lease, license or
rental transaction which is taxable under this chapter, in such a
manner and upon such forms as the department may prescribe, and to
report such transaction to the department or its designated agents,
and to maintain such records for a period of not less than 3 years,
subject to the inspection of the department and its agents; and, upon
the failure by such owner, property manager, lessor, landlord, hotel,
apartment house, roominghouse, tourist or trailer camp operator, or
real estate agent to keep and maintain such records and to make such
reports upon the forms and in the manner prescribed, such owner,
property manager, lessor, landlord, hotel, apartment house,
roominghouse, tourist or trailer camp operator, receiver of rent or
license fees, or real estate agent is guilty of a misdemeanor of the
second degree, punishable as provided in s. 775.052 or s. 775.083,
for the first offense; and for subsequent offenses, they are each
guilty of a misdemeanor of the first degree, punishable as provided
in s. 775.082 or s. 775.083.

Section 77. Subsection (1) of section 212.14, Florida Statutes,
is amended to read:

212.14 Departmental powers; hearing, subpoena; distress
warrants; time for assessments.---

(1) Any person required to pay a tax imposed under this chapter,
or to make a return, either or both, and who renders a return or
makes a return with intent to deceive or defraud the state,
and to prevent the state from collecting the amount of taxes imposed
by this chapter, or otherwise fails to comply with the provisions of
this chapter for the taxable period for which any return is made, or
any tax is paid, or any report is made to the department, may be
required by the department to show cause at a time and place to be
set by the department, after 10 days' notice in writing requiring
such books, records or papers as the department may require relating
to the business of such person for such tax period, and the
department may require such person, or persons, or their employee or
employees to give testimony under oath and answer interrogatories
by the department, or an assistant respecting the sale, use,
consumption, distribution or storage rental or license for use of
real or personal property within the state, or admissions collected
therein, or the failure to make a true report thereof, as provided by
this chapter, or failure to pay the true amount of the tax required
to be paid under this chapter. At said hearing, in the event such
person fails to produce such books, records or papers, or to appear
and answer questions within the scope and investigation relating to
matters concerning taxes to be imposed under this chapter, or
prevents or impedes his or her agents or employees from giving
testimony, then the department is authorized under this chapter to
estimate any unpaid deficiencies in taxes to be assessed against such
person upon such information as may be available to it and to issue a
distress warrant for the collection of such taxes, interest or
penalties estimated by him to be due and payable, and such assessment
shall be deemed prima facie correct. In such cases said warrant
shall be issued to any sheriff in the state where such person owns or
possesses any property and such property as may be required to
satisfy any such taxes, interest or penalties shall be by such
sheriff seized and sold under said distress warrant in the same
manner as property is permitted to be seized and sold under distress
warrants issued to secure the payments of delinquent taxes as

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hereinafter provided, and the department shall also have the right to writ of garnishment to subject any indebtedness due to the delinquent dealer by a third person in any goods, money, chattels or effects of the delinquent dealer in the hands, possession or control of the third person in the manner provided by law. Respecting the place for the holding of a hearing, by the department or its agents, as provided in this section, the person whose tax return or report being investigated may by written request to the department require the hearing be set at a place within the judicial circuit of Florida wherein the person's business is located, or within the judicial circuit of Florida wherein such person's books and records are kept.

Section 78. Subsection (7) of section 212.17, Florida Statutes, is amended to read:

212.17 Credits for returned goods, rentals or admissions; additional powers of department.—

(7) The department, where admissions, license fees, or rental payments are made and thereafter returned to the payers, after the taxes thereon have been paid, shall return or credit the taxpayer for taxes so paid on the moneys returned in the same manner as is provided for returns or credits of taxes where purchases or tangible personal property are returnable to a dealer.

Section 79. Subsection (3) of section 212.18, Florida Statutes, is amended to read:

212.18 Administration of law; rules and regulations.—

(3) Every person desiring to engage in or conduct business in this state as a dealer, as defined in this chapter, or to lease, rent or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps, or real property, as defined in this chapter, and every person who sells or receives anything of value by way of admissions, shall file with the department an application for a certificate of registration for each place of business, showing the names of the persons who have interests in such business and their residences, the address of the business, and such other data as the department may reasonably require. The application shall be made to the department before the person, firm, copartnership, or corporation may engage in such business; and it shall be accompanied by a registration fee of $5. The department, upon receipt of such application, will grant to the applicant a separate certificate of registration for each place of business, which certificate may be canceled by the department or its designated assistants for any failure by the certificateholder to comply with any of the provisions of this chapter. The certificate shall not be assignable and shall be valid only for the person, firm, copartnership, or corporation to which issued; and such certificate shall be placed in a conspicuous place in the business or businesses for which it is issued and shall be so displayed at all times. No person shall engage in business as a dealer or in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps, or real property as defined in this chapter, nor shall any person sell or receive anything of value by way of admissions, without first having obtained such a certificate or after such certificate has been canceled; and no person shall receive any license from any authority within the state to engage in any such business without first having obtained such a certificate or after such certificate has been canceled. The engaging in the business of selling or leasing tangible personal property or as a dealer, as defined in this chapter, or the engaging

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in leasing, renting, or letting of or granting licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps, or real property as hereinbefore defined, or the engaging in the business of selling or receiving anything of value by way of admissions, without such certificate first being obtained or after such certificate has been canceled by the department is prohibited. The failure or refusal of any person, firm, copartnership, or corporation to so qualify when required hereunder is a misdemeanor of the second degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084, or subject to injunctive proceedings as provided by law.

Section 80. Paragraph (a) of subsection (1) of section 212.05, Florida Statutes, is amended to read:

212.05 Sales, storage, use tax.--It is hereby declared to be the legislative intent that every person is exercising a taxable privilege who engages in the business of selling tangible personal property at retail in this state, or who rents or furnishes any of the things or services taxable under this chapter, or who stores for use or consumption in this state any item of article of tangible personal property as defined herein and who leases or rents such property within the state.

(1) For the exercise of such privilege, a tax is levied on each taxable transaction or incident, which tax is due and payable as follows:

(a) a. At the rate of 5 percent of the sales price of each item or article of tangible personal property when sold at retail in this state, computed on each taxable sale for the purpose of remitting the amount of tax due the state, and including each and every retail sale.

b. Each occasional or isolated sale of an aircraft, boat, mobile home, or motor vehicle of a class or type which is required to be registered, licensed, titled, or documented in this state or by the United States Government shall be subject to tax at the rate provided in this paragraph. The department shall, by rule, adopt the NADA Official Used Car Guide as the reference price list for any used motor vehicle which is required to be licensed pursuant to s. 320.08(1), (2), (3)(a), (b), (c), or (f) or (g). If any party to an occasional or isolated sale of such a vehicle reports to the tax collector a sales price which is less than 90 percent of the average loan price for the specified model and year of such vehicle as listed in the most recent reference price list, the tax levied under this paragraph shall be computed by the department on such average loan price unless the parties to the sale have provided to the tax collector an affidavit signed by each party, or other substantial proof, stating the actual sales price. Any party to such sale who reports a sales price less than the actual sales price is guilty of a misdemeanor of the second degree, punishable as provided in s. 775.083. The department shall collect or attempt to collect from such party any delinquent sales taxes. In addition, such party shall pay any tax due and any penalty and interest assessed, plus a mandatory penalty equal to twice the amount of the additional tax owed of--not-less-than-$500-or-an-amount-equal-to-100-percent-of-the tax-wherever-lesser.

For purposes of this sub-subparagraph, an occasional or isolated sale is one in which the seller is not a motor vehicle dealer as defined in s. 320.27(1)(c).

2. This paragraph does not apply to the sale of a boat by or through a registered dealer under this chapter to a purchaser who removes such boat from this state within 10 days after the date of purchase or, when the boat is repaired or altered, within 10 days.

CODING: Words stricken are deletions; words underlined are additions.
after completion of such repairs or alterations. In no event shall
the boat remain in this state more than 90 days after the date of
purchase. This exemption shall not be allowed unless the seller:

a. Obtains from the purchaser within 90 days from the date of
sale written proof that the purchaser licensed, registered, or
documented the boat outside the state;

b. Requires the purchaser to sign an affidavit that he has read
the provisions of this section; and

c. Makes the affidavit a part of his permanent record.

In the event the purchaser fails to remove the boat from this state
within 10 days after purchase or, when the boat is repaired or
altered, within 10 days after completion of such repairs or
alterations, or permits the boat to return to this state within 6
months from the date of departure, the purchaser shall be liable for
use tax on the cost price of the boat and, in addition thereto,
payment of a penalty to the Department of Revenue equal to the tax
payable. This penalty shall be in lieu of the penalty imposed by s.
212.12(2) and is mandatory and shall not be waived by the department.

Section 81. Notwithstanding any other provision of law, the
Department of Revenue may waive or compromise any penalty imposed
after July 1, 1985 pursuant to s. 212.05(1)(a)1.b.

Section 82. Except as otherwise provided herein, this act shall
take effect July 1, 1986, or upon becoming a law, whichever occurs
later.

Approved by the Governor June 25, 1986.

Filed in Office Secretary of State June 25, 1986.

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