

## CHAPTER 99-239

### Committee Substitute for Senate Bill No. 172

An act relating to taxation; amending ss. 95.091, 193.063, 212.07, 212.11, 212.18, 213.053, 215.26, 561.501, 561.121, F.S.; creating ss. 213.235, 213.245, 213.255, 213.251, F.S.; amending certain statutes of limitations; reducing the period for tolling of the statute of limitations; prescribing circumstances for the tolling of the statute of limitations as a result of administrative or judicial proceedings; providing for an extension for filing tangible personal property tax returns; providing for the annual issuance of resale certificates to active accounts; prescribing the methods by which dealers are to calculate their estimated tax liability; increasing the minimum threshold for requiring payment of estimated taxes; authorizing the Department of Revenue to disclose to a dealer or taxpayer whether a specified certificate is active, canceled, inactive, or invalid; providing for periodic adjustment of the rate of interest to be charged on certain tax deficiencies; providing circumstances under which the Department of Revenue is to pay interest to the taxpayer; specifying when applications for refunds must be filed; directing the Department of Revenue to establish a toll-free number for the verification of valid registration numbers and resale certificates; directing the Department of Revenue to establish a system for receiving information from dealers regarding certificate numbers; directing the Department of Revenue to expand its dealer education program regarding the proper use of resale certificates; reducing the surcharges on liquor, wine, cider, and beer sold for consumption on the premises; increasing the portion of the surcharge which is transferred to the Children and Adolescents Substance Abuse Trust Fund; creating the Florida School Construction Financing Commission; providing appropriations; authorizing an annual distribution to consolidated governments; providing effective dates.

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

Section 1. Subsections (3) and (4) of section 95.091, Florida Statutes, are amended to read:

95.091 Limitation on actions to collect taxes.—

(3)(a)~~1~~. With the exception of taxes levied under chapter 198 and tax adjustments made pursuant to s. 220.23, the Department of Revenue may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer and the Department of Business and Professional Regulation may determine and assess the amount of any tax, penalty, or interest due under any tax enumerated in s. 72.011 which it has authority to administer:

1.a. For taxes due before July 1, 1999, within 5 years after the date the tax is due, any return with respect to the tax is due, or such return is filed,

whichever occurs later; and for taxes due on or after July 1, 1999, within 3 years after the date the tax is due, any return with respect to the tax is due, or such return is filed, whichever occurs later;

2.b. For taxes due before July 1, 1999, within 6 years after the date the taxpayer either makes a substantial underpayment of tax, or files a substantially incorrect return;

3.e. At any time while the right to a refund or credit of the tax is available to the taxpayer;

4. For taxes due before July 1, 1999, at any time after the taxpayer has filed a grossly false return;

5.d. At any time after the taxpayer has failed to make any required payment of the tax, has failed to file a required return, or has filed a grossly false or fraudulent return, except that for taxes due on or after July 1, 1999, the limitation prescribed in sub-subparagraph a. applies if the taxpayer has disclosed in writing the tax liability to the department before the department has contacted the taxpayer; or

6.e. In any case in which there has been a refund of tax erroneously made for any reason:

a. For refunds made before July 1, 1999, within 5 years after making such refund; and

b. For refunds made on or after July 1, 1999, within 3 years after making such refund,

or at any time after making such refund if it appears that any part of the refund was induced by fraud or the misrepresentation of a material fact.

(b)2. For the purpose of this paragraph, a tax return filed before the last day prescribed by law, including any extension thereof, shall be deemed to have been filed on such last day, and payments made prior to the last day prescribed by law shall be deemed to have been paid on such last day.

~~(b) The limitations in this subsection shall be tolled for a period of 2 years if the Department of Revenue has issued a notice of intent to conduct an audit or investigation of the taxpayer's account within the applicable period of time as specified in this subsection. The department shall commence an audit within 120 days after it issues a notice of intent to conduct an audit, unless the taxpayer requests a delay. If the taxpayer does not request a delay and the department does not begin the audit within 120 days after issuing the notice, the tolling period shall terminate.~~

(4) If administrative or judicial proceedings for review of the tax assessment or collection are initiated by a taxpayer begun within the a period of limitation prescribed in this section, the running of the period shall be tolled during the pendency of the proceeding. Administrative proceedings shall include taxpayer protest proceedings initiated under s. 213.21 and department rules.

Section 2. Section 193.063, Florida Statutes, is amended to read:

193.063 Extension of date for filing tangible personal property tax returns.—The property appraiser shall grant an extension for the filing of a tangible personal property tax return for 30 days and may, at her or his discretion, grant an additional extension for the filing of a tangible personal property tax return for up to 15 additional 45 days. A request for extension must be made in time for the property appraiser to consider the request and act on it before the regular due date of the return. However, a property appraiser may not require that a request for extension be made more than 10 days before the due date of the return. A request for extension, at the option of the property appraiser, shall ~~must~~ include any or all of the following: the name of the taxable entity, the tax identification number of the taxable entity, and the reason a discretionary ~~an~~ extension should be granted.

Section 3. Effective February 1, 2000, paragraph (b) of subsection (1) of section 212.07, Florida Statutes, 1998 Supplement, is amended to read:

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)

(b) A resale must be in strict compliance with s. 212.18 and the rules and regulations, and any dealer who makes a sale for resale which is not in strict compliance with s. 212.18 and the rules and regulations shall himself or herself be liable for and pay the tax. A dealer who makes a sale for resale shall document the exempt status of the transaction, as established by rules adopted by the department, by retaining a copy of the purchaser's resale certificate. In lieu of maintaining a copy of the certificate, a dealer may document, before the sale, an authorization number provided by the department electronically or telephonically, or by other means established by the department by rule. The department may adopt rules that provide that, for purchasers who continually purchase on account from a dealer, the dealer may rely on a resale certificate issued under s. 212.18(3)(c) which is valid at the time of receipt from the purchaser, without seeking annual verification of the resale certificate. 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 provide that valid resale certificates and Consumer certificates of exemption executed by those dealers or exempt entities that which were registered with the department at the time of sale, resale certificates provided by purchasers who were active dealers at the time of sale, and verification by the department of a purchaser's active dealer status at the time of sale in lieu of a resale certificate 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.~~

Section 4. Effective January 1, 2000, subsection (3) of section 212.18, Florida Statutes, 1998 Supplement, is amended to read:

## 212.18 Administration of law; registration of dealers; rules.—

(3)(a) 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 let or grant licenses in living quarters or sleeping or housekeeping accommodations in hotels, apartment houses, roominghouses, or tourist or trailer camps that are subject to tax under s. 212.03, or to lease, rent, or let or grant licenses in real property, as defined in this chapter, and every person who sells or receives anything of value by way of admissions, must 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. However, owners and operators of vending machines or newspaper rack machines are required to obtain only one certificate of registration for each county in which such machines are located. The department, by rule, may authorize a dealer that uses independent sellers to sell its merchandise to remit tax on the retail sales price charged to the ultimate consumer in lieu of having the independent seller register as a dealer and remit the tax. The department may appoint the county tax collector as the department's agent to accept applications for registrations. The application must be made to the department before the person, firm, copartnership, or corporation may engage in such business, and it must be accompanied by a registration fee of \$5. However, a registration fee is not required to accompany an application to engage in or conduct business to make mail order sales.

(b) 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 is not assignable and is valid only for the person, firm, copartnership, or corporation to which issued. The certificate must be placed in a conspicuous place in the business or businesses for which it is issued and must be displayed at all times. Except as provided in this subsection ~~paragraph~~, 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, tourist or trailer camps, or real property as hereinbefore defined, 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; 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 services or as a dealer, as defined in this chapter, or the engaging 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 that are taxable under this chapter, or real property, 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 first degree, punishable as provided in s. 775.082 or s. 775.083, or subject to injunctive proceedings as provided by law. Such failure or refusal also subjects the offender to a \$100 initial registration fee in lieu of the \$5 registration fee authorized in this paragraph (a). However, the department may waive the increase in the registration fee if it is determined by the department that the failure to register was due to reasonable cause and not to willful negligence, willful neglect, or fraud.

(c) In addition to the certificate of registration, the department shall provide to each newly registered dealer an initial resale certificate that is valid for the remainder of the period of issuance. The department shall provide each active dealer with an annual resale certificate. As used in this section, the term "active dealer" means a person who is currently registered with the department and who complies with the requirement to file at least once during each applicable reporting period.

~~(d)~~(b) The department may revoke any dealer's certificate of registration when the dealer fails to comply with this chapter. Prior to revocation of a dealer's certificate of registration, the department must schedule an informal conference at which the dealer may present evidence regarding the department's intended revocation or enter into a compliance agreement with the department. The department must notify the dealer of its intended action and the time, place, and date of the scheduled informal conference by written notification sent by United States mail to the dealer's last known address of record furnished by the dealer on a form prescribed by the department. The dealer is required to attend the informal conference and present evidence refuting the department's intended revocation or enter into a compliance agreement with the department which resolves the dealer's failure to comply with this chapter. The department shall issue an administrative complaint under s. 120.60 if the dealer fails to attend the department's informal conference, fails to enter into a compliance agreement with the department resolving the dealer's noncompliance with this chapter, or fails to comply with the executed compliance agreement.

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

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

2. An exhibitor whose agreement provides for the sale at wholesale only of tangible personal property or services subject to the tax imposed in this chapter must obtain a resale certificate from the purchasing dealer but is not required to register as a dealer.

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

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

Any person who conducts a convention or a trade show must make their exhibitor's agreements available to the department for inspection and copying.

Section 5. Effective January 1, 2000, paragraph (a) of subsection (1) and subsection (4) of section 212.11, Florida Statutes, 1998 Supplement, are amended to read:

212.11 Tax returns and regulations.—

(1)(a) Each dealer shall calculate his or her estimated tax liability for any month by one of the following methods:

1. ~~Sixty Sixty-six~~ percent of the current month's liability pursuant to this chapter as shown on the tax return;

2. ~~Sixty Sixty-six~~ percent of the tax reported on the tax return pursuant to this chapter by a dealer for the taxable transactions occurring during the corresponding month of the preceding calendar year; or

3. ~~Sixty Sixty-six~~ percent of the average tax liability pursuant to this chapter for those months during the preceding calendar year in which the dealer reported taxable transactions.

(4)(a) Each dealer who is subject to the tax imposed by this chapter and who paid such tax for the preceding state fiscal year in an amount greater than or equal to ~~\$200,000~~ \$100,000 shall calculate the amount of estimated tax due pursuant to this section for any month as provided in paragraph (1)(a).

(b) The amount of any estimated tax shall be due, payable, and remitted by electronic funds transfer by the 20th day of the month for which it is estimated. The difference between the amount of estimated tax paid and the actual amount of tax due under this chapter for such month shall be due and payable by the first day of the following month and remitted by electronic funds transfer by the 20th day thereof.

(c) Any dealer who is eligible to file a consolidated return and who paid the tax imposed by this chapter for the immediately preceding state fiscal year in an amount greater than or equal to ~~\$200,000~~ \$100,000 or would have paid the tax in such amount if he or she had filed a consolidated return shall be subject to the provisions of this subsection notwithstanding an election by the dealer in any month to file a separate return.

(d) A dealer engaged in the business of selling boats, motor vehicles, or aircraft who made at least one sale of a boat, motor vehicle, or aircraft with a sales price of ~~\$200,000~~ \$100,000 or greater in the previous state fiscal year may qualify for payment of estimated sales tax pursuant to the provisions of this paragraph. To qualify, a dealer must apply annually to the department prior to October 1, and, if qualified, the department must grant the

application for payment of estimated sales tax pursuant to this paragraph for the following calendar year. In lieu of the method for calculating estimated sales tax liability pursuant to subparagraph (1)(a)3., a qualified dealer must calculate that option as ~~60~~ 66 percent of the average tax liability pursuant to this chapter for all sales excluding the sale of each boat, motor vehicle, or aircraft with a sales price of ~~\$200,000~~ \$100,000 or greater during the state fiscal year ending the year in which the application is made. A qualified dealer must also remit the sales tax for each sale of a boat, motor vehicle, or aircraft with a sales price of ~~\$200,000~~ \$100,000 or greater by either electronic funds transfer on the date of the sale or on a form prescribed by the department and postmarked on the date of the sale.

(e) The penalty provisions of this chapter, except s. 212.12(2)(c), apply to the provisions of this subsection.

Section 6. Effective January 1, 2000, subsection (10) of section 213.053, Florida Statutes, 1998 Supplement, is amended to read:

213.053 Confidentiality and information sharing.—

(10) Notwithstanding any other provision of this section, with respect to a request for verification of a certificate of registration issued pursuant to s. 212.18 to a specified dealer or taxpayer or with respect to a request by a law enforcement officer for verification of a certificate of registration issued pursuant to s. 538.09 to a specified secondhand dealer or pursuant to s. 538.25 to a specified secondary metals recycler, the department may disclose whether the specified person holds a valid certificate or whether a specified certificate number is valid, canceled, inactive, or invalid and the name of the holder of the ~~such~~ certificate. This subsection shall not be construed to create a duty to request verification of any certificate of registration.

Section 7. Effective January 1, 2000, section 213.235, Florida Statutes, is created to read:

213.235 Determination of interest on deficiencies.—

(1) Notwithstanding any other provision of law, the annual rate of interest applicable to tax payment deficiencies that arise on or after January 1, 2000, shall be the adjusted rate established by the executive director of the department under subsection (2), unless a lower rate for the particular tax is specifically provided for in law, in which case the lower rate applies. This annual rate of interest applies to all taxes enumerated in s. 213.05.

(2) If the adjusted prime rate charged by banks, rounded to the nearest full percent, during either:

(a) The 6-month period ending on September 30 of any calendar year, or

(b) The 6-month period ending on March 31 of any calendar year

differs from the interest rate in effect on either such date, the executive director of the department shall, within 20 days, establish an adjusted rate of interest equal to such adjusted prime rate.

(3) An adjusted rate of interest established under this section becomes effective:

(a) On January 1 of the succeeding year, if based upon the adjusted prime rate for the 6-month period ending on September 30; or

(b) On July 1 of the same calendar year, if based upon the adjusted prime rate for the 6-month period ending on March 31.

(4) As used in this section, the term “adjusted prime rate charged by banks” means the average predominant prime rate quoted by commercial banks to large businesses, as determined by the Board of Governors of the Federal Reserve System.

(5) Once established, an adjusted rate of interest remains in effect until further adjusted under subsection (2).

(6) The interest rate determined for the 6-month period pursuant to this section shall apply only to taxes, returns, and information reports due during the same 6-month period, regardless of the interest rate that is in effect at the time an audit or other taxpayer review is conducted.

Section 8. Section 213.345, Florida Statutes, is created to read:

213.345 Tolling of periods during an audit.—The limitations in s. 95.091(3) and the period for filing a claim for refund as required by s. 215.26(2) shall be tolled for a period of 1 year if the Department of Revenue has, on or after July 1, 1999, issued a notice of intent to conduct an audit or investigation of the taxpayer’s account within the applicable period of time. The department must commence an audit within 120 days after it issues a notice of intent to conduct an audit, unless the taxpayer requests a delay. If the taxpayer does not request a delay and the department does not begin the audit within 120 days after issuing the notice, the tolling period shall terminate unless the taxpayer and the department enter into an agreement to extend the period pursuant to s. 213.23.

Section 9. Effective January 1, 2000, section 213.255, Florida Statutes, is created to read:

213.255 Interest.—Interest shall be paid on overpayments of taxes, payment of taxes not due, or taxes paid in error, subject to the following conditions:

(1) A refund application must be filed with the department within the time specified by s. 215.26.

(2) A refund application shall not be processed until it is determined complete. A refund application is complete if it is filed on a permitted form and contains:

(a) The taxpayer’s name, address, identifying number, and signature.

(b) Sufficient information, whether on the application or attachments, to permit mathematical verification of the amount of the refund.



- (c) The amount claimed.
- (d) The specific grounds upon which the refund is claimed.
- (e) The taxable years or periods involved.

(3) Within 30 days after receipt of the refund application, the department shall examine the application and notify the applicant of any apparent errors or omissions and request any additional information the department is permitted by law to require. An application shall be considered complete upon receipt of all requested information and correction of any error or omission for which the applicant was timely notified, or when the time for such notification has expired, whichever is later.

(4) Interest shall not commence until 90 days after a complete refund application has been filed and the amount of overpayment has not been refunded to the taxpayer or applied as a credit to the taxpayer's account. If the department and the taxpayer mutually agree that an audit or verification is necessary in order to determine the taxpayer's entitlement to the refund, interest shall not commence until the audit or verification of the claim is final.

(5) If a tax is adjudicated unconstitutional and refunds are ordered by the court, interest shall not commence on complete applications until 90 days after the adjudication becomes final and unappealable or 90 days after a complete application has been filed, whichever is later.

(6) Interest shall be paid until a date determined by the department which shall be no more than 7 days prior to the date of the issuance of the refund warrant by the Comptroller.

(7) If the department intends to pay a refund claim prior to completion of an audit, the department may condition its payment of the refund claim upon the person filing a cash bond or surety bond in the amount of the refund claimed or making such other security arrangements satisfactory to protect the state's interests. The department may impose this condition only when it has reasonable cause to believe that it could not recover the amount of any refund paid in error from the person claiming the refund. The cash or surety bond shall be endorsed by a surety company authorized to do business in this state and shall be conditioned upon payment in full of the amount of any refund paid in error for any reason. The department shall provide a written notice of its determination that a cash or surety bond is required as a condition of payment prior to audit, in which event interest shall not commence until the person filing the claim satisfies this requirement. Such bond shall remain in place while the department retains a right pursuant to s. 95.091(3) to audit the refund claim. Upon completion of an audit of the claim, the department shall agree to a reduction in the bond amount equal to the portion of the refund claim approved by the department.

(8) Nothing in this section is intended to alter the department's right to audit or verify refund claims either before or after they are paid.

(9) In the event that the department pays a refund claim that is later determined to have been paid in error, the person to whom the refund was

paid shall be assessed interest on the amount of the erroneous refund payment, commencing with the date of the erroneous payment and continuing until the erroneous payment amount is repaid to the department. If the department determines that the erroneous refund claim was not due to reasonable cause, there shall be added a penalty in the amount of 10 percent of the erroneously refunded tax. If the department determines that the erroneous refund claim was due to fraud, there shall be added a penalty in the amount of 100 percent of the erroneously refunded tax.

(10) The provisions of this section shall apply with regard to refund claims filed on or after January 1, 2000, and beginning July 1, 2000, shall apply with regard to any then pending refund claims that were filed with the department prior to January 1, 2000.

(11) The department is authorized to adopt such rules, not inconsistent with the provisions of this section, as are necessary for the implementation of this section including, but not limited to, rules establishing the information necessary for a complete refund application, the procedures for denying an incomplete application, and the standards and guidelines to be applied in determining when to require a bond under the provisions of subsection (7).

(12) The rate of interest shall be the adjusted rate established pursuant to s. 213.235, except that the annual rate of interest shall never be greater than 11 percent. This annual rate of interest shall be applied to all refunds of taxes administered by the department except for corporate income taxes and emergency excise taxes governed by ss. 220.721 and 220.723.

Section 10. Subsection (2) of section 215.26, Florida Statutes, is amended to read:

215.26 Repayment of funds paid into State Treasury through error.—

(2) Application for refunds as provided by this section must be filed with the Comptroller, except as otherwise provided in this subsection, within 3 years after the right to the refund has accrued or else the right is barred. Except as provided in chapter 198 and s. 220.23, an application for a refund of a tax enumerated in s. 72.011, which tax was paid after September 30, 1994, and before July 1, 1999, must be filed with the Comptroller within 5 years after the date the tax is paid, and within 3 years after the date the tax was paid for taxes paid on or after July 1, 1999. The Comptroller may delegate the authority to accept an application for refund to any state agency, or the judicial branch, vested by law with the responsibility for the collection of any tax, license, or account due. The application for refund must be on a form approved by the Comptroller and must be supplemented with additional proof the Comptroller deems necessary to establish the claim; provided, the claim is not otherwise barred under the laws of this state. Upon receipt of an application for refund, the judicial branch or the state agency to which the funds were paid shall make a determination of the amount due. If an application for refund is denied, in whole or in part, the judicial branch or such state agency shall notify the applicant stating the reasons therefor. Upon approval of an application for refund, the judicial branch or such state agency shall furnish the Comptroller with a properly executed voucher authorizing payment.

Section 11. Effective January 1, 2000, the Department of Revenue shall establish a toll-free number for the verification of valid registration numbers and resale certificates. The system must be adequate to guarantee a low busy rate, must respond to keypad inquiries, and must provide data that is updated daily.

Section 12. The Department of Revenue shall establish a system, effective January 1, 2000, for receiving information from dealers regarding certificate numbers of those who are seeking to make purchases for resale. The department must provide such dealers, free of charge, with verification of those numbers that are canceled or invalid.

Section 13. Effective July 1, 1999, the Department of Revenue shall expand its dealer education program regarding the proper use of resale certificates. The expansion must include, but need not be limited to, revision of the registration application for clarity, development of industry-specific brochures, development of a media campaign to heighten awareness of resale fraud and its consequences, outreach to business and professional organizations, and creation of seminars and continuing-education programs for taxpayers and licensed professionals.

Section 14. Effective September 1, 1999, subsection (1) of section 561.501, Florida Statutes, is amended to read:

561.501 Surcharge on sale of alcoholic beverages for consumption on the premises; penalty.—

(1) Notwithstanding s. 561.50 or any other provision of the Beverage Law, a surcharge of ~~6.67~~ 10 cents is imposed upon each ounce of liquor and each 4 ounces of wine, a surcharge of ~~4 6~~ cents is imposed on each 12 ounces of cider, and a surcharge of ~~2.67~~ 4 cents is imposed on each 12 ounces of beer sold at retail for consumption on premises licensed by the division as an alcoholic beverage vendor.

Section 15. Effective September 1, 1999, paragraph (a) of subsection (4) of section 561.121, Florida Statutes, is amended to read:

561.121 Deposit of revenue.—

(4) State funds collected pursuant to s. 561.501 shall be paid into the State Treasury and credited to the following accounts:

(a) Thirteen and six-tenths percent ~~Nine and eight-tenths~~ of the surcharge on the sale of alcoholic beverages for consumption on premises shall be transferred to the Children and Adolescents Substance Abuse Trust Fund, which shall remain with the Department of Children and Family Health and Rehabilitative Services for the purpose of funding programs directed at reducing and eliminating substance abuse problems among children and adolescents.

Section 16. A school impact fee or an increase in a school impact fee shall take effect as scheduled where the ordinance was adopted prior to May 1, 1999. However, a new impact fee or an increase to an existing school impact

fee adopted by a county ordinance subsequent to May 1, 1999, shall not take effect until July 1, 2000.

Section 17. (1) Effective upon this act becoming a law, the Florida School Construction Finance Commission is created, to serve through June 30, 2000.

(2)(a) The Commission is to be composed of the following 15 members, who must be appointed within 30 days after the effective date of this section:

1. Six members selected by the Governor, none of whom may be a member of the Legislature at the time of appointment, as follows: one member of a local school board, and five members at large.

2. Four members selected by the President of the Senate as follows: one member of the majority party and one member of the minority party of the Senate, one member of a local school board, and one member at large.

3. Four members selected by the Speaker of the House of Representatives, as follows: one member of the majority party and one member of the minority party of the House of Representatives, one member of a local school board, and one member at large.

4. The Commissioner of Education or the Commissioner's designee.

(b) Vacancies in the membership of the commission are to be filled in the same manner as the original appointments.

(c) All state agencies are directed to cooperate with and assist the commission to the fullest extent possible. All local governments are encouraged to assist and cooperate with the commission as necessary.

(d) The Legislative Committee on Intergovernmental Relations is authorized to employ technical support and to expend funds appropriated to the committee for carrying out the official duties of the commission.

(e) Commission members shall not receive remuneration for their services, but are entitled to be reimbursed by the Legislative Committee on Intergovernmental Relations for travel and per diem expenses in accordance with section 112.061, Florida Statutes.

(3)(a) The commission shall act as an advisory and recommendatory body to the Governor and the Legislature.

(b) The commission shall convene its initial meeting within 60 days after the effective date of this section. At its initial meeting, the commission shall select a chair and shall adopted rules of procedure. Thereafter, the commission shall convene at the call of its chair.

(c) The commission shall study alternative methods of funding school construction and the pros and cons of each method of funding.

(d) The commission shall formulate revenue policies that consider such construction revenue needs, the availability of alternative funding mecha-

nisms, and other accepted policy goals, including fairness and ease of administration.

(e) The commission shall issue a report to the Governor, the President of the Senate, and The Speaker of the House of Representatives by February 1, 2000, summarizing its findings, stating its conclusions, and presenting its recommendations.

Section 18. The sum of \$150,000 is appropriated to the Legislative Committee on Intergovernmental Relations from the General Revenue Fund to be used for the Florida School Construction Financing Commission.

Section 19. (1) There is appropriated from the General Revenue Fund to the Department of Revenue in fiscal year 1999-2000, to be used in implementing the changes to the resale certificate and related provisions of this act:

(2) One and one-half full-time-equivalent positions and the sum of \$211,065 to be used for salaries, benefits, and expenses; and

(3) The sum of \$23,455 to be used for operating capital outlay.

Section 20. Section 218.251, Florida Statutes, is created to read:

218.251 Revenue sharing with consolidated governments.—

(1) Beginning in state fiscal year 1999-2000, an additional distribution in the amount of \$6.24 times the population shall be annually appropriated to any consolidated government, as provided by s. 3, Article VIII of the State Constitution. In order to be eligible for this distribution, such consolidation must have occurred prior to January 1, 1999. This distribution shall be subject to annual appropriation.

(2) As used in this section, the term “population” refers to the latest official population of the consolidated government determined pursuant to s. 186.901.

Section 21. Except as otherwise expressly provided in this act, this act shall take effect July 1, 1999.

Approved by the Governor June 8, 1999.

Filed in Office Secretary of State June 8, 1999.