

# POST-Legislative **REVIEW**



2014

**Changes to Florida Tax and  
Child Support Laws**

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The Florida Department of Revenue (Department) has compiled this Post-Legislative Review to provide information about general laws enacted by the Florida Legislature during the 2014 Legislative Session.

This booklet should be used for reference only. The discussion of each item is brief and may not include every detail of the law that could affect a particular taxpayer or child support customer. Before applying the changes to a specific decision on taxes or child support, please review the applicable statute or Department rule. For current statutes, please visit the Florida Legislature's website at [www.leg.state.fl.us](http://www.leg.state.fl.us).

If you have questions about child support issues, you may call the Child Support Program at (800) 622-5437, or you may visit your local office. The addresses of local child support offices can be found on our website at <http://dor.myflorida.com/dor/childsupport/phone.html>.

If you have questions about tax issues, you may call Taxpayer Services at (800) 352-3671, or you may request a written response to a tax question by writing to Taxpayer Services, Florida Department of Revenue, 5050 West Tennessee Street, Tallahassee, Florida 32399-0112.

For additional information about the Florida Department of Revenue, please visit our website at [www.myflorida.com/dor](http://www.myflorida.com/dor).

We hope you find this information useful. We welcome your comments and suggestions. Please write to our Office of Legislative and Cabinet Services at Post Office Box 5906, Tallahassee, Florida 32314-5906, or email [peatej@dor.state.fl.us](mailto:peatej@dor.state.fl.us).

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**The following abbreviations are used in this publication:**

Ch. – Chapter	F.S. – Florida Statutes
Chs. – Chapters	HB – House Bill
Clerk – Clerk of the Court	SB – Senate Bill
CS – Committee Substitute	s. – section
Eng. – Engrossed	ss. – sections

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# CHILD SUPPORT

## ➤ Child Support Guidelines – Deviation Factors

*Effective Date:* May 12, 2014

*Statute Reference:* Section 61.30, F.S.

*Chapter Law:* Section 1, 2014-35 (HB 755)

Expands the factors a court may use to deviate from the support guidelines to include a court-ordered time-sharing schedule or a time-sharing arrangement exercised by agreement of the parties.

## ➤ Driver License and Motor Vehicle Suspensions

*Effective Date:* July 1, 2014

*Statute Reference:* Sections 61.13016 and 322.058, F.S.

*Chapter Law:* Sections 1 and 29, 2014-216 (HB 7005)

Adds four conditions the obligor can demonstrate to stop notification from being given to the Department of Highway Safety and Motor Vehicles (DHSMV) to suspend the obligor's driver license or motor vehicle registration. Those conditions are: receipt of reemployment assistance or unemployment compensation; receipt of benefits under the federal Supplemental Security Income or Social Security Disability Insurance programs; receipt of temporary cash assistance; or payment in accordance with a confirmed bankruptcy plan. Also, changes "shall" file to "may" file for the Department, the depository or the Clerk requesting the suspension. Adds the same four conditions listed above that can be attested to in an affidavit provided to DHSMV to reinstate the driving privilege and to allow motor vehicle registration.

# COMMUNICATIONS SERVICES TAX

## ➤ Information Service

*Effective Date:* July 1, 2014

*Statute Reference:* Section 202.11(5), F.S.

*Chapter Law:* 2014-36 (CS/HB 803)

Clarifies the definition of "information services" for purposes of communications services tax to include "data processing and other services that allow data to be generated, acquired, stored, processed, or retrieved and delivered by an electronic transmission to a purchaser where such purchaser's primary purpose for the underlying transaction is the processed data or information."

## ➤ Prepaid Calling Arrangements

*Effective Date:* July 1, 2014

*Statute Reference:* Sections 202.11(9) and 212.05(1)(e)1.a., F.S.

*Chapter Law:* Section 1, 2014-38 (HB 5601)

Clarifies the taxability of prepaid calling arrangements.



# CORPORATE INCOME TAX

## ➤ Adoption of the 2014 Internal Revenue Code

*Effective Date:* May 12, 2014 (Retroactive to January 1, 2014)

*Statute Reference:* Sections 220.03(1)(n) and (2)(c), F.S.

*Chapter Law:* 2014-25 (SB 1676)

Updates the references in the Florida Income Tax Code to conform to the United States Internal Revenue Code (IRC) in effect on January 1, 2014.

## ➤ Community Contribution Tax Credits

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.08, 220.183 and 624.5105, F.S.

*Chapter Law:* Sections 9, 15 and 19, 2014-38 (HB 5601)

Increases sales and use tax credits available under the Community Contribution Tax Credit program for corporations. Extends the program from its currently scheduled expiration on June 30, 2015, to June 30, 2016.

## ➤ Florida Tax Credits Scholarship Program

*Effective Date:* June 20, 2014

*Statute Reference:* Section 1002.395, F.S.

*Chapter Law:* Section 17, 2014-184 (CS/CS/SB 850, 2<sup>nd</sup> Eng.)

Directs Department of Revenue and Department of Education to publish the Florida Tax Credits Scholarship Program cap on their websites. Directs the Department to provide a copy of taxpayer's credit allocation approval letter to the applicable scholarship-funding organization chosen by taxpayer. Allows for transfer of tax credits to a member of an affiliated group of corporations in certain circumstances. Clarifies application of credit to calculation of underpayment of estimated corporate income tax or to installment payments for taxes on insurance premiums.

## ➤ New Markets Program

*Effective Date:* July 1, 2014

*Statute Reference:* Section 288.9914, F.S.

*Chapter Law:* Section 16, 2014-38 (HB 5601)

Increases the amount of tax credits available during the existence of the New Markets program for qualified investments.

## Insurance Premium Tax

### ➤ Bail Bonds

*Effective Date:* January 1, 2015

*Statute Reference:* Sections 624.4094 and 624.509, F.S.

*Chapter Law:* Sections 17 and 18, 2014-38 (HB 5601)  
Section 5, 2014-132 (CS/CS/HB 805, 1<sup>st</sup> Eng.)

Provides that insurance premium tax is due only on the direct written premium for bail bonds, excluding any amounts retained by the licensed bail bond agent or licensed managing general agent.

### ➤ Police Officers' Retirement Trust Funds

*Effective Date:* July 1, 2014

*Statute Reference:* Sections 185.03 and 185.08, F.S.

*Chapter Law:* 2014-28 (HB 117)

Provides that a consolidated government unit that provides police protection services to any municipality within its boundary can collect the .85% police officers' pension trust fund excise tax if certain notification requirements are met.

### ➤ Title Insurance

*Effective Date:* January 1, 2015

*Statute Reference:* Sections 624.509 and 627.771, F.S.

*Chapter Law:* Sections 18 and 20, 2014-38 (HB 5601)  
Section 5, 2014-132 (CS/CS/HB 805, 1<sup>st</sup> Eng.)

Provides that the insurance portion of the title insurance premiums retained by title insurance agents or agencies is no longer subject to insurance premium tax.

## ECONOMIC DEVELOPMENT

### ➤ Certified Spring Training Franchises

*Effective Date:* June 20, 2014

*Statute Reference:* Sections 212.20(6)(d)6.e. and 288.11631, F.S.

*Chapter Law:* Section 1, 2014-167 (CS/HB 7095, 2<sup>nd</sup> Eng.)

Increases the amount the Department distributes to each unit of local government or spring training franchise certified by the Department of Economic Opportunity (DEO) to receive funds:

- Up to \$83,333 monthly for a facility used by a single spring training franchise (up to 20 years).
- Up to \$166,667 monthly for those facilities used by more than one spring training franchise (up to 25 years).

➤ **Economic Development Ad Valorem Tax Exemption**

*Effective Date:* May 12, 2014

*Statute Reference:* Section 196.1995, F.S.

*Chapter Law:* Sections 1 and 14, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Previously, to qualify for an economic development tax exemption from ad valorem taxes, a new or existing business must have made improvements to real property or must have added the tangible personal property on or after the day the local governing body adopted the ordinance. Now, a business also may qualify if it makes the improvements after the local governing body approves the ordinance by motion or resolution, subject to ordinance adoption.

This law provides a savings clause, stating that a local ordinance enacted under this section before the effective date of this act will not be invalidated on the grounds that the business made improvements to real property or that the business added or increased tangible personal property before the date that the local governing body adopted the ordinance, as long as the local governing body acted in accordance with s. 196.1995(5), F.S.

➤ **Economic Development – Rural Tax Job Credit**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.098, F.S.

*Chapter Law:* Section 2, 2014-218 (CS/HB 7023, 2<sup>nd</sup> Eng.)

Provides that a new or existing business that receives a tax credit under the Rural Tax Job Credit program is also eligible for a refund of up to 50% of the amount of sales tax paid by the business for purchases of electricity during the 1-year period after the date the credit is received. Total refunds for all businesses approved are limited to \$600,000 during any calendar year.

➤ **Sports Development**

*Effective Date:* June 20, 2014

*Statute Reference:* Sections 212.20(6)(d)6.f. and 288.11625, F.S.

*Chapter Law:* Section 1, 2014-167 (CS/HB 7095, 2<sup>nd</sup> Eng.)

Requires the Department to distribute funds to each applicant certified by the Department of Economic Opportunity to receive funds under the Sports Development program in s. 288.11625, F.S. The amount of monthly funds distributed will be 1/12 of the annual distribution amount set by the Department of Economic Opportunity.

## Prepaid Wireless E911 Fee

### ➤ Confidentiality

*Effective Date:* July 1, 2014

*Statute Reference:* Section 365.174, F.S.

*Chapter Law:* 2014-197 (CS/HB 177)

Allows the Department to provide confidential taxpayer information to the Secretary of Management Services or to the E911 Board as needed to conduct official business.

### ➤ Prepaid Wireless E911 Fee

*Effective Date:* July 1, 2014

*Statute Reference:* Sections 365.172 and 365.173 F.S.

*Chapter Law:* Sections 1 and 2, 2014-196 (CS/CS/HB 175, 2<sup>nd</sup> Eng.)

Applies the fee for the provision of E911 services to prepaid wireless services. The fee was previously applied only to voice communication services other than wireless services. Provides methods for adjusting the amount of the fee.

Clarifies that the E911 fee applies to prepaid calling arrangements and requires the Department to administer the fee.

## PROPERTY TAX

### ➤ Clerks of Court – Application for Obtaining Tax Deed by Holder of Tax Sale Certificate; Fees

*Effective Date:* July 1, 2014

*Statute Reference:* Section 197.502, F.S.

*Chapter Law:* Section 6, 2014-211, (CS/CS/HB 797)

Adds a provision that the certificate holder is required to pay the costs of resale. If the certificate holder fails to pay the resale costs within 30 days after notice from the Clerk, the Clerk will enter the land on the list of lands available for taxes.

Provides that the Clerk may enter unsold property on the list of lands if the certificate holder fails to pay all amounts due within 30 days of the sale.

### ➤ Clerks of Court – Disbursement of Proceeds of Sale

*Effective Date:* July 1, 2014

*Statute Reference:* Section 197.582, F.S.

*Chapter Law:* Section 8, 2014-211, (CS/CS/HB 797)

Adds new language stating that when the Clerk sends notice of the balance of undistributed funds from the proceeds of the sale, the Clerk has met the requirement under s. 717.117(4), F.S., to notify owners of unclaimed funds.

Provides that to identify unclaimed property as defined in s. 717.113, F.S., excess proceeds are payable or distributable on the date the Clerk sends the notice.

Establishes procedures for Clerks to distribute excess funds according to priorities of the claim and specifies that if a lien appears to be entitled to a priority but no one has made a claim on it, the Clerk may not make payments on liens junior to priority. If conflicting claims exist, the Clerk will initiate an interpleader action against the lienholders involved, and the court will determine the proper distribution of the interpleaded funds. The Clerk may ask the court for an award of reasonable fees and costs from the interpleaded funds.

➤ **Clerks of Court – Redemption of Tax Certificates**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 197.472, F.S.

*Chapter Law:* Section 5, 2014-211, (CS/CS/HB 797)

This law amends the timeframe that a person may redeem a tax certificate to eliminate the period before the tax deed is issued but after the Clerk has received full payment for the certificate, including documentary stamps and recording fees.

➤ **Clerks of Court – Sale at Public Auction**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 197.542, F.S.

*Chapter Law:* Section 7, 2014-211, (CS/CS/HB 797)

Creates a new requirement that the certificate holder must pay half of the homestead's assessed value within 30 days after the sale when the property being purchased is homestead property. If the certificate holder fails to make full payment when due, the Clerk enters the land on the list of lands.

Adds a new requirement for the Clerk to re-advertise the sale within 30 days of the missed deadline if the buyer fails to make full payment by the deadline or, if canceled, within 30 days after the Clerk receives the re-sale costs. The sale must occur within 30 days of re-advertising.

Deletes the provision for unlimited recurring sales and allows the Clerk to place the property on the list of lands at a subsequent sale because of a lack of bidders or for the certificate holder's failure to pay the total amount due by the 30-day deadline.

➤ **Clerks of Court – Sale of Tax Certificates for Unpaid Taxes**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 197.432, F.S.

*Chapter Law:* Section 4, 2014-211, (CS/CS/HB 797)

Changes the threshold amount for that a county will apply for a tax deed on homestead property. The new threshold is when the value of a single tax certificate and its accrued interest exceeds or equals \$250. The previous threshold was when the value of all outstanding tax certificates and their accrued interest totaled \$250 or more.

➤ **Department of Agriculture and Consumer Services – Value Adjustment Board; Notice; Hearings; Appearance Before the Board**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 193.461, F.S.

*Chapter Law:* Section 2, 2014-150, (CS/HB 7091)

Allows an applicant who qualifies to receive an agricultural classification, but fails to file an application by March 1, to file an application for the classification with the property appraiser on or before the 25<sup>th</sup> day after the property appraiser mails the Truth in Millage (TRIM) notice. The property appraiser may now grant the classification when the property appraiser determines he or she has received sufficient evidence demonstrating that the applicant was unable to apply for the classification in a timely manner or that otherwise demonstrates extenuating circumstances that warrant granting the classification. If the applicant files an application for the classification and fails to provide sufficient evidence to the property appraiser as required, the applicant may still file a petition with the value adjustment board requesting that the board grant the classification.

An amendment to a statutory reference from s. 570.085 to s. 570.93, F.S., is included.

Provides for agricultural lands that participate in a dispersed water storage program under a contract with the Department of Environmental Protection or a water management district that requires flooding of land to retain classification as agricultural lands as long as the lands are included in the program or successor programs. The property appraiser will assess these lands as nonproductive agricultural lands under s. 193.011, F.S.

➤ **Economic Development Ad Valorem Tax Exemption**

*Effective Date:* May 12, 2014

*Statute Reference:* Section 196.1995, F.S.

*Chapter Law:* Sections 1 and 14, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Previously, to qualify for an economic development tax exemption from ad valorem taxes, a new or existing business must have made improvements to real property or must have added the tangible personal property on or after the day the local governing body adopted the ordinance. Now, a business also may qualify if it makes the improvements after the local governing body approves the ordinance by motion or resolution, subject to ordinance adoption.

This law provides a savings clause, stating that a local ordinance enacted under this section before the effective date of this act will not be invalidated on the grounds that the business made improvements to real property or that the business added or increased tangible personal property before the date that the local governing body adopted the ordinance, as long as the local governing body acted in accordance with s. 196.1995(5), F.S.

➤ **Special Districts – Millages; Definitions and General Provisions**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 200.001, F.S.

*Chapter Law:* Section 77, 2014-22, (CS/CS/CS/SB 1632)

Amends s. 200.001(8), F.S., to conform definition references to the numbering changes created in previous sections of the law.

➤ **Special Districts – Treatment of Special Districts**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 189.403, F.S.

*Chapter Law:* Section 53, 2014-22, (CS/CS/CS/SB 1632)

Renumbers s. 189.403 to 189.012, F.S., and adds language that states “for the purpose of s. 196.199(1), special districts shall be treated as municipalities.”

## **REEMPLOYMENT TAX**

➤ **Installment Plan**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 443.141(1), F.S.

*Chapter Law:* Section 21, 2014-218 (CS/HB 7023, 2<sup>nd</sup> Eng.)

Makes permanent the optional installment plan for paying reemployment tax that was due to expire in 2014.

➤ **Past Due Contributions**

*Effective Date:* January 1, 2015

*Statute Reference:* Section 443.141, F.S.

*Chapter Law:* Section 13, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Reduces the interest rate imposed on reemployment tax deficiencies, so that it is calculated in accordance with s. 213.325, F.S., except that the rate cannot exceed 1% per month.

➤ **Records Request**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 443.131(3), F.S.

*Chapter Law:* Section 12, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Provides an incentive for businesses to comply with a records request by permitting an employer’s reemployment tax rate to be increased to the standard rate when an employer fails to comply with an audit records request. Once the required records are provided, the earned rate will be restored.

# SALES AND USE TAX

## ➤ Charges for Lawful Impoundment

*Effective Date:* May 12, 2014

*Statute Reference:* Sections 212.03(6), F.S.

*Chapter Law:* Section 2, 2014-40 (HB 7081)

Clarifies that the charges for storing towed vehicles are subject to sales tax and that charges for parking or storage from a lawful impoundment are not subject to tax.

## ➤ Electricity Tax Rate

*Effective Date:* July 1, 2014

*Statute Reference:* Sections 212.05(1)(e)1.c., 212.20(6)(c) and 203.01(1)(a)3., F.S.

*Chapter Law:* Sections 2, 4, 5, 6, 10, 11, and 12, 2014-38 (HB 5601)

For bills dated on or after July 1, 2014, the state tax rate on charges for electricity is reduced from 7% to 6.95%. The reduced tax rate is comprised of a 2.6% tax imposed under Ch. 203, F.S. (gross receipts tax), and a 4.35% tax imposed under Ch. 212, F.S. (sales tax). Dealers selling electricity may collect tax at the combined rate of 6.95% or dealers may separately state each tax on their customers' billings. Dealers that elect to use the combined rate are not required to label the rate in a particular way, provided the tax is clearly identified as a Florida state tax or sales tax.

There is no change to the local option discretionary sales surtaxes imposed on charges for electricity. There is no change in reporting the tax on electricity to the Department. The Department is authorized to adopt emergency rules to implement the changes.

## ➤ Exemptions

### ▪ Exemption – Cement Mixers

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.08(2)(i), F.S.

*Chapter Law:* Section 9, 2014-38 (HB 5601)

Provides a sales tax exemption for a mixer drum affixed to a mixer truck used in Florida only by eligible manufacturing businesses.

### ▪ Exemption – Clothing, School Supplies, and Personal Computers and Related Accessories (Back to School Sales Tax Holiday)

*Effective Date:* May 12, 2014

*Statute Reference:* N/A

*Chapter Law:* Section 22, 2014-38 (HB 5601, 1<sup>st</sup> Eng.)

Exempts, during the period from 12:01 a.m., August 1, 2014, through 11:59 p.m., August 3, 2014:



- Sales of clothing, wallets, or bags having a selling price of \$100 or less per item.
- Sales of school supplies having a selling price of \$15 per item or less.
- The first \$750 of the sales of personal computers and related accessories purchased for noncommercial home or personal use.

“Clothing” is defined as any article of wearing apparel, including all footwear except skis, swim fins, roller blades, and skates, intended to be worn on or about the human body. Excludes watches, watchbands, jewelry, umbrellas, and handkerchiefs.

“School supplies” is defined to mean pens, pencils, erasers, crayons, notebooks, notebook filler paper, legal pads, binders, lunch boxes, construction paper, markers, folders, poster board, composition books, poster paper, scissors, cellophane tape, glue or paste, rulers, computer disks, protractors, compasses, and calculators.

“Personal computer” is defined to mean an electronic device that accepts information in digital or similar form and manipulates such information for a result based on a sequence of instructions. The term includes any electronic book reader, laptop, desktop, handheld, tablet, or tower computer. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

“Related accessories” includes keyboards, mice, personal digital assistants, monitors (does not include a device with a television tuner), other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit.

Excludes furniture or any systems, devices, software, or peripherals designed or intended primarily for recreational use.

These exemptions do not apply to sales made within a theme park or entertainment complex, a public lodging establishment, or an airport.

Authorizes the Department to adopt emergency rules to administer the sales tax holiday.

▪ **Exemption – Energy Star and WaterSense Sales Tax Holiday**

*Effective Date:* May 12, 2014

*Statute Reference:* N/A

*Chapter Law:* Section 21, 2014-38 (HB 5601, 1<sup>st</sup> Eng.)

Exempts, during the period from 12:01 a.m., September 19, 2014, through 11:59 p.m., September 21, 2014, the first \$1500 of the sales price of a new Energy Star or WaterSense product listed below. The purchase of items with a sales price of \$500 or more is limited to one of each type per person.

“WaterSense product” means a bathroom sink faucet, faucet accessory, high-efficiency toilet or urinal, showerhead, or weather or sensor-based irrigation controller that is recognized as water efficient by the WaterSense program sponsored by the EPA and that is affixed with a WaterSense label.

Authorizes the Department to adopt emergency rules to administer the sales tax holiday.

▪ **Exemption – Hurricane Preparedness Sales Tax Holiday**

*Effective Date:* May 12, 2014

*Statute Reference:* N/A

*Chapter Law:* Section 23, 2014-38 (HB 5601, 1<sup>st</sup> Eng.)

Exempts, during the period from 12:01 a.m., May 31, 2014, through 11:59 p.m., June 8, 2014:

- A portable self-powered light source selling for \$20 or less.
- A portable self-powered radio, two-way radio, or weatherband radio selling for \$50 or less.
- A tarpaulin or other flexible waterproof sheeting selling for \$50 or less.
- A self-contained first-aid kit selling for \$30 or less.
- A ground anchor system or tie-down kit selling for \$50 or less.
- A gas or diesel fuel tank selling for \$25 or less.
- A package of AA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$30 or less.
- A nonelectric food storage cooler selling for \$30 or less.
- A portable generator used to provide light or communications or preserve food in the event of a power outage selling for \$750 or less.
- Reusable ice selling for \$10 or less.

These exemptions do not apply to sales made within a theme park or entertainment complex, a public lodging establishment, or an airport.

Authorizes the Department to adopt emergency rules to administer the sales tax holiday.

▪ **Exemption – Prepaid College Meal Plans**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.08(7)(r), F.S.

*Chapter Law:* Section 9, 2014-38 (HB 5601)

Provides a sales tax exemption for certain prepaid college meal plans.

▪ **Exemption – Therapeutic Veterinary Food**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.08(2)(i), F.S.

*Chapter Law:* Section 9, 2014-38 (HB 5601)

Provides a sales tax exemption for pet food formulated to aid in the management of illness or disease that is available only through a licensed veterinarian.

▪ **Exemption – Youth Bicycle Helmets, and Child Restraint Systems and Booster Seats**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.08(7)(III) and (mmm), F.S.

*Chapter Law:* Section 9, 2014-38 (HB 5601)

Provides a sales tax exemption for youth bicycle helmets. Also provides an exemption for child restraint systems or booster seats sold for use in a motor vehicle.

➤ **Exemption for Certain Sporting Events**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.04, F.S.

*Chapter Law:* 2014-29 (HB 231)

Amends the list of admissions exempt from sales and use tax to include the Major League Soccer all-star game and National Basketball Association all-star events.

➤ **Prepaid Calling Arrangements**

*Effective Date:* July 1, 2014

*Statute Reference:* Sections 202.11(9) and 212.05(1)(e)1.a., F.S.

*Chapter Law:* Section 2 and 3, 2014-38 (HB 5601)

Clarifies the definition of prepaid calling arrangements.

➤ **Tax Credits or Refunds – Private-label Credit Cards**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.17, F.S.

*Chapter Law:* Section 13, 2014-38 (HB 5601)

Adds provisions allowing a partial refund or credit for bad debt write-offs by a selling dealer when the amounts have been charged off a lender's books and records.

## **RENTAL CAR SURCHARGE**

➤ **Rental Car Surcharge**

*Effective Date:* January 1, 2015

*Statute Reference:* Section 212.0606, F.S.

*Chapter Law:* 2014-199 (CS/CS/HB 343, 1<sup>st</sup> Eng.)

Reduces the rental car surcharge for the use of motor vehicles under a membership sharing agreement to \$1 per usage when the use is for a period of less than 24 hours.

# TAX ADMINISTRATION

## ➤ Bonds or Other Security

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.14, F.S.

*Chapter Law:* Section 5, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Defines the term “person” for purposes of the Department requiring a cash deposit, bond or other security.

## ➤ Clerks of the Court – Electronic Remittance

*Effective Date:* May 12, 2014

*Statute Reference:* Section 213.13, F.S.

*Chapter Law:* Section 9, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Clarifies, consistent with s. 28.245, F.S., that all court-related collections are to be transmitted to the Department by the 10<sup>th</sup> of each month.

## ➤ Compromise Authority

*Effective Date:* May 12, 2014

*Statute Reference:* Section 213.21, F.S.

*Chapter Law:* Section 10, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Increases the amount of tax that can be compromised by the Executive Director based upon doubt as to liability or doubt as to collectability from \$250,000 to \$500,000 or less.

## ➤ Confidentiality – Publication of Tax Statistics

*Effective Date:* May 12, 2014

*Statute Reference:* Section 213.0535, F.S.

*Chapter Law:* Section 14, 2014-38 (HB 5601, 1<sup>st</sup> Eng.)  
Section 8, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Limits the publication of statistics regarding transient rental taxes when data pertains to fewer than three taxpayers, or are prepared for geographic areas below the county level and contains data pertaining to fewer than 10 taxpayers, or when a single taxpayer has remitted more than 33% of the tax that is the subject of the statistics.

## ➤ Criminal Penalties – Automated Sales Suppression Devices

*Effective Date:* July 1, 2014

*Statute Reference:* Section 213.295, F.S.

*Chapter Law:* Section 11, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Defines terms related to automated sales suppression devices ("zappers") and phantom-ware. Provides that persons who knowingly sell, purchase, install, transfer, possess, use, or access a disallowed device commit a felony of the 3<sup>rd</sup> degree. Such person is also liable for all taxes, fees, penalties, and interest associated with the sale or use of the device, must forfeit all profits associated with the sale or use of the device, and will have the device seized as a contraband object.

➤ **Criminal Penalties – Failure to Collect Tax**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.07(1)(b), F.S.

*Chapter Law:* Section 3, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Clarifies criminal penalties on dealers who willfully fail to collect a tax or fee after the Department provides notice of the duty to collect the tax or fee.

➤ **Criminal Penalties – Failure to Register as a Dealer**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.18, F.S.

*Chapter Law:* Section 6, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

A person who engages in acts requiring a certificate of registration, and who fails or refuses to register, commits a misdemeanor of the first degree.

A person who willfully fails to register after the Department provides notice of the duty to register commits a felony of the third degree. The Department must provide written notice of the duty to register to the person by personal service or by registered mail to the person's last known address.

➤ **Criminal Penalties – False or Fraudulent Return with Intent to Avoid Taxes**

*Effective Date:* July 1, 2014

*Statute Reference:* Section 212.12(2)(d), F.S.

*Chapter Law:* Section 4, 2014-40 (CS/HB 7081, 1<sup>st</sup> Eng.)

Clarifies criminal penalties on a person who makes a false or fraudulent return with a willful intent to evade payment of taxes or fees.

➤ **Registration of Charities**

*Effective Date:* July 1, 2014

*Statute Reference:* Sections 212.08(7), 212.084, and 496.430, F.S.

*Chapter Law:* Section 20, 2014-122 (CS/CS/HB 629, 2<sup>nd</sup> Eng.)

Requires the Department to revoke, or refuse to issue, a certificate of exemption to a charity that has been issued a disqualification order by the Department of Agriculture and Consumer Services.