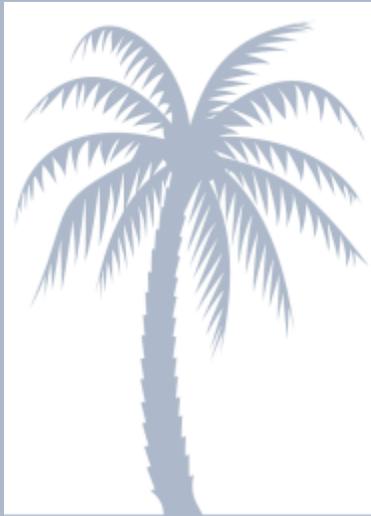


POST-LEGISLATIVE

REVIEW



DEPARTMENT OF REVENUE

FLORIDA

2021

Changes to Florida Tax Laws

EX-000014
R. 1/22

The Florida Department of Revenue (Department) compiled this Post-Legislative Review to provide information about general laws enacted by the Florida Legislature during the 2021 Legislative Session.

Use this booklet for reference only. The discussion of each item is brief and may not include every detail of the law that could affect a taxpayer. Before applying the changes to a specific decision on taxes, please review the applicable statute or Department rule. For current statutes, please visit the Florida Legislature's website at www.leg.state.fl.us.

If you have questions about general tax issues, you may call Taxpayer Services at (850) 488-6800, 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 or send an email request to DORGTA@floridarevenue.com.

If you have specific questions about property tax issues you may contact the respective county official's office. For general questions regarding Property Tax Oversight, you may mail your inquiry to Property Tax Oversight, Florida Department of Revenue, P.O. Box 3000, Tallahassee, Florida 32315-3000 or send an email request to DORPTO@floridarevenue.com.

For additional information about the Department, please visit our website at www.floridarevenue.com.

We hope you find this information useful. Please write to our Office of Legislative and Cabinet Services at P.O. Box 5906, Tallahassee, Florida 32314-5906 or email jamie.peate@floridarevenue.com to share your comments or suggestions.

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Abbreviations used in this publication:

ch. – Chapter	CS – Committee Substitute
Clerk – Clerk of the Court	F.S. – Florida Statutes
Eng. – Engrossed	HB – House Bill
HJR – House Joint Resolution	SB – Senate Bill
s. – section	ss. – sections

CHILD SUPPORT PROGRAM

➤ Compensation Reporting

Effective Date: October 1, 2021

Statute Reference: Section 409.2576, F.S.

Chapter Law: Section 10, 2021-103 (CS/CS/SB 1532)

The law amends s. 409.2576, F.S., adding the definition of “service recipient,” which means a person engaged in a trade or business for whom a service is performed by an individual in a capacity other than that of an employee. The law requires a service recipient to report to the State Directory of New Hires any individual, other than an employee, to whom the service recipient pays more than \$600 in a calendar year for services performed by the individual in the course of the service recipient’s trade or business. The law also specifies that, for an individual who is not an employee, the service recipient’s report must include the individual’s name, address, and social security number, or other identifying number assigned under s. 6109 of the Internal Revenue Code, the date services for payment were first performed by the individual, and the name, address, and employer identification number of the service recipient. The law provides that service recipients must report these individuals within 20 days after the earlier of either first making payments that require an IRS Form 1099 or entering into a contract providing for such payments. The law specifies that the information is provided to the National Directory of New Hires for use by other state child support programs and to certain state agencies administering programs including public assistance, reemployment assistance, and workers’ compensation, the same as new hire reports for employees under current law.

➤ Customer Service via Email

Effective Date: October 1, 2021

Statute Reference: Section 409.2567, F.S.

Chapter Law: Section 9, 2021-103 (CS/CS/SB 1532)

The law amends s. 409.2567, F.S., authorizing the state’s Child Support Program (Program) to include confidential and exempt information in unencrypted email communications with a parent, caregiver, or other person who is authorized to receive the information, provided the parent, caregiver, or other person consents. Social Security numbers, federal tax information, driver license numbers, and bank account numbers may not be provided in this manner.

➤ FAST Levy

Effective Date: October 1, 2021

Statute Reference: Section 409.25656, F.S.

Chapter Law: Section 7, 2021-103 (CS/CS/SB 1532)

The law amends s. 409.25656(4), F.S., authorizing the Child Support Program to deliver levy notices electronically to banks, credit unions, and other financial institutions that elect to participate in the Federally Assisted State Transmitted (FAST) Levy program sponsored by the federal Office of Child Support Enforcement.

➤ **Mandatory Federal Law Change**

Effective Date: October 1, 2021

Statute Reference: Section 61.30, F.S.

Chapter Law: Section 4, 2021-103 (CS/CS/SB 1532)

As required by 45 CFR 302.65(c)(3), the law prohibits treating incarceration as voluntary unemployment when a support order is established or modified, unless incarceration is for intentional nonpayment of child support or an offense against a child or person who is owed child support, or the court or administrative tribunal deviates from the guideline amount.

➤ **Rendering Final Orders**

Effective Date: October 1, 2021

Statute Reference: Sections 409.256 and 409.2563, F.S.

Chapter Law: Sections 5 and 6, 2021-103 (CS/CS/SB 1532)

The law amends ss. 409.256(1)(i) and 409.2563(1)(e), F.S., modifying the definition of “rendered” to reflect that final orders and administrative support orders are system-generated with electronic signatures, rather than filed with the agency clerk or a deputy clerk. The bill also removes the requirement to file a certified copy of an administrative support order with the clerk of the circuit court, as the orders are filed electronically or automatically sent via U.S. mail to the clerk.

➤ **Unclaimed Property**

Effective Date: October 1, 2021

Statute Reference: Section 409.25658, F.S.

Chapter Law: Section 8, 2021-103 (CS/CS/SB 1532)

The law requires the Department of Financial Services (DFS) to periodically provide the Child Support Program with an electronic data file of unclaimed property accounts. The Child Support Program uses the data to identify support obligors who owe past-due support and sends DFS an electronic data file with the names and other personal identifying information of the support obligors. The law authorizes the Child Support Program to submit claims for unclaimed property to DFS and requires the Program to send a notice of intent to intercept unclaimed property by regular mail. If a support obligor does not request a hearing, the Program notifies DFS to transfer property in the amount of the past-due support instead of entering a final order.

➤ **Credit Reporting**

Effective Date: October 1, 2021

Statute Reference: Section 61.1354, F.S.

Chapter Law: Section 2, 2021-103 (CS/CS/SB 1532)

The law amends s. 61.1354, F.S., requiring consumer reporting agencies to provide requested consumer reports to the Child Support Program. The law also requires that, when requesting a

consumer report, certified statements required to be made under s. 61.1354, F.S., conform to the federal Fair Credit Reporting Act (FCRA) and that the Program makes the certification. Although the FCRA was amended in 2015 to remove the requirement to provide notice to individuals, the law maintains a notice requirement by regular mail.

➤ **Depository Role in Title IV-D Cases**

Effective Date: *October 1, 2021*

Statute Reference: *Section 61.13, F.S.*

Chapter Law: *Section 1, 2021-103 (CS/CS/SB 1532)*

The law amends s. 61.13, F.S., to:

- Specify that payments in Title IV-D cases must be made to the State Disbursement Unit; and
- Require that, upon notice by the Child Support Program that it is providing Title IV-D services in a case with an existing support order, the depository shall establish a case on the Clerks of Court Local Entity Repository Collection (CLERC) System and set up the appropriate payment accounts so that payments can be disbursed by the State Disbursement Unit, regardless of whether there is a default in payment.

➤ **Social Security Child Benefits**

Effective Date: *October 1, 2021*

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

Chapter Law: *Section 4, 2021-103 (CS/CS/SB 1532)*

The law amends s. 61.30(2) and (10), F.S., to be consistent with Florida case law, specifying:

- Social Security benefits received by a minor child due to the retirement or disability of the child's parent are considered part of the parent's gross income for determining child support obligations.
- A parent is entitled to credit for Social Security benefits paid directly to the child or the child's caregiver when the benefits are paid due to the parent's retirement or disability.
- The parent's share of the monthly support obligation is considered paid in full each month for which such benefits are paid that are equal to or greater than the parent's share of the monthly obligation.
- If the benefits are less than the parent's share of the monthly obligation, the parent must pay the difference. If the benefits are more than the parent's share of the monthly obligation, the excess inures to the benefit of the child and may not be credited to arrears or retroactive support that accrued before the benefits commenced.

To obtain credit, a parent subject to a court order for child support, or the Child Support Program in a Title IV-D case, may file a motion with the court or include the request in a petition to modify the support order, and that, alternatively, the Program may determine and apply credit after notice and opportunity for hearing as provided under ch. 120, F.S. If credit is determined and applied by the Program, the Program is required to notify the clerk of court and the clerk is required to update the payment record.

CORPORATE INCOME TAX

➤ **Adoption of the 2021 U.S. Internal Revenue Code**

Effective Date: June 29, 2021 (Retroactive to January 1, 2021)

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

Chapter Law: Section 1, 2021-242 (HB 7059)

Updates the references in the Florida Income Tax Code to conform to the United States Internal Revenue Code (IRC) in effect January 1, 2021.

➤ **“Adjusted federal income” Defined**

Effective Date: July 1, 2021

Statute Reference: Section 220.13(1)(a), F.S.

Chapter Law: Section 30, 2021-31 (HB 7061, 1st Eng.)

The bill includes a required addition to federal taxable income for the amount taken as a credit for the taxable year under s. 220.1877, F.S., and adds cross references to s. 220.1877, F.S., to conform with the bill.

The bill also includes a required addition to federal taxable income for the amount taken as a credit for the taxable year under s. 220.198, F.S.

➤ **Adjustments Related to Federal Acts**

Effective Date: June 29, 2021 (Retroactive to January 1, 2021)

Statute Reference: Section 220.13(1)(e), F.S.

Chapter Law: Section 3, 2021-242 (HB 7059)

- Adds the Coronavirus Aid, Relief, and Economic Security Act of 2020 (Public Law 116-136, “CARES Act”) to the list of federal acts affecting adjustments to federal taxable income.
- Provides that Florida’s treatment of bonus depreciation (i.e., the recovery, over seven taxable years, of the required addition for bonus depreciation) does not apply to qualified improvement property (QIP) as defined in Internal Revenue Code (IRC) section 168(e)(6), as amended by section 13204 of Public Law 115-97 (Tax Cuts and Jobs Act (TCJA)).

With respect to QIP placed in service on or after January 1, 2018, an addition to federal taxable income is required equal to 100 percent of any amount of depreciation deducted for federal tax purposes. The Florida subtraction is the amount of depreciation that would have been deductible pursuant to IRC section 167(a) in effect on January 1, 2020, and without regard to section 2307 of the CARES Act, notwithstanding any sale or other disposition of the property that is the subject of the adjustments and regardless of whether such property remains in service in the hands of the taxpayer.

- Provides that for taxable years beginning after December 31, 2018, and before January 1, 2021, an addition to federal taxable income is required equal to the excess, if any, of:

One hundred percent of any amount deducted for federal income tax purposes as business interest expense pursuant to IRC section 163(j), as amended by section 2306 of the CARES Act over

One hundred percent of the amount that would be deductible for federal income tax purposes as business interest expense if calculated pursuant to IRC section 163(j), as amended by section 13301 of the TCJA.

Any expense added back to federal taxable income shall be treated as a disallowed business expense carryforward from prior years for the year or years following the addition, until such time as the expense has been used.

- Provides that for taxable years beginning after December 31, 2020, and before January 1, 2026, the changes made to the IRC by Public Law 116-260 (Consolidated Appropriations Act, 2021), Division EE, Title I, section 116 (Expensing rules for certain productions.) and Public Law 116-260, Division EE, Title II, s. 210 (Temporary allowance of full deduction for business meals.) shall not apply to ch. 220. F.S. The bill stipulates that taxable income under s. 220.13, F.S., shall be calculated as though changes made by those sections were not made to the IRC.

➤ **Contaminated Site Rehabilitation Tax Credit**

Effective Date: July 1, 2021

Statute Reference: Section 220.1845(2)(f), F.S.

Chapter Law: Section 31, 2021-31 (HB 7061, 1st Eng.)

The bill amends s. 220.1845(2)(f), F.S., to provide that the total amount of contaminated site rehabilitation tax credits which may be granted is \$27.5 million in the 2021-2022 fiscal year and \$10 million each fiscal year thereafter.

➤ **Credit for Contributions to Eligible Charitable Organizations**

Effective Date: July 1, 2021

Statute Reference: Section 220.1877, F.S.

Chapter Law: Section 33, 2021-31 (HB 7061, 1st Eng.)

Creates s. 220.1877, F.S., which provides a credit against corporate income/franchise tax under the Strong Families Tax Credit to taxpayers that make eligible monetary contributions to eligible charitable organizations. Section 402.62, F.S., applies to the credit authorized by this section.

➤ **Credit for Contributions to the New Worlds Reading Initiative**

Effective Date: June 29, 2021

Statute Reference: Section 220.1876, F.S.

Chapter Law: Section 7, 2021-193 (CS/CS/HB 3)

Creates s. 220.1876, F.S., which provides a credit against corporate income/franchise tax under the New Worlds Reading Initiative to taxpayers that make eligible monetary contributions to the administrator of the initiative. Section 1003.485, F.S., applies to the credit authorized by this section.

➤ **Internship Tax Credit Program**

Effective Date: January 1, 2022

Statute Reference: Section 220.198, F.S.

Chapter Law: Section 34, 2021-31 (HB 7061, 1st Eng.)

Section 220.198, F.S., is created to provide a business with a credit against the tax imposed by ch. 220, F.S., equal to \$2,000 per student intern. The credit may not exceed \$10,000 in any one taxable year.

For taxable years beginning on or after January 1, 2022, a tax credit may be claimed, if:

- The student intern worked full time for at least 9 consecutive weeks during his or her internship.
- The qualified business provides the Department with documentation to show that, for the current taxable year, at least 20 percent of the business's full-time employees were previously employed as student interns by that qualified business.
- At the start of the internship, the student intern provides the qualified business with verification by the student intern's educational institution that he or she is enrolled and maintains a minimum grade point average of 2.0 on a 4.0 scale, if applicable. The qualified business may accept a letter from the applicable educational institution stating that the student intern is enrolled as evidence that the student meets these requirements.

However, if the qualifying business cannot meet the 20 percent intern employment requirement but has for the prior 3 years employed on average 10 or fewer full-time employees, it may claim a tax credit if it can document that:

- it previously hired at least one student intern
- for the current taxable year, it employs on a full-time basis at least one employee who was previously employed as a student intern by the qualified business

The combined total amount of tax credits which may be granted to qualified businesses under s. 220.198, F.S., is \$2.5 million in each of state fiscal years 2021-2022 and 2022-2023. The Department must approve the tax credit prior to the taxpayer taking the credit on a return. The Department must approve credits on a first-come, first-served basis.

DOCUMENTARY STAMP TAX

➤ Distributions to Trust Funds

Effective Date: July 1, 2021

Statute Reference: Section 201.15, F.S.

Chapter Law: Section 1, 2021-39 (SB 2512, 1st Eng.)

Revises and deletes distributions of the tax to various trust funds. Provides that specified distributions may not be transferred to the General Revenue Fund.

➤ Modifications to Documents

Effective Date: July 1, 2021

Statute Reference: Section 201.08(5), F.S.

Chapter Law: Section 14, 2021-31 (HB 7061, 1st Eng.)

Provides that the modification of an original document which changes only the interest rate and is made as the result of the discontinuation of an index to which the original interest rate is referenced is not a renewal and is not subject to the documentary stamp tax.

INSURANCE PREMIUM TAX

➤ Credit for Contributions to Eligible Charitable Organizations

Effective Date: July 1, 2021

Statute Reference: Section 624.51057, F.S.

Chapter Law: Section 42, 2021-31 (HB 7061, 1st Eng.)

Creates s. 624.51057, F.S., which provides a credit against insurance premium tax under the Strong Families Tax Credit to taxpayers that make eligible monetary contributions to eligible charitable organizations. Section 402.62, F.S., applies to the credit authorized by this section.

➤ Credit for Contributions to the New Worlds Reading Initiative

Effective Date: June 29, 2021

Statute Reference: Section 624.51056, F.S.

Chapter Law: Section 9, 2021-193 (CS/CS/HB 3)

Creates s. 624.51056, F.S., which provides a credit against insurance premium tax under the New Worlds Reading Initiative to taxpayers that make eligible monetary contributions to the administrator of the initiative. Section 1003.485, F.S., applies to the credit authorized by this section.

➤ **Order of Credit for Contributions to Eligible Charitable Organizations**

Effective Date: July 1, 2021

Statute Reference: Section 624.509, F.S.

Chapter Law: Section 41, 2021-31 (HB 7061, 1st Eng.)

Provides the order in which the credit for contributions to eligible charitable organizations under the Strong Families Tax Credit may be taken against insurance premium tax relative to other credits.

MULTI-TAX CREDITS

➤ **Strong Families Tax Credit**

Effective Date: July 1, 2021

Statute Reference: Section 402.62, F.S.

Chapter Law: Section 38, 2021-31 (HB 7061, 1st Eng.)

Creates s. 402.62, F.S., Strong Families Tax Credit, which is established under the Department of Children and Families to designate certain eligible charitable organizations that provide services to:

- Prevent child abuse, neglect, abandonment, or exploitation;
- Assist fathers in learning and improving parenting skills or to engage absent fathers in their children's lives;
- Provide books to children eligible for a federal free or reduced-price meals program or those testing below grade level in kindergarten through grade 5;
- Assist families with children who have a chronic illness or a physical, intellectual, developmental, or emotional disability; or
- Provide workforce development services to families of children eligible for a federal free or reduced-price meals program.

Provides for tax credits against oil and gas production taxes; sales and use tax payable by direct pay permitholders; corporate income/franchise tax; excise taxes on malt, wine, and liquor beverages; and insurance premium tax to taxpayers that make eligible monetary contributions to eligible charitable organizations.

➤ **The New Worlds Reading Initiative**

Effective Date: June 29, 2021

Statute Reference: Section 1003.485, F.S.

Chapter Law: Section 10, 2021-193 (CS/CS/HB 3)

Creates s. 1003.485, F.S., The New Worlds Reading Initiative, which is established under the Department of Education to improve literacy skills and instill a love of reading by providing high-quality, free books to students in kindergarten through grade 5 who are reading below grade level.

Provides for tax credits against oil and gas production taxes; sales and use tax payable by direct pay permitholders; corporate income/franchise tax; excise taxes on malt, wine, and liquor beverages; and insurance premium tax to taxpayers that make eligible monetary contributions to the administrator of the initiative.

OIL AND GAS PRODUCTION TAXES

➤ Credit for Contributions to Eligible Charitable Organizations

Effective Date: July 1, 2021

Statute Reference: Section 211.0253, F.S.

Chapter Law: Section 16, 2021-31 (HB 7061, 1st Eng.)

Creates s. 211.0253, F.S., which provides a credit against oil and gas production taxes under the Strong Families Tax Credit to taxpayers that make eligible monetary contributions to eligible charitable organizations. Section 402.62, F.S., applies to the credit authorized by this section.

➤ Credit for Contributions to the New Worlds Reading Initiative

Effective Date: June 29, 2021

Statute Reference: Section 211.0252, F.S.

Chapter Law: Section 2, 2021-193 (CS/CS/HB 3)

Creates s. 211.0252, F.S., which provides a credit against oil and gas production taxes under the New Worlds Reading Initiative to taxpayers that make eligible monetary contributions to the administrator of the initiative. Section 1003.485, F.S., applies to the credit authorized by this section.

PROPERTY TAX OVERSIGHT

➤ Legal Notice Requirements for Governmental Agencies Levying Non-Ad Valorem Assessments

Effective Date: January 1, 2022

Statute Reference: Chapter 50, F.S.

Chapter Law: 2021-17 (CS/HB 35, 1st Eng.)

Requirements for government agencies to publish legal notices, legal advertisements and publications will change. Governmental agencies will have the option to publish these on a publicly accessible website, and the criteria that a newspaper must satisfy to publish legal notices will be modified in accordance with new legal notice requirements in ch. 50, F.S. The legislation provides for a uniform affidavit establishing proof of publication of such public notices.

➤ **Disclosure of Tax Impact of the Value Adjustment Board Legal Notice Requirements**

Effective Date: January 1, 2022

Statute Reference: Section 194.037, F.S.

Chapter Law: Section 19, 2021-17 (CS/HB 35, 1st Eng.)

In accordance with the legislative change to ch. 50, F.S., the clerk will now have the option to publish the notice of tax impact of the value adjustment board on a publicly accessible website.

Also, criteria that a newspaper must satisfy to publish legal notices has been modified. The legislation provides for a uniform affidavit establishing proof of publication of such public notices.

➤ **Notice Requirements for the Advertisement of Real or Personal Property with Delinquent Taxes**

Effective Date: January 1, 2022

Statute Reference: Section 197.402, F.S.

Chapter Law: Section 20, 2021-17 (CS/HB 35, 1st Eng.)

In accordance with the legislative change to ch. 50, F.S., the tax collector will now have the option to publish the advertisement to sell tax certificates on all real property having delinquent taxes on a publicly accessible website. The tax collector will have the option to advertise, on a publicly accessible website, the list of names of delinquent personal property taxpayers and the amount of tax due by each.

Also, criteria that a newspaper must satisfy to publish legal notices has been modified.

➤ **Legal Notice Requirements for Method of Fixing Millage**

Effective Date: January 1, 2022

Statute Reference: Section 200.065, F.S.

Chapter Law: Section 21, 2021-17 (CS/HB 35, 1st Eng.)

In accordance with the legislative change to ch. 50, F.S., the *Notice of Proposed Tax Increase* and the *Notice of Budget Hearing* required by s. 200.065, F.S., can be posted on a publicly accessible website. A uniform affidavit establishing proof of publication must be used for such public notices.

➤ **Statement of Income for the Additional Homestead Exemption Persons Age 65 and Older**

Effective Date: July 1, 2021

Statute Reference: Section 196.075, F.S.

Chapter Law: Section 1, 2021-208 (CS/CS HB 597)

The statement of income, formerly required to be filed annually for purposes of the additional homestead exemption for persons 65 or older, may now be submitted one time only when the exemption is first claimed.

Also, the property appraiser must annually notify each taxpayer claiming the income-based homestead exemption of the adjusted income limitation for that year. The taxpayer must notify the property appraiser by May 1 of that year if his or her household income exceeds the most recent adjusted income limitation.

➤ **Revisions to Powers of Owners and Condominium or Cooperative Associations in Ad Valorem Tax Suits**

Effective Date: July 1, 2021

Statute Reference: Sections 194.011 and 194.181, F.S.

Chapter Law: Sections 1 and 2, 2021-209 (CS/HB 649)

A condominium or cooperative association must defend its members who are unit or parcel owners in any judicial review or appeal of a single joint petition or in tax suits brought by a property appraiser after a value adjustment board (VAB) decision. The association also can appeal VAB decisions on a single joint petition on the owners' behalf. An association must notify the owners of its intention to petition the VAB and inform them that by not opting out of the petition, the owners agree that the association may represent them in subsequent proceedings. In any case brought by the property appraiser relating to a VAB decision on a single joint petition filed by a condominium or cooperative association, the association is the only required defendant.

This act incorporates the power to defend the unit owners in actions pertaining to VAB decisions in a condominium association's enumerated powers and duties.

If requested by a unit or parcel owner, the tax collector shall accept payment of the estimated amount in controversy for that unit or parcel and the unit or parcel shall be released from any lis pendens. The unit or parcel owner may elect to remain in or be dismissed from the action.

➤ **Repeal: Exemption for Hospitals, Community Benefit Reporting**

Effective Date: July 1, 2021

Statute Reference: Section 193.019, F.S.

Chapter Law: Section 1, 2021-31 (HB 7061, 1st Eng.)

Section 193.019, F.S., is repealed.

➤ **Homestead Assessments; Change of Ownership or Control**

Effective Date: July 1, 2021

Statute Reference: Section 193.155, F.S.

Chapter Law: Section 2, 2021-31 (HB 7061, 1st Eng.)

Additional descriptions of situations were added to the list of changes or transfers that create a change in the ownership of homestead property but do not result in the property being reassessed at just value.

➤ **Assessment of Improvements to Property Subsequent to Calamity or Misfortune**

Effective Date: July 1, 2021, and applies retroactively to assessments made on or after January 1, 2021

Statute Reference: Sections 193.155, 193.1554 and 193.1555, F.S.

Chapter Law: Sections 2, 4 and 6, 2021-31 (HB 7061, 1st Eng.)

Changes, additions, or improvements replacing all or a portion of homestead property, non-homestead residential property, and certain residential and nonresidential real property, including ancillary improvements, damaged or destroyed by misfortune or calamity must be assessed upon substantial completion. The assessment must be calculated using the property's assessed value as of the January 1 immediately before the date on which the damage or destruction was sustained.

➤ **Determining Whether Property is Entitled to Charitable, Religious, Scientific, or Literary Exemption**

Effective Date: July 1, 2021

Statute Reference: Section 196.196, F.S.

Chapter Law: Sections 8 and 9, 2021-31 (HB 7061, 1st Eng.)

The portions of a property that are not predominantly used for charitable, religious, scientific, or literary purposes are not exempt from taxation. However, the exemption for portions of a property that are used for charitable, religious, scientific, or literary purposes are not affected as long as the predominant use of the property is for one of those listed purposes.

These provisions apply to taxable years beginning on or after January 1, 2022. The law does not provide a basis for assessment of any tax not paid nor create a right to a refund or credit of any tax paid before July 1, 2021.

➤ **Affordable Housing Property Exemption**

Effective Date: July 1, 2021

Statute Reference: Section 196.1978, F.S.

Chapter Law: Section 10, 2021-31 (HB 7061, 1st Eng.)

In 2017, the Legislature provided that property used as affordable housing will be considered used for a charitable purpose and qualify for a 50 percent property tax discount if the property:

- Provides affordable housing to persons or families meeting the extremely low, very-low, or low-income limits specified in s. 420.0004, F.S.
- Contains more than 70 units used to provide affordable housing to the above group
- Is subject to an agreement with the Florida Housing Finance Corporation to provide affordable housing to the above group, recorded in the official records of the county in which the property is located

The 2021 Legislature amended s. 196.1978, F.S., so effective July 1, 2021, this act provides a 100 percent exemption from ad valorem taxation to owners of multifamily projects that provide affordable housing as described above.

➤ **Educational Property Exemption**

Effective Date: July 1, 2021

Statute Reference: Section 196.198, F.S.

Chapter Law: Sections 11 and 12, 2010-31 (HB 7061, 1st Eng.)

For property tax exemption purposes, land, buildings, and other improvements to real property used exclusively for educational purposes are deemed owned by an educational institution described in section 212.0602, F.S., if the current use of the land, buildings, and other improvements are for educational purposes. Under a lease, the educational institution is responsible for any taxes owed and for ongoing maintenance and operational expenses for the land, buildings, and other improvements.

Property owned by a house of public worship and used by an educational institution for education limited to students in preschool through grade eight shall be exempt from ad valorem taxes. The provisions related to houses of public worship clarifies existing law and applies to actions pending as of July 1, 2021.

➤ **Prepayment of Estimated Tax by Installment Method**

Effective Date: July 1, 2021

Statute Reference: Section 197.222, F.S.

Chapter Law: Section 13, 2021-31 (HB 7061, 1st Eng.)

Tax collectors must accept a late payment of the first installment payment through July 31 without the five percent penalty.

➤ **Assessment of Voluntary Elevated Homestead and Nonhomestead Residential Property**

Effective Date: On the same date that HJR 1377 takes effect if electors approve at the general election in November 2022

Statute Reference: Sections 193.155 and 193.1554, F.S.

Chapter Law: Sections 3 and 5, 2021-31 (HB 7061, 1st Eng.)

The assessed value of a residential property may not increase if the property is voluntarily elevated to meet National Flood Insurance Program (NFIP) and Florida Building Code elevation requirements and the square footage of the property, as improved, does not exceed 110 percent of the original square footage.

The area below an elevated structure created as a result of elevating the property may not be included in the property's 110 percent calculation when it is solely designated for parking, storage, or access and does not exceed 110 percent of the original property's square footage.

The assessed value may not increase if the total square footage of the property as elevated does not exceed 1,500 square feet.

The portions of property in excess of these limits are subject to assessment at just value.

REEMPLOYMENT TAX

➤ Reemployment Tax Contributions

Effective Date: Upon becoming law (April 19, 2021) and applies retroactively to April 1, 2020

Statute Reference: Section 443.131, F.S.

Chapter Law: Section 16, 2021-2 (CS/CS/SB 50, 2nd Eng.)

The bill appends the multipliers used when calculating the variable rate and modifies the computation to account for benefits paid as a direct result of governmental orders related to COVID-19.

Additionally, the bill specifies factors for calculating and assigning contribution rates through December 31, 2025. The Department is directed to recalculate and reassign contribution rates for the 2021 calendar year; the Department is required to refund contributions, from the General Revenue Fund, in excess of the recalculated rates for employers who filed the first quarter 2021 contribution. If the balance of the Unemployment Compensation Trust Fund on June 30 of any year exceeds \$4,071,519,600, the calculation method is repealed for rates effective the following years (2023 through 2025).

➤ Unemployment Compensation Trust Fund; Establishment and Control

Effective Date: July 1, 2021

Statute Reference: Section 443.191, F.S.

Chapter Law: Section 17, 2021-2 (CS/CS/SB 50, 2nd Eng.)

Section 443.191, F.S., lists the funds deposited into the Unemployment Compensation Trust Fund; the trust fund may be used only to pay reemployment assistance claims or refund tax paid erroneously. The Department of Economic Opportunity is the agency responsible for administering the trust fund. The bill amends the list of funds deposited to include funds distributed according to s. 212.20(6)(d)6.h., F.S., which is created by section 13 of the bill.

➤ Unemployment Compensation Trust Fund Distribution

Effective Date: July 1, 2021

Statute Reference: Section 212.20, F.S.

Chapter Law: Section 13, 2021-2 (CS/CS/SB 50, 2nd Eng.)

The bill creates sub-subparagraph (6)(d)6.h., which requires the Department to transfer funds to the Unemployment Compensation Trust Fund as follows:

- \$324,533,334 on July 25, August 25, and September 25, 2021
- \$90,000,000 on the 25th day each month beginning July 2022

On the last day of the month in which the ending balance of the Unemployment Compensation Trust Fund exceeds \$4,071,519,600, the Office of Economic and Demographic Research must certify to the Department that the funds have exceeded the set amount. Sub-subparagraph (6)(d)6.h. is repealed on the date the Department receives certification.

SALES TAX

➤ **Clothing and School Supplies Sales Tax Holiday**

Effective Date: May 21, 2021

Statute Reference: N/A

Chapter Law: Section 43, 2021-31 (HB 7061, 1st Eng.)

Exempts, from July 31, 2021, through August 9, 2021, the following:

- Sales of clothing, wallets, or bags, including handbags, backpacks, fanny packs, and diaper bags, but excluding briefcases, suitcases, and other garment bags, having a sales price of \$60 or less per item
- Sales of school supplies having a sales price of \$15 or less per item
- Sales of personal computers and related accessories having a sales price of \$1,000 or less per item purchased for noncommercial home or personal use

"Clothing" is defined to mean:

1. Any article of wearing apparel intended to be worn on or about the human body, excluding watches, watchbands, jewelry, umbrellas, and handkerchiefs
2. All footwear, excluding skis, swim fins, roller blades, and skates.

"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, paste, rulers, computer disks, staplers and staples used to secure paper products, protractors, compasses, and calculators.

"Personal computers" includes electronic book readers, laptops, desktops, handhelds, tablets, or tower computers. The term does not include cellular telephones, video game consoles, digital media receivers, or devices that are not primarily designed to process data.

"Personal computer-related accessories" include keyboards, mice, personal digital assistants, monitors, other peripheral devices, modems, routers, and nonrecreational software, regardless of whether the accessories are used in association with a personal computer base unit. The term does not include furniture or systems, devices, software, monitors with a television tuner, or peripherals that are 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.

Dealers whose sales of items that would be exempt during the holiday were less than 5% of the dealer's gross sales in the prior calendar year may choose not to participate in the holiday. Dealers choosing not to participate must notify the Department in writing by July 24, 2021, of their election to collect sales tax during the holiday and must post a copy of that notice in a conspicuous location at their places of business.

The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), F.S., for the purpose of implementing this section.

➤ **Commercial Rent Tax**

Effective Date: July 1, 2021

Statute Reference: Section 212.031, F.S.

Chapter Law: Section 14, 2021-2 (CS/CS/SB 50, 2nd Eng.)

Effective the first day of the second month following the repeal of s. 212.20(6)(d)6.h., F.S., (section 13 of the bill) the tax imposed is reduced from 5.5 percent to 2.0 percent.

➤ **Credit for Contributions to Eligible Charitable Organizations**

Effective Date: July 1, 2021

Statute Reference: Section 212.1834, F.S.

Chapter Law: Section 24, 2021-31 (HB 7061, 1st Eng.)

Creates s. 212.1834, F.S., which provides a credit against sales and use tax payable by direct pay permitholders under the Strong Families Tax Credit to permitholders that make eligible monetary contributions to eligible charitable organizations. Section 402.62, F.S., applies to the credit authorized by this section.

➤ **Credit for Contributions to the New Worlds Reading Initiative**

Effective Date: June 29, 2021

Statute Reference: Section 212.1833, F.S.

Chapter Law: Section 3, 2021-193 (CS/CS/HB 3)

Creates s. 212.1833, F.S., which provides a credit against sales and use tax payable by direct pay permitholders under the New Worlds Reading Initiative to permitholders that make eligible monetary contributions to the administrator of the initiative. Section 1003.485, F.S., applies to the credit authorized by this section.

➤ **Disaster Preparedness Supplies Sales Tax Holiday**

Effective Date: May 21, 2021

Statute Reference: N/A

Chapter Law: Section 44, 2021-31 (HB 7061, 1st Eng.)

Exempts, from May 28, 2021, through June 6, 2021, the following:

- A portable self-powered light source selling for \$40 or less
- A portable self-powered radio, two-way radio, or weather-band radio selling for \$50 or less
- A tarpaulin or other flexible waterproof sheeting selling for \$100 or less
- An item normally sold as, or generally advertised as, a ground anchor system or tie-down kit selling for \$100 or less
- A gas or diesel fuel tank selling for \$50 or less

- A package of AA-cell, AAA-cell, C-cell, D-cell, 6-volt, or 9-volt batteries, excluding automobile and boat batteries, selling for \$50 or less
- A nonelectric food storage cooler selling for \$60 or less
- A portable generator used to provide light or communications or preserve food in the event of a power outage selling for \$1,000 or less
- Reusable ice selling for \$20 or less
- A portable power bank selling for \$60 or less

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

➤ **Florida Certificate of Forwarding Agent Address**

Effective Date: January 1, 2022

Statute Reference: Section 212.06(5)(b)1., F.S.

Chapter Law: Section 18, 2021-31 (HB 7061, 1st Eng.)

Section 212.06(5), F.S., is amended to create a process administered by the Department by which a forwarding agent may apply for and receive a Certificate of Forwarding Agent Address. It documents that sales tax is not due on items shipped to the address on the certificate for international export; a copy of the certificate can be provided to the selling vendor in lieu of collecting the tax imposed under ch. 212, F.S.

The bill creates paragraph (2)(m) under s. 212.06, F.S., which expands the definition of “dealer” to include a forwarding agent as defined in subparagraph (5)(b)1. of the same statute. The term “forwarding agent” replaces “licensed exporter” in subparagraph (5)(a)1. The current paragraph (5)(b) is renumbered to (5)(c).

Subparagraph (5)(b)1. includes definitions for forwarding agent and other terms relating to the activities of a forwarding agent.

Subparagraphs (5)(b)2.-9. outline the process to be used to apply for a forwarding agent address certificate, remit taxes for tangible personal property shipped within the state, detail records to maintain, and reapply for certification.

Forwarding agents are required to maintain the export-related records electronically, which must be made available for the Department’s review.

The bill provides that the Department shall provide a list on the Department’s website of forwarding agents that have applied for and received a Florida Certificate of Forwarding Agent Address from the Department. The list shall include a forwarding agent’s entity name, address, and expiration date as provided on the Florida Certificate of Forwarding Agent Address.

The bill specifies that a dealer may accept a copy of the forwarding agent’s certificate or rely on the list of forwarding agents’ names and addresses on the Department’s website in lieu of collecting the tax imposed under ch. 212, F.S., when the property is required by terms of the sale to be shipped to the designated address on the certificate. A dealer that accepts a valid copy of a certificate or relies on the list of forwarding agents’ names and addresses on the Department’s website is deemed to be acting in good faith and is not liable for any tax due on sales made during the effective dates indicated on the certificate.

➤ **Items that Assist in Independent Living**

Effective Date: January 1, 2022

Statute Reference: Section 212.08(5)(u), F.S.

Chapter Law: Section 21, 2021-31 (HB 7061, 1st Eng.)

Creates s. 212.08(5)(u), F.S., which provides that the following items are exempt from tax when purchased for noncommercial home or personal use:

- A bed transfer handle selling for \$60 or less
- A bed rail selling for \$110 or less
- A grab bar selling for \$100 or less
- A shower seat selling for \$100 or less

The exemption does not apply to a purchase made by a business, including but not limited to a medical institution or an assisted living facility.

➤ **Marketplaces and Marketplace Providers**

Effective Date: July 1, 2021

Statute Reference: Sections 212.02, 212.05, 212.054, 212.0596, 212.05965, 212.06, 212.11, 212.18, F.S.

Chapter Law: Sections 2—8, 10, 12, 2021-2 (CS/CS/SB 50 2nd Eng.)

The bill creates s. 212.05965, F.S., which provides for the taxation of marketplace sales.

The terms “marketplace,” “marketplace provider,” and “marketplace seller” are defined. The term “marketplace provider” does not include persons who solely provide travel agency services, delivery network companies, or payment processor businesses whose sole activity is to handle payment transactions between two or more parties.

The bill provides that marketplace providers located in this state or making or facilitating a substantial number of remote sales, as defined in s. 212.0596(1)(b), F.S., are subject to dealer requirements for the registration, collection, and remittance of sales taxes.

Marketplace providers are required to certify to their marketplace sellers that they will collect and remit sales taxes on taxable retail sales made through the marketplace. The certification may be included in an agreement between the marketplace provider and the marketplace seller.

Marketplace sellers are prohibited from collecting and remitting sales taxes on taxable retail sales made through the marketplace when the marketplace provider certifies it will collect and remit the tax.

Marketplace sellers located in this state, or making a substantial number of remote sales, as defined in s. 212.0596(3)(b), F.S., are subject to dealer requirements for the registration, collection, and remittance of sales taxes on all taxable retail sales made outside of the marketplace. Marketplace sellers who are subject to Florida tax are to exclude marketplace sales from their tax returns but are required to collect and remit taxes on all taxable retail sales made outside the marketplace.

Paragraph (5)(a) requires that marketplace providers allow the Department to examine their books and records pursuant to s. 212.13, F.S., but does not allow the Department to examine the books and records of the marketplace sellers. The paragraph does not provide relief to a marketplace seller who

is under audit; has been issued a bill, notice, or demand for payment; or is under administrative or judicial proceeding before July 1, 2021.

Marketplace sellers are responsible for collecting the correct amount of tax from the marketplace customer. If the marketplace sellers provide incorrect or incomplete information to the marketplace provider, and the provider demonstrates to the Department's satisfaction that it made a reasonable effort to obtain accurate information related to the retail sales facilitated through the marketplace, then the marketplace provider is relieved of the liability for the tax. This does not apply when the marketplace provider is the seller or if the transactions between the marketplace seller and customer are not conducted at arm's length.

The bill states that the provisions of ch. 213, F.S., apply to the administration of this section to the extent that the chapter does not conflict with the provisions of s. 212.05965, F.S.

➤ **Motor Vehicle Rentals**

Effective Date: January 1, 2022

Statute Reference: Section 212.05(1)(c)1., F.S.

Chapter Law: Section 1, 2021-175 (CS/CS/SB 566)

The bill specifies the type of dealers through which the lease or rental of a motor vehicle is subject to tax; the two types of dealers specified are motor vehicle rental companies and peer-to-peer car sharing programs, both of which are defined in s. 212.0606(1), F.S.

The bill adds peer-to-peer car-sharing programs to the provisions of paragraph (1)(c), which clarifies that the lease or rental of a motor vehicle through a car-sharing program is subject to the 6 percent tax imposed, as well as the provisions of the subparagraphs under paragraph (c). The bill does not change the current provisions of subparagraph (1)(c)1. but does add a new sub-subparagraph, stating that if a motor vehicle is rented through a peer-to-peer car-sharing program, then the program must collect and remit the applicable tax due in connection with the rental.

➤ **Records Required to be Kept; Power to Inspect; Audit Procedure**

Effective Date: July 1, 2021

Statute Reference: Section 212.13(2), F.S.

Chapter Law: Section 22, 2021-31 (HB 7061, 1st Eng.)

The bill removes the requirement for taxpayers to provide their books and records at a physical location. This amendment would require taxpayers to provide electronic records to the Department, when kept in an electronic format by the taxpayer, allowing the Department to inspect records at a location other than the physical location where the taxpayer stores their records and books.

➤ **Remote Sales**

Effective Date: July 1, 2021

Statute Reference: Sections 212.02, 212.05, 212.054, 212.0596, 212.06, 212.11, 212.12, 212.18, 213.27, F.S.

Chapter Law: Sections 2—5, 8, 10—12, 22, 2021-2 (CS/CS/SB 50, 2nd Eng.)

The bill replaces the term “mail order sales” with “remote sales” throughout various statutory sections.

The bill changes the title of the statute from “Taxation of mail order sales” to “Taxation of remote sales.” Section 212.0596, F.S., is substantially reworded.

The rewording of the statute strikes all existing language and replaces it with a detailed definition of “remote sales” and a definition of “substantial number of remote sales.”

The definition of “remote sale” revises the current definition of “mail order sale” in s. 212.0596, F.S. “Remote sale” is defined as the retail sale of tangible personal property ordered by mail, telephone, the Internet, or other means of communication from a person who receives the sales outside of this state and causes the property to be transported to a location in this state. The new definition removes references to the United States and its jurisdictions, commonwealths, and territories.

“Substantial number of remote sales” is defined as any number of remote sales in the previous calendar year in which the total sum of sales prices exceeded \$100,000. The new language also states that persons making a substantial number of remote sales must register as dealers.

Persons required to report remote sales are also required to collect surtax when taxable tangible personal property is delivered within a county imposing a surtax under s. 212.054(3)(a), F.S.

➤ **Rental Car Surcharge; Peer-to-Peer Car Sharing Programs**

Effective Date: January 1, 2022

Statute Reference: Section 212.0606, F.S.

Chapter Law: Section 2, 2021-175 (CS/CS/SB 566)

The bill amends s. 212.0606, F.S., to include definitions of “motor vehicle rental company” and “peer-to-peer car-sharing program.” The term “car-sharing service” is currently defined in the statute but has been moved so that all defined terms are in the same section of the statute.

The bill specifies that the surcharge of \$2 per day or any part of a day is imposed on the lease or rental of a motor vehicle through a motor vehicle rental company, which will be collected by the motor vehicle rental company. The surcharge is imposed regardless of whether the lease or rental occurs in person or through digital means.

The bill creates subsection (3), which imposes a surcharge of \$1 per day or any part of a day for each peer-to-peer car-sharing program agreement when the shared vehicle meets the following requirements:

- The motor vehicle is registered in the state.
- It is designed to carry fewer than nine passengers.
- It is rented or leased for consideration without the transfer of the title.

If the duration of the car-sharing period is less than 24 hours, then the surcharge will be \$1 per usage. The surcharge applies only to the first 30 days, must be collected by the peer-to-peer car-sharing program, and is subject to all applicable taxes imposed by ch. 212, F.S.

For motor vehicles rented through a car-sharing service, a surcharge of \$1 is imposed for rentals less than 24 hours, and a surcharge of \$2 per day is imposed on rentals more than 24 hours. The car-sharing service will collect the surcharge.

Paragraphs (4)(a) and (4)(b) are renumbered to (6)(b) and (6)(c); peer-to-peer car-sharing has been included in the reporting and collecting of surcharges. However, peer-to-peer car-sharing programs are required to report surcharges based on the county in which the car-sharing start time begins.

Shared vehicles are now included in the provision which exempts motor vehicles provided as replacements while an individual's vehicle is being repaired, adjusted, or serviced.

➤ **Retail Nicotine Products Dealer Permits; Application; Qualifications; Renewal; Duplicates**

Effective Date: October 1, 2021

Statute Reference: Section 569.32, F.S.

Chapter Law: Section 22, 2021-14 (CS/CS/SB 1080, 1st Eng.)

The bill creates s. 569.32, F.S., providing requirement criteria for dealers who must obtain a permit from the Division of Alcoholic Beverages and Tobacco to sell nicotine products.

The creation of a new permit under ch. 569, F.S., requires the Department to expand its reporting system to allow for additional wholesalers and a new range of products sold under these permits.

➤ **Rounding Algorithm**

Effective Date: July 1, 2021

Statute Reference: Sections 212.05, 212.12, F.S.

Chapter Law: Sections 3, 11, 2021-2 (CS/CS/SB 50, 2nd Eng.)

Amends the language in the statute to replace references to "mail order" sale with references to "remote" sale.

Strikes the provision granting the executive director authority to negotiate collection allowances with certain dealers.

Strikes the requirement to compute sales tax and discretionary sales surtax using the bracket system and replaces it with a rounding algorithm. The rounding algorithm can be applied to the aggregate tax amount computed on all taxable items or to the taxable amount on each individual item. Dealers are required to calculate the tax to the third decimal place and round up to the whole cent when the third decimal place is greater than four.

➤ **Sales Tax Absorption**

Effective Date: July 1, 2021

Statute Reference: Section 212.07(4)(b), F.S.

Chapter Law: Section 19, 2021-31 (HB 7061, 1st Eng.)

Authorizes dealers to advertise that they will absorb or refund sales tax due for taxable transactions. The dealer is required to provide documentation of the sale that separately states the amount of tax absorbed or to be refunded and declare that the dealer will pay the tax that has been absorbed or will be refunded. The dealer may not indicate that the sale is exempt or not subject to sales tax. Dealers are solely responsible and liable for any sales tax absorbed or refunded.

➤ **Sales Tax Holiday on Specific Admissions and Outdoor Activity Supplies**

Effective Date: May 21, 2021

Statute Reference: N/A

Chapter Law: Section 45, 2021-31 (HB 7061, 1st Eng.)

Exempts from July 1, 2021, through July 7, 2021, the following:

- The sale by way of admissions for:
 1. A live music event scheduled to be held on any date or dates from July 1, 2021, through December 31, 2021
 2. A live sporting event scheduled to be held on any date or dates from July 1, 2021, through December 31, 2021
 3. A movie to be shown in a movie theater on any date or dates from July 1, 2021, through December 31, 2021
 4. Entry to a museum, including any annual passes
 5. Entry to a state park, including any annual passes
 6. Entry to a ballet, play, or musical theatre performance scheduled to be held on any date or dates from July 1, 2021, through December 31, 2021
 7. Season tickets for ballets, plays, music events, or musical theatre performances
 8. Entry to a fair, festival, or cultural event scheduled to be held on any date or dates from July 1, 2021, through December 31, 2021
 9. Use of or access to private and membership clubs providing physical fitness facilities from July 1, 2021, through December 31, 2021
- The retail sale of boating and water activity supplies, camping supplies, fishing supplies, general outdoor supplies, and sports equipment.

“Boating and water activity supplies” means:

- The first \$75 of the sales price of life jackets and coolers
- The first \$50 of the sales price of safety flares
- The first \$150 of the sales price of water skis, wakeboards, kneeboards, and recreational inflatable water tubes or floats capable of being towed
- The first \$300 of the sales price of paddleboards and surfboards
- The first \$500 of the sales price of canoes and kayaks
- The first \$75 of the sales price of paddles and oars
- The first \$25 of the sales price of snorkels, goggles, and swimming masks

“Camping supplies” means:

- The first \$200 of the sales price of tents
- The first \$50 of the sales price of sleeping bags, portable hammocks, camping stoves, and collapsible camping chairs
- The first \$30 of the sales price of camping lanterns and flashlights

“Fishing supplies” means:

- The first \$75 of the sales price of rods and reels, if sold individually, or the first \$150 of the sales price if sold as a set
- The first \$30 of the sales price of tackle boxes or bags
- The first \$5 of the sale price of bait or fishing tackle, if sold individually, or the first \$10 of the sales price if multiple items are sold together

The term does not include supplies used for commercial fishing purposes.

“General outdoor supplies” means:

- The first \$15 of the sales price of sunscreen or insect repellent
- The first \$100 of the sales price of sunglasses
- The first \$200 of the sales price of binoculars
- The first \$30 of the sales price of water bottles
- The first \$50 of the sales price of hydration packs
- The first \$250 of the sales price of outdoor gas or charcoal grills
- The first \$50 of the sales price of bicycle helmets
- The first \$250 of the sales price of bicycles

“Sports equipment” means any item used in individual or team sports, not including clothing or footwear, selling for \$40 or less.

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

If a purchaser of an admission purchases the admission exempt from tax and subsequently resells the admission, the purchaser shall collect tax on the full sales price of the resold admission.

The Department of Revenue is authorized, and all conditions are deemed met, to adopt emergency rules pursuant to s. 120.54(4), F.S., for the purpose of implementing this section.

➤ **Tax Exemption for Data Center Property**

Effective Date: July 1, 2021

Statute Reference: Section 212.08(5)(s), F.S.

Chapter Law: Section 20, 2021-31 (HB 7061, 1st Eng.)

The bill extends the issuance of temporary tax exemption certificates for data center property to June 30, 2027.

SEVERANCE TAX

➤ **Tax on Severance of Heavy Minerals**

Effective Date: July 1, 2021

Statute Reference: Section 211.3106(3)(e), F.S.

Chapter Law: Section 17, 2021-31 (HB 7061, 1st Eng.)

Provides that if the producer price index for titanium dioxide is discontinued or can no longer be calculated, then a comparable index will be selected by the Department and adopted by rule. If there is no comparable index, then the prior year's tax rate shall be used.

TAX ADMINISTRATION

➤ Amount of Penalties

Effective Date: July 1, 2021

Statute Reference: Section 318.18(17), F.S.

Chapter Law: Section 1, 2021-3 (SB 2510)

The bill extends the expiration date of s. 318.18(17), F.S., from July 1, 2021, to July 1, 2026. Subsection 318.18(17), F.S., provides that in addition to any penalties imposed, a surcharge of \$3 must be paid for all criminal offenses listed in s. 318.17, F.S., and for all noncriminal moving traffic violations under ch. 316, F.S. Revenue from the surcharge must be remitted to the Department and deposited quarterly into the State Agency Law Enforcement Radio System Trust Fund of the Department of Management Services.

➤ Confidentiality and Information Sharing

Effective Date: July 1, 2021

Statute Reference: Section 213.053(5), F.S.

Chapter Law: Section 27, 2021-31 (HB 7061, 1st Eng.)

Provides that the Department may publish a list of forwarding agents who have received a Florida Certificate of Forwarding Agent Address on the Department's website, pursuant to the requirements of s. 212.06(5)(b)10., F.S. The list must include each forwarding agent's entity name, address, and certificate expiration date.

➤ Disposition of Civil Penalties by County Courts

Effective Date: July 1, 2021

Statute Reference: Section 318.21(17), F.S.

Chapter Law: Section 2, 2021-3 (SB 2510)

The bill extends the expiration date of s. 318.21(17), F.S., from July 1, 2021, to July 1, 2026. Subsection 318.21(17), F.S., provides that notwithstanding subsections (1) and (2) of s. 318.21, F.S., the proceeds from the surcharge imposed under s. 318.18(17), F.S., shall be distributed as provided in that subsection.

➤ Filing Fees for Trial and Appellate Proceedings

Effective Date: July 1, 2021

Statute Reference: Section 28.241, F.S.

Chapter Law: Section 3, 2021-116 (CS/CS/SB 838)

The bill strikes the \$20 remittance from the \$280 filing fee of the notice of appeal from the county court to the circuit court and adds a \$20 remittance from the \$100 filing fee of the notice of appeal

from the county or circuit court to the district court of appeal or the Supreme Court. The new remittance will continue to be remitted to the Department for deposit into the General Revenue Fund.

The types of filing fees are separated into the following:

- A fee, not to exceed \$280, for filing a notice of appeal from the county court to the circuit court
- A fee, in addition to the filing fee required under ss. 25.241 and 35.22, F.S., for filing a notice of appeal from the county or circuit court to the district court of appeal or to the Supreme Court. The fee is not to exceed \$100, of which the clerk will remit \$20 to the Department of Revenue for deposit into the General Revenue Fund.

➤ **Fines, Fees, Service Charges, and Costs Remitted to the State**

Effective Date: July 1, 2021

Statute Reference: Section 28.37, F.S.

Chapter Law: Section 7, 2021-116 (CS/CS/SB 838)

The bill revises the annual balance transfer from the Clerks of the Court Trust Fund to the General Revenue Fund so that beginning February 1, 2022, and each February 1 thereafter, the Department will transfer 50 percent, no more and no less, of the cumulative excess of the original revenue projection from the Clerks of the Court Trust Fund to the General Revenue Fund. There is no longer a set amount of funds that must remain.

➤ **Possession, Misrepresenting Age or Military Service to Purchase, and Purchase of Nicotine Products by Persons Under 21 Years of Age Prohibited; Penalties; Jurisdiction; Disposition of Fines**

Effective Date: October 1, 2021

Statute Reference: Section 569.42, F.S.

Chapter Law: Section 35, 2021-14 (CS/CS/SB 1080, 1st Eng.)

Section 35 of the bill repeals s. 877.122, F.S., and creates s. 569.42, F.S., which establishes penalties for criminal and noncriminal violation of the section of statute (e.g., sales of nicotine products to individuals under 21 years of age, possession of nicotine products by individuals under 21 years of age). Eighty percent of all civil penalties received pursuant to s. 569.42, F.S., must be remitted by the clerks of the court to the Department for transfer to the Department of Education to provide for teacher training and for research and evaluation to reduce and prevent the use of nicotine products by children.

➤ **Program Participant Selection; Tax Collection Enforcement Diversion Program**

Effective Date: July 1, 2021

Statute Reference: Section 413.4021, F.S.

Chapter Law: Section 2, 2021-78 (SB 794)

The bill increases the percentage of revenue deposited into the special reserve account of the Florida Association of Centers for Independent Living from 50 to 75 percent.

➤ **Sports Development**

Effective Date: July 1, 2021

Statute Reference: 288.11625, F.S.

Chapter Law: Section 36, 2021-31 (HB 7061, 1st Eng.)

The bill repeals s. 288.11625, F.S., which eliminates the distribution of funds to applicants and the repayment of distributions to the Department.