

POST **Legislative** --- **REVIEW**



2004
Changes to
Florida Tax and
Child Support Enforcement Laws



General Tax Administration
Child Support Enforcement
Property Tax Administration
Administrative Services
Information Services

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Executive Director

This booklet has been compiled by the Florida Department of Revenue to inform you about law changes enacted by the Florida Legislature during the 2004 Legislative Session.

We have made every effort to ensure this information is accurate; however, this document should be used for reference only, and not relied on as a statement of law. For current enacted general law, you should refer to the chapter law referenced or the 2004 edition of the Florida Statutes online at **www.leg.state.fl.us**.

Discussion of each item in this document is brief and may not include detailed coverage of every issue that might affect a particular taxpayer or child support enforcement customer. Before applying the changes to a specific decision on taxes or child support, you should consult the law and Department rules, or contact us for assistance.

If you have questions about tax issues or other provisions of tax law, or would like additional copies of this booklet, please contact our Taxpayer Services group by calling 850-488-6800 or 1-800-352-3671. For the hearing or speech impaired, call our TDD line at 850-922-1115 or 1-800-367-8331. If you want a written response to a tax question, send your correspondence to P.O. Box 7443, Tallahassee, Florida 32314-7443.

If you have questions about child support issues, you may call the Child Support Enforcement Program at 850-922-9590. If you want a written response to a child support question, send your correspondence to P.O. Box 8030, Tallahassee, Florida 32314-8030.

Visit our Web site at **www.myflorida.com/dor** for more information on the Department.

We hope you find this information useful. We welcome your comments or suggestions. Please write our Legislative Services Office at P.O. Box 5906, Tallahassee, Florida 32314-5906, or e-mail us at **thomasd@dor.state.fl.us**.

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The following abbreviations are used in this publication:

Authority - High Speed Rail Authority

Ch. - Chapter

clerk - Clerk of the Court

CIT - Corporate Income Tax

CS - Committee Substitute

CSE – Child Support Enforcement

DEP – Department of Environmental Protection

Department - Department of Revenue

DMS - Department of Management Services

F.S. - Florida Statutes

HB - House Bill

I.R.C. - United States Internal Revenue Code

L.O.F. - Laws of Florida

OTTED - Office of Tourism, Trade, and Economic Development

PTA - Property Tax Administration

s. - section

SB - Senate Bill

ss. - sections

SUT - Sales and Use Tax

UCT - Unemployment Compensation Tax

CHILD SUPPORT ENFORCEMENT (CSE)

➤ Acknowledgment of Paternity/Notary Requirement

Effective Date: July 1, 2004

Statute Reference: ss. 742.10(1), 382.013(2)(c) and 382.016(1)(b), F.S.

Chapter Law: ss. 8, 9 and 19, 2004-334 (SB 160)

Allows the entry of father's name on a birth certificate and establishment of paternity when both parents, under penalty of perjury, sign an acknowledgment that is witnessed by two individuals. The Department of Health is authorized to amend the birth record to reflect the name of the father for acknowledgments completed using this procedure. Previously, only a notarized acknowledgment was allowed.

➤ Assignment of Undistributable Collections

Effective Date: June 18, 2004

Statute Reference: s. 409.2558(2)(b)3, F.S.

Chapter Law: s. 10, 2004-334 (SB 160)

Allows the Department to apply an undistributable support collection to another case for which the paying parent is required to pay support and for which the Department is providing child support services when the paying parent cannot be located or fails to respond to a letter requesting permission. Previously, the Department was unable to apply undistributable collections to another case when it was unable to get the noncustodial parent's permission.

➤ Business and Professional License Suspensions

Effective Date: July 1, 2004

Statute Reference: s. 409.2598, F.S.

Chapter Law: s. 18, 2004-334 (SB 160)

Authorizes the Department to seek denial or suspension of all occupational licenses issued by a licensing agency to a noncustodial parent who owes past-due support or fails, after receiving appropriate notice, to comply with subpoenas or warrants relating to paternity or child support proceedings. "Licensing agency" means a department, commission, agency, district, county, municipality, or other subdivision of state or local government which issues licenses. Requires that an obligor has 30 days from the date of mailing to respond to the notice and requires pre-suit notices to the noncustodial parent be given by regular mail.

➤ **CSE Trust Fund Clarification**

Effective Date: June 18, 2004

Statute Reference: s. 61.1814, F.S.

Chapter Law: s. 6, 2004-334 (SB 160)

Clarifies the purpose and administration of the Child Support Enforcement Application and Program Revenue Trust Fund. The definition of the trust fund is expanded to include all program income that is currently deposited into the trust fund and requires that each type of income deposited into the fund be accounted for separately. Authorizes the Department to invest the money in the trust fund, retain all interest earnings and retain any balance in the trust fund at the end of each fiscal year to use for the purpose of the trust fund.

➤ **Collection of Arrearages Upon Emancipation of Minor Child**

Effective Date: July 1, 2004

Statute Reference: ss. 61.1301 and 61.14, F.S.

Chapter Law: ss. 3 and 4, 2004-334 (SB 160)

Requires an income deduction order in Title IV-D cases to state that if current child support is reduced or terminated based upon the emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency or costs, the income deduction continues at the rate in effect immediately prior to emancipation until all amounts due are paid or until the withholding amount is modified. Requires notice to the obligor including rights and responsibilities. Requires that when the obligor contests withholding based upon an order rendered by the IV-D agency, the obligor must file a petition for an administrative hearing with the IV-D agency. Provides the following guidelines:

- Specifies that income in excess of the current support obligation is required to be credited against the arrearages, retroactive support, delinquency and costs owed by an obligor.
- Requires the Department to provide notice of action to the obligor by certified mail, restricted delivery, return receipt requested, for all income deduction orders issued before July 1, 2004, that do not include the requirement to continue to deduct at the same rate in effect immediately prior to emancipation. This notice must include the obligor's right to contest the continued withholding and state that the obligor may request the tribunal that issued the income deduction order to modify the withholding.
- Requires the Department to provide notice of the requirement to the obligor and local depository.
- Specifies that this provision is remedial and applies to cases in which a support order or income deduction order was entered before, on or after July 1, 2004.
- Requires that, in a Title IV-D case, if current support for multiple children is reduced based on the emancipation of a child and the obligor owes an arrearage, retroactive support, delinquency or cost, the obligor must continue to pay support at the rate in effect immediately prior to emancipation until all amounts owed are paid or until the amount is modified.

Requires that, unless ordered by the court or agreed to by the parties, current child support terminates for a child when the child reaches the age of 18 years or the disability of nonage is removed. Termination of current support does not terminate the obligation to pay any arrearage, retroactive support, delinquency or costs.

➤ **Depository Accounts for Interstate Cases**

Effective Date: July 1, 2004

Statute Reference: s. 61.181, F.S.

Chapter Law: s. 5, 2004-334 (SB 160)

Requires the local depository to create, upon the request of the Department, a depository account for cases being enforced when another state asks the Department to take action without registering the other state's order in Florida. The local depository shall provide the account number to the Department.

➤ **Elimination of Social Security Numbers from Court Orders**

Effective Date: June 18, 2004

Statute Reference: s. 61.13(1)(d)1, F.S.

Chapter Law: s. 2, 2004-334 (SB 160)

Removes the requirement that children's social security numbers be included in the support order thereby protecting the information from public disclosure.

➤ **Insurance Claim Data Exchange**

Effective Date: October 1, 2004

Statute Reference: Creates s. 409.25659, F.S.

Chapter Law: s 14, 2004-334 (SB 160)

Defines "insurer" as an entity that is responsible for paying a claim on liability coverage in an insurance contract and which is: an insurer as defined in s. 624.03, F.S., authorized to transact insurance in this state; an eligible surplus lines insurer pursuant to Part VIII of Chapter 626, F.S.; a joint underwriter or joint reinsurer created by law or otherwise operating pursuant to s. 627.311, F.S.; or an insurance risk apportionment plan operating pursuant to s. 627.351, F.S. Defines "claim" as an open unresolved bodily injury claim on liability coverage in excess of \$3000 in an insurance contract payable to an individual, or to a third party for the benefit of an individual, who is a resident of this state or who had an accident or loss that occurred in this state and who has an outstanding child support obligation in this state. Allows these insurers to conduct a data match with the Department to identify obligors who owe past-due support and who have an open/active claim. This match would occur monthly and:

- Allows the insurer to provide the Department with the claimant's name, address, date of birth, social security number or other taxpayer identification number, claim number and any other identifying information.
- Allows the insurer to provide the information by (a) authorizing an insurance claim data collection organization to receive or access data provided by the Department and conduct a data match and submit the matched data to the Department or submit a data file to the Department for the Department to conduct the match; (b) providing the required data directly

to the Department in an electronic medium; or (c) receiving or accessing the Department's data file, conducting the match and returning the required match data.

- Requires the Department to pay, upon request, a standard fee to an insurer or the insurer's claim data collection organization for conducting the match.
- Provides that an insurer, its directors, agents, employees, insured individuals and any insurance claim data collection organization and its agents and employees authorized by an insurer to act on its behalf are immune from any civil liability under any law to any person or entity for any alleged or actual damages that occur as a result of providing or attempting to provide data.
- Provides that insurers may only use the data obtained from the Department for the purpose of identifying noncustodial parents who owe past due support.

➤ **Liquidation of Securities Glitch**

Effective Date: June 18, 2004

Statute Reference: s. 409.25656(3), F.S.

Chapter Law: s. 13, 2004-334 (SB 160)

Clarifies that if the Department levies upon securities with a value that exceeds the amount of past due or overdue support and the obligor does not provide instructions for liquidation after notice, the holder of the securities must liquidate securities in an amount sufficient to cover both the obligation for past due or overdue support and any applicable commissions or fees charged in the normal course of business.

➤ **Modification of Temporary Support Orders**

Effective Date: July 1, 2004

Statute Reference: s. 61.14, F.S.

Chapter Law: Ch. 2004-47 (CS/CS/SB 1060)

Authorizes the court, upon showing of good cause, but without the requirement of showing a substantial change in circumstance, to modify, vacate or set aside a temporary support order either before or at the time a final order is entered. Allows the modification of a temporary support order to be retroactive to the date of the initial entry of that order, the filing of the initial petition of dissolution of marriage, the initial petition for support, the initial petition determining paternity, the supplemental petition for modification or as otherwise permitted by law.

➤ **Payment of Filing Fees**

Effective Date: June 18, 2004

Statute Reference: s. 409.259, F.S.

Chapter Law: s. 17, 2004-334 (SB 160)

Requires each clerk of the circuit court to accept petitions, complaints and motions filed by the Department in Title IV-D cases without billing separately for such filing as long as the clerk is being

reimbursed for expenses incurred in such filings under cooperative agreement with the Department pursuant to ss. 61.181(1) and 61.1826(2) and (4), F.S.

➤ **Private Process Servers**

Effective Date: June 18, 2004

Statute Reference: s. 409.257, F.S.

Chapter Law: s. 15, 2004-334 (SB 160)

Permits the Department to obtain service of initial process and orders by using any means permitted under chapter 48, F.S., in civil actions related to the Child Support Enforcement Program. Previously, the Department was required to use the sheriff before using other methods of service.

➤ **Public Assistance Recipient Cooperation**

Effective Date: June 18, 2004

Statute Reference: s. 409.2572, F.S.

Chapter Law: s. 14, 2004-334 (SB 160)

Clarifies that an applicant or recipient of public assistance must cooperate in good faith with the Department in pursuing support. This change conforms to the federal standard for cooperation and with Florida case law in instances where a mother identifies one or more persons as the father of her child yet genetic tests indicate that none of them could be the father. This change allows the individual to be deemed cooperative if she names another potential father or attests to the lack of information as to the identity of the father.

➤ **Public Records Exemption — Insurance Claim Information**

Effective Date: June 18, 2004

Statute Reference: Creates s.409.25661, F.S.

Chapter Law: Ch. 2004-339 (CS/CS/SB 2826)

Creates a public records exemption for insurance claims information obtained by the Department pursuant to s. 409.25659, F.S. This includes personal information provided to the Department for individuals who do not match with an open Title IV-D child support case and restricts the exemption to the time the Department takes to determine whether a match is made with a Title IV-D child support case. This exemption is subject to the Open Government Sunset Review Act of 1995 and is set for repeal on October 2, 2009, unless reviewed and retained.

➤ **Strategies for Incarcerated Noncustodial Parents**

Effective Date: June 18, 2004

Statute Reference: N/A

Chapter Law: s. 20, 2004-334 (SB 160)

Requires the Department to work collaboratively with the Department of Corrections, the Agency for Workforce Innovation, the Office of the State Court Administrator, local law enforcement, community-based and faith-based organizations, and any additional stakeholders to identify strategies to:

- Maximize an inmate's chance of successfully reentering society and reconnecting with his or her children by providing financial and emotional support without the burden of an unmanageable amount of child support debt.
- Increase the collections of current support for incarcerated parents including collecting the appropriate data to develop the strategies and educating the noncustodial parents on their child support obligations.
- Build collaborations and data-sharing between the stakeholders, particularly the Department of Revenue and the Department of Corrections, relating to continuing the initiative to increase the collections of child support from incarcerated noncustodial parents.

Requires the Department to submit a report to the Governor, President of the Senate, and Speaker of the House of Representatives by December 31, 2004, that includes the data collected on noncustodial parents who are inmates and the recommendations for implementing identified strategies.

➤ **Technical Amendments/Administrative Support**

Effective Date: June 18, 2004

Statute Reference: ss. 61.046(19) and 409.2563, F.S.

Chapter Law: ss. 1, 7, and 12, 2004-334 (SB 160)

Makes technical amendments to the administrative procedure for establishing and modifying child support orders that was created by Ch. 2002-239, Laws of Florida, as follows:

- Amends the definition of "support order" to include administrative orders.
- Requires hearings held by the Division of Administrative Hearings pursuant to s. 409.2563, F.S., be held in the judicial circuit where the person receiving Title IV-D services resides or, if the person does not live in Florida, in the judicial circuit where the respondent lives. The hearing may be held in another location if agreed to by the Department and respondent.
- Allows the administrative law judge to conduct hearings by telephone or videoconferencing.
- Clarifies that when a noncustodial parent requests the Department to proceed in circuit court, the waiver of service must be signed by the noncustodial parent after the action is filed in circuit court and that the waiver of service form will be sent in accordance with Rule of Civil Procedure 1.070(i).
- Limits the Department's participation in circuit court proceedings to issues that are reimbursable under Title IV-D of the Social Security Act.
- Provides for the filing of initial notices and the creation of a depository account number (or court case number) at the time an administrative establishment proceeding begins.

CORPORATE INCOME TAX (CIT)

➤ Bank or Trust Company Organized as a Limited Liability Company

Effective Date: July 1, 2004

Statute Reference: s. 658.16(2) and (3), F.S.

Chapter Law: s. 13, 2004-340 (CS/SB 2960)
s. 96, 2004-390 (CS/CS/SB 2994)

Permits a bank or trust company to be organized as a limited liability company, rather than as a corporation. Provides that a bank or trust company that is organized as a limited liability company is deemed to be incorporated under the financial institution code, so long as it exhibits the four corporate attributes required by the new regulations issued by the Federal Deposit Insurance Corporation (F.D.I.C.).

➤ Conform to Internal Revenue Code (I.R.C.)

Effective Date: May 28, 2004 (Retroactive to January 1, 2004)

Statute Reference: s. 220.03(1) and (2), F.S.

Chapter Law: 2004-262 (SB 1826)

Updates the references in the Florida Income Tax Code to conform to the I.R.C. in effect beginning January 1, 2004.

➤ Nonprofit Scholarship Funding Tax Credit

Effective Date: July 1, 2004

Statute Reference: s. 220.187, F.S.

Chapter Law: s. 2, 2004-271 (HB 1867)

Reduces the cap on the total amount of nonprofit scholarship funding organization credits for the 2004-2005 fiscal year from \$88 million to \$50 million.

DOCUMENTARY STAMP TAX

➤ Florida High-Speed Rail Authority

Effective Date: June 24, 2004

Statute Reference: ss. 341.8203 and 341.840, F.S.

Chapter Law: s. 16, 2004-366 (CS/CS/SB 1456)

Provides an exemption from documentary stamp tax for any bond or other security and for instruments issued by or on behalf of the Authority. However, the exemption does not apply to assignments of leases for repayment of bonds.

ECONOMIC DEVELOPMENT

➤ Enterprise Zones — Boundary Changes for Specified Zones

Effective Date: July 1, 2004

Statute Reference: s. 290.00675, F.S.

Chapter Law: ss. 2 and 4, 2004-324 (CS/CS/SB 1358)

Provides that the Office of Tourism, Trade, and Economic Development (OTTED) may approve boundary amendment requests before December 31, 2004, for an existing enterprise zone in a community whose population is between 50,000 and 60,000, when the overall size of the enterprise zone does not increase by more than 400 acres and other statutory requirements are met.

Provides that OTTED may amend the boundaries of the City of Brooksville/Hernando County Enterprise Zone #2701. The boundary amendment may not increase the size of the enterprise zone by more than 4 square miles and must meet other statutory requirements. The request must be submitted to OTTED no later than December 31, 2004.

Permits a county to apply to OTTED before November 30, 2004, to amend the boundaries of an existing enterprise zone to replace no more than 75 acres within the existing enterprise zone with an area the same size located outside the enterprise zone.

Provides that a governing body located within the boundaries of a consolidated government or the governing body of an inland county whose population exceeds 500,000 may apply to OTTED to amend the boundaries of an existing enterprise zone. Provides requirements for the areas. Provides that the application must be submitted before December 31, 2004.

➤ **Enterprise Zones — Designation of New Zones**

Effective Date: July 1, 2004

Statute Reference: ss. 290.00702 - 290.00704, F.S.

Chapter Law: ss. 4 through 11, 2004-324 (CS/CS/SB 1358)

Authorizes new enterprise zones to be designated in Osceola County or within Osceola County and the City of Kissimmee jointly, the City of South Daytona, the City of Lake Wales, Walton County, the City of West Miami, and the City of Hialeah. Provides requirements for the areas and application dates.

➤ **Enterprise Zones — Leon County**

Effective Date: July 1, 2004

Statute Reference: s. 290.00688, F.S.

Chapter Law: s. 3, 2004-324 (CS/CS/SB 1358)

Removes specific requirements as to which census tracts must be included in the enterprise zone located in Leon County.

➤ **Enterprise Zones — State Designation**

Effective Date: July 1, 2004

Statute Reference: s. 290.0065, F.S.

Chapter Law: s. 1, 2004-324 (CS/CS/SB 1358)

Provides that before December 31, 2004, the governing body of a county or a municipality in a county whose population is between 235,000 and 260,000, and which has an existing enterprise zone, may apply to OTTED in order to replace areas of the existing enterprise zone with areas more suitable for development. Permits a county to apply to OTTED by October 1, 2004, to expand an existing enterprise zone to include 8.7 additional square miles. Permits a county to apply to OTTED before November 30, 2004, to amend the boundaries of an existing enterprise zone to replace no more than 75 acres within the existing enterprise zone with an area the same size located outside the enterprise zone.

FUEL TAX

➤ Florida Motor Fuel Tax Relief Act of 2004

Effective Date: May 20, 2004

Statute Reference: N/A

Chapter Law: ss. 2-7 and 9-11, 2004-73 (HB 237)

Reduces, during the period from 12:01 a.m., August 1, 2004, through midnight, August 31, 2004, the per gallon fuel sales tax by 8 cents per gallon. Licensed terminal suppliers, wholesalers, and importers of motor fuel are required to charge and collect the reduced rate of tax on sales of motor fuel to retail dealers located in this state. Provides that any refund of the fuel sales taxes to any person who uses fuel for certain purposes is to be reduced by 8 cents per gallon when the fuel was purchased during that same period.

Provides that a retail dealer may manage its motor fuel inventory in such a way that the benefit of the tax reduction for the residents of this state is maximized. Provides that any retail dealer or reseller in violation of the provisions of the Florida Motor Fuel Relief Act of 2004 is subject to revocation of his or her license.

Provides that it is unlawful for a terminal supplier, wholesaler, importer, or retail dealer of motor fuel to retain any part of the 8 cents per gallon tax reduction or to interfere with providing the full benefit of the tax reduction to the retail purchaser. Any person violating this provision is subject to punishment for a felony of the third degree.

INSURANCE PREMIUM TAX

➤ Florida Hurricane Catastrophe Fund

Effective Date: May 11, 2004

Statute Reference: s. 215.55, F.S.

Chapter Law: 2004-27 (CS/CS/CS/CS/SB 2488)

The Florida Hurricane Catastrophe Fund may direct the Office of Insurance Regulation to levy an emergency assessment against property and casualty insurers when insufficient funds are contained in the Fund. Emergency assessments are not considered premiums and are not subject to the insurance premium tax.

➤ **Local Government Self-Insurance Funds**

Effective Date: Funds Created after October 1, 2004

Statute Reference: s. 624.4622(3) and (4), F.S.

Chapter Law: s. 4, 2004-370 (CS/CS/SB 2038)
s. 17, 2004-390 (CS/CS/SB 2994)

Provides that local government self-insurance funds created after October 1, 2004, are subject to the requirements of a commercial self-insurance fund. Provides that for the first 5 years of existence, the funds are subject to the insurance premium tax and to all the requirements applied to commercial self-insurance funds or to group self-insurance funds.

➤ **Marvin B. Clayton Firefighters and Police Officers Pension Trust Fund**

Effective Date: April 27, 2004

Statute Reference: s. 175.1015, F.S.
s. 185.085, F.S.

Chapter Law: 2004-21 (HB 251)

Subject to legislative appropriation, requires the Department to create and maintain a database, which:

- conforms to any format approved by the American National Standards Institute's Accredited Standards Committee X12;
- designates each street address and address range in the state, including any multiple postal street addresses applicable to one street location, in standard postal format; and
- designates the local taxing jurisdiction in which the street address and address range is located, and the appropriate code for each such participating local taxing jurisdiction, identified by one nationwide standard numeric code.

Requires that the nationwide standard numeric code must contain the same number of numeric digits, and each digit, or combination of digits, must refer to the same level of taxing jurisdiction throughout the United States, using a format similar to FIPS 55-3 or other appropriate standard approved by the Federation of Tax Administrators and the Multistate Tax Commission.

Requires each participating local taxing jurisdiction to provide to the Department all the information needed to create and update the original database and each annual database. The information for an update must be provided to the Department by July 1 of each year. Requires the Department to post each new annual database on the Internet by September 1 of each year, if possible, and allows the municipalities and fire control districts 30 days in which to review the database and provide corrections. Requires the Department to finalize the annual database and post it on a website by November 1.

Provides that when an insurance company exercises due diligence in employing the database provided by the Department, it shall be held harmless from any liability for taxes, interest, and penalties that would otherwise be due solely as a result of an assignment of an insured property to an incorrect local taxing jurisdiction. Provides guidelines for the exercise of due diligence.

Imposes penalties on insurers that do not use the Department's database or that do not exercise due diligence in applying the Department's database.

Provides that all insurers subject to excise taxes imposed under Ch. 175, F.S., or Ch. 185, F.S., are held harmless from any liability for tax, interest, or penalties related to the collection and remission of these taxes accruing before January 1, 2005, if the insurer reports the taxes consistent with filings for periods before January 1, 2005. Provides that insurers are not subject to examination that would occur solely as a result of improperly assigning premiums to local taxing jurisdictions for periods prior to January 1, 2005.

Provides for the distribution of the police officers' excise tax for years beginning on or after January 1, 2005.

INTANGIBLE PERSONAL PROPERTY TAX

➤ Florida High-Speed Rail Authority

Effective Date: June 24, 2004

Statute Reference: ss. 341.8203 and 341.840, F.S.

Chapter Law: s. 16, 2004-366 (CS/CS/SB 1456)

Provides an exemption from intangible tax for any bond or other security and for instruments issued by or on behalf of the Authority. However, the exemption does not apply to assignments of leases for repayment of bonds.

Provides that a leasehold interest held by the Authority is not subject to intangible tax. However, when a leasehold interest held by the Authority is subleased to a nongovernmental lessee, the sub-leasehold interest is subject to intangible tax.

LOCAL GOVERNMENT

➤ Bond Debt Service Funds

Effective Date: June 17, 2004

Statute Law: s. 112.63, F.S.

Chapter Law: s. 8, 2004-305 (CS/CS/CS/SB 708)

Provides that when a retirement plan administered by DMS fails to provide actuarial information that is complete, accurate, or based on reasonable assumptions, DMS may notify the Department of Revenue to withhold any funds not pledged for satisfaction of bond debt service from the affected local governmental entity. DMS is required to specify the date the withholding is to begin, and the Department of Revenue must receive notification 30 days before the date the action begins.

Allows the Department of Revenue to intervene in a hearing requested by the affected governmental entity when requested by DMS or when the Department of Revenue determines that its interest may be adversely affected by the hearing.

➤ **Charter County Transit System Surtax — Use of Proceeds**

Effective Date: May 17, 2004

Statute Reference: s. 212.055(1)(d), F.S.

Chapter Law: s. 1, 2004-66 (CS/SB 2264)

Authorizes all charter counties eligible to levy the Charter County Transit System Surtax to use up to 25% of surtax proceeds for non-transit purposes.

➤ **City of West Park**

Effective Date: Upon certification of election results

Statute Reference: ss. 218.23, 218.26, 218.245, F.S.

Chapter Law: s. 8, 2004-54 (HB 1491)

Provides that the City of West Park is entitled to participate in all shared revenue programs of the state, effective immediately on the date of incorporation. Waives the eligibility to receive revenue sharing from the date of incorporation through the end of the state fiscal year 2005-2006.

Requires recalculation of the apportionment factors for the municipalities and counties. Requires the University of Florida Bureau of Economic and Business Research to determine the initial population estimates for calculating eligibility for shared revenues. Provides that the initial population will be established at 12,750 in the event that the Bureau is unable to provide an appropriate population estimate.

Provides that, beginning October 1, 2004, the City of West Park is entitled to receive local option gas tax revenues.

Requires Broward County to distribute to the City of West Park revenues collected from taxes, franchise fees, and ad valorem taxes, and revenues collected within the municipal boundaries of the city, based upon a population projection of 12,750.

Provides that through December 31, 2004, the local communications services tax imposed by Broward County will continue within the boundaries of the City of West Park. Requires revenues derived from the local communications services tax to be shared by Broward County with the City of West Park in proportion to the projected city population of 12,750 compared to the unincorporated population of Broward County before the incorporation.

➤ **Florida High-Speed Rail Authority**

Effective Date: June 24, 2004

Statute Reference: ss. 341.8203 and 341.840, F.S.

Chapter Law: ss. 15, 16, 2004-366 (CS/CS/SB 1456)

Provides an exemption for the Authority, its agents, and the owner of the system from any tax or assessment on or in respect to:

- the high-speed rail system;
- any property acquired or used under the provisions of the Florida Public Transit Act; and
- any income from property acquired or used under the provisions of the Act.

➤ **Highlands County Hospital District**

Effective Date: June 17, 2004

Statute Reference: N/A

Chapter Law: 2004-458 (HB 1599)

Provides a single comprehensive special act charter for the Highlands County Hospital District. Provides that all bonds issued under the act, together with interest thereon, transfer, and income therefrom, including any profit made on the sale thereof, are exempt from taxation of every kind by the state, Highlands County, and municipalities and other political subdivisions of the state. The exemption does not apply to interest earnings, income, or profits on debt obligations owned by corporations subject to corporate income tax.

➤ **Indigent Care and Trauma Center Surtax**

Effective Date: July 1, 2004

Statute Reference: s. 212.055(4), F.S.

Chapter Law: s. 1, 2004-259 (CS/SB 1762)

Authorizes counties with a population of less than 800,000 to levy, by ordinance, subject to approval by a majority of the electors of the county voting in a referendum, an Indigent Care and Trauma Center discretionary sales surtax that may not exceed .25%. Requires the Department to distribute the proceeds of the surtax to the clerk. Provides for an expiration date of the surtax in 4 years, unless reenacted.

➤ **Legislative Auditing Committee**

Effective Date: June 17, 2004

Statute Law: s. 11.40, F.S.

Chapter Law: s. 1, 2004-305 (CS/CS/CS/SB 708)

Provides that the Legislative Auditing Committee will direct the Department to withhold any funds not pledged for bond debt service satisfaction when the Committee, after conducting a hearing, determines that a local government entity, district school board, charter school, or charter technical career center is subject to further state action.

➤ **Local Government Infrastructure Surtax — Use of Proceeds**

Effective Date: May 17, 2004

Statute Reference: s. 212.055(2)(g), F.S.

Chapter Law: s. 1, 2004-66 (CS/SB 2264)

Revises the property tax threshold to allow Alachua County to qualify to use proceeds from the local government infrastructure sales surtax for the operation and maintenance of parks and recreation programs. Restricts counties with a population of 75,000 or less, if otherwise qualified, from using the proceeds of the surtax for the operation and maintenance of parks and recreation programs and facilities established with the proceeds of the surtax.

PROPERTY TAX ADMINISTRATION (PTA)

➤ **Assessment Notice; Objections to Assessments**

Effective Date: January 1, 2005

Statute Reference: s. 194.011(4), F.S.

Chapter Law: s. 1, 2004-349 (CS/SB 2444)

Amends s. 194.011(4), F.S., pertaining to the information exchange between a value adjustment board petitioner and a property appraiser. Revises the 10 day period to 15 days. Requires the property appraiser's information be provided to the petitioner no later than 7 days before the hearing if the petitioner requests the information in writing. Provides that a hearing must be rescheduled if the property appraiser fails to timely provide the information to the petitioner.

➤ **Assessment of Lands Subject to a Conservation Easement, Environmentally Endangered Lands, or Lands Used for Outdoor Recreational or Park Purposes When Land Development Rights Have Been Conveyed or Conservation Restrictions Have Been Covenanted**

Effective Date: January 1, 2005

Statute Reference: s. 193.501, F.S.

Chapter Law: s. 9, 2004-349 (CS/SB 2444)

Amends s. 193.501, F.S., pertaining to land used for outdoor recreational purposes. Provides that if land is covenanted and used for an outdoor recreational purpose, the normal use and maintenance of the land for that purpose cannot be restricted.

➤ **Certifications of Levels of Assessment by the Department of Revenue**

Effective Date: January 1, 2005

Statute Reference: N/A

Chapter Law: s. 11, 2004-349 (CS/SB 2444)

Provides that the amendment under section 10 of this bill applies to certifications of the 2004 and later levels of assessment and use of just value instead of assessed value for calculation of levels for any certification made prior to the 2004 tax roll are validated and ratified.

➤ **Florida High-Speed Rail Authority**

Effective Date: June 24, 2004

Statute Reference: ss. 341.8203 and 341.840, F.S.

Chapter Law: ss. 15 and 16, 2004-366 (CS/CS/SB 1456)

Provides that property leased by the Authority is exempt from ad valorem tax only if the use by the lessee qualifies the property for exemption under s. 196.199, F.S.

➤ **Funds for Operation of Schools; Levels of Assessment Calculated by Department of Revenue**

Effective Date: January 1, 2005

Statute Reference: s. 1011.62(4), F.S.

Chapter Law: s. 10, 2004-349 (CS/SB 2444)

Amends s. 1011.62(4), F.S., pertaining to school funding. Provides that for parcels studied pursuant to s. 195.096(3)(a)1., F.S., where the assessed value of homestead property receiving the assessment cap under s. 193.155, F.S., is less than the just value, the Department shall use the assessed value in the numerator and denominator of the assessment ratio.

➤ **List of Lands Available for Taxes; Escheat to County; Land Development**

Effective Date: July 1, 2004

Statute Reference: s. 197.502(8), F.S.

Chapter Law: s. 1, 2004-372 (CS/CS/SB 2188)

Amends s. 197.502(8), F.S., pertaining to land that escheats to a county. Provides the land will escheat to the county “after” three years from the date of public sale. Provides that accrued taxes and liens of any nature (in addition to tax certificates and liens) shall be deemed canceled as a matter of law and of no further legal force or effect. Provides the clerk will execute an escheatment tax deed.

Provides that when property escheats to the county, the county is not subject to any liability imposed under Ch. 376 or Ch. 403, F.S., for preexisting soil or groundwater contamination. Provides that this does not affect the rights or liabilities of past or future owners and does not affect the liability of any governmental entity for its actions that create or exacerbate a pollution source.

Provides that a county and DEP may enter into a written agreement for performance, funding, and reimbursement for investigative and remedial acts necessary for the escheated land.

➤ **Low-Income Housing Tax Credit**

Effective Date: January 1, 2005

Statute Reference: s. 193.017, F.S.

Chapter Law: s. 6, 2004-349 (CS/SB 2444)

Creates s. 193.017, F.S., pertaining to assessments of low-income housing. Provides for the assessment of low-income housing receiving the tax credit from the Florida Housing Finance Corporation, under the provisions of s. 193.011, F.S., consistent with s. 420.5099(5) and (6), F.S. Provides that the tax credits received may not be considered as income to the property; that the actual rental income from rent-restricted units shall be recognized by the property appraiser; and costs paid for by tax credits or by additional financing proceeds received under Ch. 420, F.S., are not to be included in valuation of the property. Provides that extended low income housing agreements and amendments and supplements that are recorded in a county’s official public records are deemed land use regulations and a limitation on highest and best use during the term of the agreements.

➤ **Manual of Instructions; Amendments**

Effective Date: January 1, 2005

Statute Reference: s. 195.062(1), F.S.

Chapter Law: s. 3, 2004-349 (CS/SB 2444)

Amends s. 195.062(1), F.S., pertaining to the manual of instructions for property appraisers. Provides that additional items to update the guidelines that will not require rulemaking include: technical changes, changes indicated by established decisions of the Supreme Court, and if summarized in the notice under s. 120.54, F.S., other changes relevant to appropriate assessment practices or standard measurements of value.

➤ **Parties to a Tax Suit; Challenges to Assessment**

Effective Date: January 1, 2005

Statute Reference: s. 194.181, F.S.

Chapter Law: s. 7, 2004-349 (CS/SB 2444)

Amends s. 194.181, F.S., pertaining to parties involved in tax suits. Provides that the taxpayer or other person who is responsible under a statute for payment or a person responsible for the entire payment pursuant to a contract and with written consent of the property owner will be a party to a tax suit. Provides that the tax collector is considered a party to a suit involving only applications for tax deeds and not other matters relating to tax deeds.

➤ **Property Tax Forms**

Effective Date: July 1, 2004

Statute Reference: s. 195.022, F.S.

Chapter Law: s. 1, 2004-22 (HB 1861)

Amends s. 195.022, F.S., pertaining to forms for tax collectors and property appraisers. Limits the responsibility of the Department to furnish forms to counties with a population of 100,000 or less. Counties with a population of more than 100,000 are required to reproduce and provide forms at their own expense.

➤ **Railroad Right-of-Way**

Effective Date: January 1, 2005

Statute Reference: s. 373.516, F.S.

Chapter Law: s. 4, 2004-349 (CS/SB 2444)

Repeals, as obsolete, s. 373.516, F.S., which provides for a fixed per mile basis of value for railroad rights of way.

➤ **Sale of Homestead Property; Disclosure of Ad Valorem Taxes to Prospective Purchaser**

Effective Date: January 1, 2005

Statute Reference: s. 689.261, F.S.

Chapter Law: s. 5, 2004-349 (CS/SB 2444)

Creates s. 689.261, F.S., pertaining to property tax information disclosures to prospective purchasers of residential property. Provides that purchasers of residential property must be presented a disclosure summary at or before executing a contract for sale. Provides that unless a disclosure summary is included in the contract for sale, a separate disclosure summary must be attached to the contract for sale. Provides the format of the disclosure to include advisement that: the buyer should not rely on the seller's current property taxes as the amount the buyer may owe after purchase; a change of ownership or property improvement triggers reassessment of the property that may result in higher taxes; and to contact the property appraiser for questions concerning valuation. Provides the disclosure must be provided by the seller unless included in the contract for sale. If the disclosure is not in the contract, the contract must refer to and incorporate by reference the disclosure summary and all contracts must include, in prominent language, a statement that the potential purchaser should not execute the contract until the disclosure has been read.

➤ **Tax Deed Application; Holder of Tax Sale Certificate; Fees**

Effective Date: January 1, 2005

Statute Reference: s. 197.502(4)(f), F.S.

Chapter Law: s. 8, 2004-349 (CS/SB 2444)

Amends s. 197.502(4)(f), F.S., pertaining to applications for tax deeds. Removes the signature, seal, and bond provisions from paragraphs (f) and moves them to paragraph (h) and provides the search of the official records must be made by direct (defined as the index in alphabetic order by grantor) and inverse (defined as the index in alphabetic order by grantee) search.

Provides a definition of contiguous property to mean touching, meeting or joining at the surface or border, other than a corner or single point, and not separated by submerged lands. Provides submerged lands lying below the ordinary high water mark that are sovereignty lands are not considered part of the upland contiguous property. This clarifies that submerged sovereignty lands are not considered contiguous property subject to notification. Provides the tax collector may contract for higher maximum liability limits for title searches than provided in s. 627.7843(3), F.S.

Clarifies that property escheats to the county free and clear three years after the land was offered for public sale. Provides tax certificates, accrued taxes and liens of any nature are deemed canceled as a matter of law and have no further legal force or effect. Provides that an escheatment tax deed is issued to the county.

➤ **Tax Levy; School Buses**

Effective Date: July 1, 2004

Statute Reference: ss. 200.065 and 1011.71, F.S.

Chapter Law: ss. 1 and 2, 2004-346 (CS/SB 1212)

Amends ss. 200.065 and 1011.71(2)(i), F.S., pertaining to funding for school buses. Provides that the 2 mill levy is to fund payment of the cost of school buses when the district contracts with a private entity to provide student transportation services. Provides that the district's contract must require that the private entity purchase, own, operate, and maintain one or more school buses of a specific type and size that meet the requirements of s. 1006.25, F.S. Requires a district school board to include projects involving payments to private entities for school buses in the notice of intent to levy additional taxes required under s. 200.065(9)(a), F.S.

➤ **Tax Liens; Homestead Exemptions**

Effective Date: UBL

Statute Reference: s. 95.091, F.S.

Chapter Law: s. 1, 2004-26 (SB 1738)

Amends s. 95.091(1)(a) and (b), F.S., pertaining to the statute of limitations. Excludes a tax lien under s. 196.161, F.S. (wrongful receipt of homestead) from the 5 year statute of limitations. Provides that a lien under s. 196.161, F.S., expires 20 years after the last date the tax may be assessed.

➤ **Value Adjustment Boards; Hearing Purposes; Timetable**

Effective Date: January 1, 2005

Statute Reference: s. 194.032(2), F.S.

Chapter Law: s. 2, 2004-349 (CS/SB 2444)

Amends s. 194.032(2), F.S., pertaining to notifying a value adjustment board petitioner of the date of the hearing. Requires the clerk to notify each petitioner of the scheduled hearing at least 25 days before a hearing.

➤ **Value Adjustment Boards; Magistrates and Masters**

Effective Date: October 1, 2004

Statute Reference: ss., 194.013, 194.034, 194.035, F.S.

Chapter Law: ss. 70, 71, 72, 2004-11 (CS/CS/SB 192)

Amends ss. 194.013, 194.034, and 194.035, F.S., relating to value adjustment board special masters. Re-designates masters and general or special masters as general or special magistrates. Clarifies that a circuit court is a trial court, where magistrates are trial court judges; and strikes various obsolete language to clarify the statutes relating to court procedures.

SALES AND USE TAX (SUT)

➤ Definition of Business — Public Sale of Unclaimed Property

Effective Date: July 1, 2004

Statute Reference: s. 212.02(2), F.S.
s. 717.122(5), F.S.

Chapter Law: ss. 119 and 142, 2004-390 (CS/CS/SB 2994)

Provides sales of unclaimed tangible personal property by, or on behalf of, the Department of Financial Services are exempt from sales tax.

➤ Florida High-Speed Rail Authority

Effective Date: June 24, 2004

Statute Reference: ss. 341.8203 and 341.840, F.S.

Chapter Law: ss. 15, 16, 2004-366 (CS/CS/SB 1456)

Provides an exemption for purchases or leases by the Authority, its agent, or the owner of the system of tangible personal property that is incorporated into the high-speed rail system as a component part thereof, as determined by the Authority. Revises the definition of the term “high-speed rail system.” Provides that leases, rentals, or licenses to use real property granted to agents or the owner of the system are exempt if the property becomes part of the system. Provides that the exemption does not apply to sales, leases, or licenses by the Authority, its agents, or the owner of the system.

Provides an exemption from sales or use tax to contractors who qualify as an agent of the Authority, on purchases or fabrication of tangible personal property incorporated into the high-speed rail system.

The Department is:

- required to issue an exemption permit to qualified contractors authorized by the Authority;
- permitted to assess and collect any tax, penalty, and interest due from either the qualified contractor or the subcontractor who extended an exemption permit; and
- authorized to adopt rules governing the issuance and form of exemption permits, the audit of contractors and subcontractors using permits, provisions for the recapture of taxes, and the manner and form of refund applications.

Provides that persons who do not obtain a permit must pay tax on purchases of tangible personal property but may obtain a refund of tax when found to be eligible for the exemption.

➤ **Tax Exemption — Books, Clothing, and School Supplies**

Effective Date: July 1, 2004

Statute Reference: N/A

Chapter Law: s. 1, 2004-73 (HB 237)

Exempts, during the period from 12:01 a.m., July 24, 2004, through midnight, August 1, 2004:

- sales of books, clothing, wallets, or bags having a selling price of \$50 or less per item; and
- sales of school supplies having a selling price of \$10 per item or less.

“Book” is defined to mean a set of printed sheets bound together and published in a volume. Excludes newspapers, magazines, or other periodicals.

“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, or handkerchiefs.

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

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

SEVERANCE TAX

➤ **Hardee County Economic Development Authority**

Effective Date: June 23, 2004

Statute Reference: 211.3103, F.S.

Chapter Law: 2004-394 (SB 3110)

Requires revenues collected from the tax on severance of phosphate rock to be distributed to the Hardee County Economic Development Authority in lieu of Hardee County.

TAX ADMINISTRATION

➤ Clerk of the Court — Additional Court Costs

Effective Date: July 1, 2004

Statute Reference: s. 938.10, F.S.

Chapter Law: s. 84, 2004-265 (CS/CS/SB 2962)

Imposes a court cost of \$101 against an offender who pleads guilty or nolo contendere to, or is found guilty of, specified offenses against a minor. The court cost, less \$1 to be retained by the clerk, is to be remitted by the clerk to the Department for deposit into the Department of Children and Family Services' Child Advocacy Trust Fund. Provides that each children's advocacy center receiving funds will provide a report to the Board of Directors of the Florida Network of Children's Advocacy Centers, Inc.

➤ Clerk of the Court — Additional Service Charge on Recorded Instruments

Effective Date: June 1, 2004

Statute Reference: N/A

Chapter Law: s. 15, 2004-265 (CS/CS/SB 2962)

Imposes an additional service charge of \$4 per page for specified instruments recorded by the clerk for the period June 1, 2004, through June 30, 2004. Requires the clerk to remit the fee to the Department for deposit into the Clerks of the Court Trust Fund.

➤ Clerk of the Court — Additional Service Charge on Recorded Instruments

Effective Date: July 1, 2004

Statute Reference: s. 28.24, F.S.

Chapter Law: s. 16, 2004-265 (CS/CS/SB 2962)

Imposes an additional service charge of \$4 per page for specified instruments recorded by the clerk. Provides for the disposition of the service charge. If the counties remain responsible for the cost of court-related technology, the service charge is to be remitted to the Florida Association of Court Clerks and Comptroller, Inc. If the state remains responsible for the cost of court-related technology, the service charge is to be remitted by the clerk to the Department for deposit into the General Revenue Fund.

➤ **Clerk of the Court — Application Fee for Indigent Status**

Effective Date: July 1, 2004

Statute Reference: s. 27.52, F.S.

Chapter Law: s. 9, 2004-265 (CS/CS/SB 2962)

Provides that 25% of any amount recovered by the state attorney from any person who, through fraud or misrepresentation, was determined to be indigent is to be remitted by the clerk to the Department for deposit into the Grants and Donations Trust Fund.

➤ **Clerk of the Court — Charges for Dissolution of Marriage**

Effective Date: July 1, 2004

Statute Reference: s. 28.101(1)(c),(d), F.S.

Chapter Law: s. 34, 2004-251 (HB 1881)
s. 14, 2004-265 (CS/CS/SB 2962)

Increases the additional charges imposed on a petition for dissolution of marriage from \$10 to \$55. Continues to require the clerk to remit this additional charge to the Department for deposit into the Domestic Violence Trust Fund. Changes the distribution of the \$32.50 additional charge imposed on a petition for dissolution of marriage that is to be remitted by the clerk to the Department. Requires the Department to deposit \$25 of the charge into the General Revenue Fund and \$7.50 into the Displaced Homemaker Trust Fund.

➤ **Clerk of the Court — Charges for Marriage License**

Effective Date: July 1, 2004

Statute Reference: s. 741.01(4), F.S.

Chapter Law: s. 4, 2004-251 (HB 1881)

Requires the \$25 fee for an application for a marriage license remitted by the clerk to the Department to be deposited into the General Revenue Fund.

➤ **Clerk of the Court — County Funding of Court-Related Functions**

Effective Date: July 1, 2004

Statute Reference: s. 29.008, F.S.

Chapter Law: s. 28, 2004-265 (CS/CS/SB 2962)

Requires the Department to withhold revenue sharing receipts distributed pursuant to Part II, Ch. 218, F.S., from any county not in compliance with the county funding obligations for items specified in s. 29.008(1)(a), (c), (d), (e), (f), (g), (h), (3), F.S. Provides for the amount to be withheld in the year in which a county does not meet its funding obligations and in subsequent years.

Requires counties to send to the Department, on or before December 31, 2004, certified copies of their budget documents for the respective two years, separately identifying expenditures for the specified items. Requires counties to send certified copies of their budget documents to the Department each year thereafter.

Beginning in fiscal year 2005-2006, requires the Department to withhold additional amounts when the amount spent in the previous fiscal year for the specified items is less than the amount budgeted. Requires counties to certify to the Department the expenditures for specified county obligations within 90 days after the end of the fiscal year.

Requires the Department to transfer the amount of the payments withheld to the General Revenue Fund by March 31 of each year. Appropriates this amount to the Department to pay for these responsibilities on behalf of the county.

➤ **Clerk of the Court — Court Costs for Swimming, Diving, and Boat Infractions**

Effective Date: May 20, 2004

Statute Reference: s. 327.73(11)(a), F.S.

Chapter Law: s. 6, 2004-74 (HB 1613)

Reinstates court costs for swimming, diving, and boat infractions that are collected by the clerk and remitted to the Department.

➤ **Clerk of the Court — Court Related Fees, Charges, and Costs**

Effective Date: July 1, 2004

Statute Reference: s. 28.246, F.S.

Chapter Law: s. 21, 2004-265 (CS/CS/SB 2962)

Amends the first and second priority of the distribution of partial payments of fees, services charges, court costs, and fines collected and distributed by the clerk. Changes the first priority to be that portion which is to be remitted by the clerk to the Department for deposit into the General Revenue Fund. Adds the second priority to be that portion that is required to be retained by the clerk or deposited into the Clerks of the Court Trust Fund.

➤ **Clerk of the Court — Disposition of Funds**

Effective Date: July 1, 2004

Statute Reference: s. 27.562, F.S.

Chapter Law: s. 13, 2004-265 (CS/CS/SB 2962)

Requires the Department to distribute all funds collected pursuant to s. 938.29, F.S., for legal assistance as follows: The first \$40 is to be deposited into the Indigent Criminal Defense Trust Fund; 25% of the remaining funds into the Indigent Criminal Defense Trust Fund of the Justice Administrative Commission; and 75% of the remaining funds into the General Revenue Fund.

➤ **Clerk of the Court — Electronic Transmittal of Funds**

Effective Date: July 1, 2004

Statute Reference: s. 28.245, F.S.

Chapter Law: s. 20, 2004-265 (CS/CS/SB 2962)

Provides that all moneys collected by the clerk for subsequent distribution to any state entity must be remitted electronically to the Department for appropriate distribution and must be distributed pursuant to the law in effect at the time of collection.

➤ **Clerk of the Court — Filing Fees**

Effective Date: July 1, 2004

Statute Reference: s. 34.041, F.S.

Chapter Law: s. 32, 2004-265 (CS/CS/SB 2962)

Clarifies that the party filing a civil action, suit, or proceeding in county court is required to pay a filing fee of \$50-\$250. Requires the first \$50 of the fee imposed for claims of more than \$2,500 to be remitted by the clerk to the Department for deposit into the General Revenue Fund. Requires one-third of all filing fees collected by the clerk in excess of the first \$50 fee for claims of more than \$2,500 to be remitted by the clerk to the Department for deposit into the Clerks of the Court Trust Fund.

Imposes an additional filing fee of \$4 to be remitted by the clerk to the Department. Requires the Department to deposit \$3.50 into the Court Education Trust Fund and \$.50 into the Department of Financial Services' Administrative Trust Fund.

Imposes a filing fee upon any party reopening any civil action, suit, or proceeding in the county court. Provides that the filing fee not exceed \$25 for claims of \$500 or less and not exceed \$50 for claims greater than \$500. Provides exemptions from the imposition of the fee.

Clarifies that the party filing an appellate proceeding from the county court to the circuit court is required to pay a filing fee not to exceed \$250 to the clerk. Requires the clerk to remit the first \$50 to the Department for deposit into the General Revenue Fund. One-third of the remaining fees are to be remitted to the Department for deposit into the Clerks of the Court Trust Fund.

Imposes a fee of \$100 from each attorney appearing pro hac vice to be collected by the clerk and remitted to the Department for deposit into the General Revenue Fund.

➤ **Clerk of the Court — Filing Fees**

Effective Date: July 1, 2004

Statute Reference: s. 35.22, F.S.

Chapter Law: s. 35, 2004-265 (CS/CS/SB 2962)

Changes the \$250 service charge imposed on each case docketed in a district court of appeal to a filing fee of \$300 and imposes the additional service charges provided in s. 28.24, F.S. Requires \$50 of the fee to be deposited into the state courts' Grants and Donations Trust Fund. Requires the remaining portion of the fee collected to be deposited into the General Revenue Fund. (Section 213.21(2), F.S., requires these fees to be remitted to the Department for deposit into the appropriate funds.)

Imposes a fee of \$100 from each attorney appearing pro hac vice to be collected by the clerk and remitted to the Department for deposit into the General Revenue Fund.

➤ **Clerk of the Court — Filing Fees for Trial and Appellate Proceedings**

Effective Date: July 1, 2004

Statute Reference: s. 28.241, F.S.

Chapter Law: s. 19, 2004-265 (CS/CS/SB 2962)

Changes the distribution of the filing fees imposed upon any party instituting any civil action, suit, or proceeding in the circuit court and collected by the clerk. Requires the filing fees that are remitted by the clerk to the Department to be deposited as follows: for the first \$55 in filing fees, \$50 into the General Revenue Fund and \$5 into the Department of Financial Services' Administration Trust Fund; and one-third of the remaining filing fees into the Clerks of the Court Trust Fund.

Imposes an additional filing fee of \$4 to be remitted by the clerk to the Department. Requires the Department to deposit \$3.50 into the Court Education Trust Fund and \$.50 into the Department of Financial Services' Administrative Trust Fund.

Changes the service charge for filing a notice of appeal from a lower court to the circuit court to a filing fee not to exceed \$250. Imposes an additional filing fee as required under s. 25.241, F.S., or s. 35.22, F.S. Requires the clerk to remit the filing fees to the Department for deposit as follows: the first \$50 into the General Revenue Fund; and one-third of the remaining filing fees into the Clerks of the Court Trust Fund.

Imposes a fee of \$100 from each attorney appearing pro hac vice to be collected by the clerk and remitted to the Department for deposit into the General Revenue Fund.

➤ **Clerk of the Court — Fines, Fees, Service Charges, and Costs**

Effective Date: July 1, 2004

Statute Reference: s. 28.37(2), F.S.

Chapter Law: s. 25, 2004-265 (CS/CS/SB 2962)

Requires clerks to remit the revenues collected during the prior month to the Department on or before the 20th day of each month. Removes the requirement for the Department to adopt rules regarding penalties for failure to comply with the remittance of funds requirements.

➤ **Clerk of the Court — Marriage License Fees**

Effective Date: July 1, 2004

Statute Reference: s. 741.01(2), F.S.

Chapter Law: s. 75, 2004-265 (CS/CS/SB 2962)

Reduces the fee for a marriage license from \$30 to \$25. The fee continues to be remitted by the clerk to the Department for deposit into the Domestic Violence Trust Fund.

➤ **Clerk of the Court — Service Charge in Probate Matters**

Effective Date: July 1, 2004

Statute Reference: s. 28.2401, F.S.

Chapter Law: s. 17, 2004-265 (CS/CS/SB 2962)

Increases from \$2.50 to \$4 the additional service charge on petitions in probate matters that is paid to the clerk. Requires the clerk to remit the additional service charge to the Department for deposit as follows: \$3.50 into the Court Education Trust Fund; and \$.50 into the Department of Financial Services' Administrative Trust Fund.

➤ **Clerk of the Court — Funding of Mediation and Arbitration Services**

Effective Date: July 1, 2004

Statute Reference: s. 44.108, F.S.

Chapter Law: s. 44, 2004-265 (CS/CS/SB 2962)

Imposes fees to be collected by the clerk for court-ordered mediation services provided by a circuit court's mediation program. Permits the clerk to deduct \$1 per fee assessment to process the fee; the remaining portion is to be remitted by the clerk to the Department for deposit into the state courts' Mediation and Arbitration Trust Fund.

➤ **Department of Community Affairs — Special District Information Program Reports**

Effective Date: June 17, 2004

Statute Law: s. 189.412, F.S.

Chapter Law: s. 18, 2004-305 (CS/CS/CS/SB 708)

Removes the requirement for the Department to provide status reports required in ss. 112.63, 218.32, 218.38, and 218.39, F.S., to the Special District Information Program of the Department of Community Affairs.

➤ **Disposition of Civil Penalties by County Courts**

Effective Date: July 1, 2004

Statute Reference: s. 318.21, F.S.

Chapter Law: s. 61, 2004-265 (CS/CS/SB 2962)

Beginning July 1, 2004, removes the requirement for 15% of the civil penalties received by a county court pursuant to Ch. 318, F.S., for traffic infractions to be deposited into the General Revenue Fund.

➤ **Fees on Child Support Payments**

Effective Date: July 1, 2004

Statute Reference: s. 61.181, F.S.

Chapter Law: s. 51, 2004-265 (CS/CS/SB 2962)

Makes permanent the fee imposed and collected by the local depository on certain child support cases.

➤ **Florida Clerks of Court Operations Corporation**

Effective Date: July 1, 2004

Statute Reference: ss. 28.35 and 28.36, F.S.

Chapter Law: ss. 23 and 24, 2004-265 (CS/CS/SB 2962)

Creates the Florida Clerks of Court Operations Corporation and provides for the duties, functions, and funding of the corporation. Provides that the corporation is considered a political subdivision of the state for the purposes of s. 199.183(1), F.S., and is exempt from corporate income tax.. As a political subdivision of the state, the corporation qualifies for all other exemptions from taxes provided to governmental entities.

Requires the Corporation to certify to the Department and other parties by October 15 of each year:

- the amount of the proposed budget certified for each clerk;
- the revenue projections supporting the proposed budgets;
- the clerks eligible to retain some or all of the state's share of moneys collected;
- the amount to be paid to each clerk from the Clerks of the Court Trust Fund within the Department; and
- items concerning the performance measures and standards for the clerks.

Requires the Corporation to certify a revenue deficit for a clerk and to notify the Department that the clerk is authorized to retain revenues in an amount necessary to fully fund the projected revenue deficit. Requires the Department to certify to the Executive Office of the Governor the amount of any remaining projected revenue deficit for that clerk after the clerk has increased all fines, fees, and service charges. Requires the Department to request approval for a release of funds from the Clerks of the Court Trust Fund. Provides that the Department will be directed to request equal monthly distributions from the Chief Financial Officer for each clerk with a certified revenue deficit.

Requires the Department to notify the clerk of the amount of the proposed budget not allowed to be funded through fees and other charges for court-related funds. Requires the clerk to discontinue expenditures for the disallowed items and to reimburse the Clerks of the Court Trust Fund for amounts incurred on the disallowed expenditures.

➤ **Revenue Sharing — Apportionment**

Effective Date: July 1, 2004

Statute Reference: s. 218.245(3), F.S.

Chapter Law: s. 57, 2004-265 (CS/CS/SB 2962)

Requires that revenues attributed to the increase in the percent from 1.0715 to 1.3409 for the distribution of tax pursuant to s. 212.20(6)(d)6., F.S., be distributed. Each eligible local government's allocation will be based on the amount it received from the half-cent sales tax under s. 218.61, F.S., in the prior state fiscal year divided by the total receipts under s. 218.61, F.S., in the prior state fiscal year for all eligible local governments. For eligible municipalities that began participation in the allocation under s. 218.61, F.S., in the previous state fiscal year, their annual receipts will be calculated by dividing their actual receipts by the number of months they participated, multiplied by 12.

➤ **Service Charge for Driver's License Reinstatement**

Effective Date: July 1, 2004

Statute Reference: s. 318.15, F.S.

Chapter Law: s. 59, 2004-265 (CS/CS/SB 2962)

Increases the nonrefundable service charge required to be collected by the clerk or tax collector for driver's license reinstatement from \$37.50 to \$47.50. Ten dollars of the service charge is to be remitted by the clerk or the tax collector to the Department for deposit into the Highway Safety Operating Trust Fund.

➤ **Technical Assistance to the Department of Juvenile Justice**

Effective Date: *October 1, 2004*

Statute Reference: *s. 985.2155, F.S.*

Chapter Law: *s. 1, 2004-263 (CS/SB 2564)*

Requires the Department, along with the counties, to provide technical assistance to the Department of Juvenile Justice on the most cost-effective means of collection of the funds to contribute to the financial support of juvenile detention care.

➤ **Trust Fund — Corporation Tax Administration Trust Fund**

Effective Date: *July 1, 2004*

Statute Reference: *s. 213.31, F.S. (Repealed)*

Chapter Law: *ss. 1 and 19, 2004-234 (CS/SB 2644)*

Terminates the Corporation Tax Administration Trust Fund. Moneys in that trust fund were previously appropriated to the Department for the administration of taxes levied upon corporations, including the intangible tax, the corporate income tax, and the emergency excise tax.

➤ **Trust Fund — Intangible Tax Trust Fund**

Effective Date: *July 1, 2004*

Statute Reference: *s. 199.292, F.S.*

Chapter Law: *ss. 1 and 8, 2004-234 (CS/SB 2644)*

Terminates the Intangible Tax Trust Fund. All intangible personal property taxes collected, except for revenue derived from the governmental leasehold intangible tax, is required to be deposited into the General Revenue Fund instead of the Intangible Tax Trust Fund. Revenues from governmental leasehold intangible tax will continue to be returned to the local school board for the county in which the property subject to tax is situated.

➤ **Trust Funds — Segregation**

Effective Date: *July 1, 2004*

Statute Reference: *s. 215.32(2)(b), F.S.*

Chapter Law: *s. 21, 2004-234 (CS/SB 2644)*

Requires each state agency to use the Operation Trust Fund, Operations and Maintenance Trust Fund, Administrative Trust Fund, Grants and Donations Trust Fund, Agency Working Capital Trust Fund, Clearing Funds Trust Fund, and Federal Grant Trust Fund to the extent possible for day-to-day operations. Provides that when an agency does not have one of these trust funds, it must recommend the creation of the necessary trust funds to the Legislature no later than the next scheduled review of the agency's trust funds.

➤ **Trust Funds — Termination**

Effective Date: July 1, 2004

Statute Reference: N/A

Chapter Law: ss. 1 and 3, 2004-234 (CS/SB 2644)

Terminates the following Department trust funds effective July 1, 2004:

- Corporation Tax Administration Trust Fund (FLAIR #73-2-134);
- Drug Enforcement Trust Fund (FLAIR #73-2-171);
- Intangible Tax Trust Fund (FLAIR #73-2-399);
- Railroad and Private Car Tax Clearing Trust Fund (FLAIR #73-2-571);
- Sales Tax Security Deposit Trust Fund (FLAIR #73-2-607);
- Working Capital Trust Fund (FLAIR #73-2-792); and
- Municipal Financial Assistance Trust Fund (FLAIR #73-2-493).

Provides that certain trust funds within the Department are exempt from termination pursuant to Section 19(f), Article III of the State Constitution.

UNEMPLOYMENT COMPENSATION TAX (UCT)

➤ **Military Spouses**

Effective Date: May 25, 2004 (Applies to benefit years beginning on or after July 1, 2004.)

Statute Reference: s. 443.101, F.S.

Chapter Law: s. 1, 2004-237 (CS/HB 1183)

For benefit years beginning on or after July 1, 2004, exempts from disqualification for unemployment compensation benefits an individual who voluntarily leaves work to relocate as a result of his or her military-connected spouse's permanent change of station orders, activation orders, or unit deployment orders.

PROPERTY TAX ADMINISTRATION

➤ **Disaster Relief Assistance for Homestead Property Damaged by a Hurricane or Named Tropical System**

Effective Date: December 21, 2004

Statute Reference: N/A

Chapter Law: ss. 1-5, 2004-474 (CS/SB 8-A)

Provides disaster relief assistance for owners of homestead property whose house or other residential building or structure was damaged so that it was rendered uninhabitable by a hurricane or named tropical system. The amount of disaster relief assistance is equal to the total ad valorem taxes levied on the homestead property for the 2004 tax year, not to exceed \$1,500. Property owners are required to apply to the property appraiser for disaster relief assistance no later than March 1, 2005.

SALES AND USE TAX

➤ **Disaster Relief Assistance for Mobile Home Damaged by a Hurricane or Named Tropical System**

Effective Date: December 21, 2004

Statute Reference: N/A

Chapter Law: ss. 6-8, 2004-474 (CS/SB 8-A)

Provides disaster relief assistance for mobile home owners who purchased a mobile home to replace a mobile home that experienced major damage from a hurricane or named tropical system. The damaged mobile home must have been the permanent residence of a permanent resident of Florida. The amount of disaster relief assistance is equal to the state sales tax paid on the purchase price of the replacement mobile home, not to exceed \$1,500. Mobile home owners are required to apply to the property appraiser for disaster relief assistance no later than May 1, 2005. Any person who claims disaster relief assistance for a portion of property taxes paid on homestead property is not eligible for sales tax disaster relief assistance.