

By the Committees on Budget; and Communications, Energy, and Public Utilities; and Senator Bogdanoff

576-04677-11

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1 A bill to be entitled

2 An act relating to communications services tax;  
3 amending s. 202.16, F.S.; requiring that a dealer  
4 compute the communications services tax based on a  
5 rounding algorithm; providing criteria; providing for  
6 application of the tax; providing options to the  
7 dealer for applying the rounding algorithm; providing  
8 that a dealer may apply the rounding algorithm to the  
9 aggregate tax amount under certain conditions;  
10 providing that a dealer is not required to collect the  
11 tax based on a bracket system; removing the provision  
12 requiring the Department of Revenue to make available  
13 tax amounts and applicable brackets; providing that  
14 the provisions of the act are remedial in nature and  
15 apply retroactively; providing that the act does not  
16 provide a basis for assessment of any tax not paid or  
17 create a right to certain refunds or credits;  
18 providing an effective date.

19  
20 Be It Enacted by the Legislature of the State of Florida:

21  
22 Section 1. Subsection (3) of section 202.16, Florida  
23 Statutes, is amended to read:

24 202.16 Payment.—The taxes imposed or administered under  
25 this chapter and chapter 203 shall be collected from all dealers  
26 of taxable communications services on the sale at retail in this  
27 state of communications services taxable under this chapter and  
28 chapter 203. The full amount of the taxes on a credit sale,  
29 installment sale, or sale made on any kind of deferred payment

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30 plan is due at the moment of the transaction in the same manner  
31 as a cash sale.

32 (3) (a) A dealer must compute the tax due on the sale of  
33 communications services imposed pursuant to this chapter and  
34 chapter 203 based on a rounding algorithm that meets the  
35 following criteria:

36 1. The computation of the tax must be carried to the third  
37 decimal place.

38 2. The tax must be rounded to a whole cent using a method  
39 that rounds up to the next cent whenever the third decimal place  
40 is greater than four.

41 (b) The rounding algorithm must be applied to the local  
42 communications services tax imposed pursuant to this chapter  
43 separately from its application to the communications services  
44 taxes imposed pursuant to s. 202.12 and the gross receipts taxes  
45 imposed pursuant to s. 203.01.

46 (c) A dealer may apply the rounding algorithm to the taxes  
47 imposed pursuant to ss. 202.12 and 203.01 in one of the  
48 following ways:

49 1. Apply the rounding algorithm to the combined taxes  
50 imposed pursuant to ss. 202.12 and 203.01.

51 2. Apply the rounding algorithm to the communications  
52 services taxes imposed pursuant to s. 202.12(1) and apply the  
53 rounding algorithm separately to the combined gross receipts  
54 taxes imposed pursuant to ss. 203.01(1)(b)2. and 203.01(1)(b)3.

55 3. Apply the rounding algorithm to the combined taxes  
56 imposed pursuant to ss. 202.12(1) and 203.01(1)(b)3., as allowed  
57 by ss. 202.12001 and 203.001, and apply the rounding algorithm  
58 separately to the gross receipts tax imposed pursuant to s.

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59 203.01(1)(b)2.

60 (d) Under paragraph (b) or paragraph (c), a dealer may  
61 apply the rounding algorithm to the aggregate tax amount that is  
62 computed on all taxable items on an invoice or to each tax  
63 amount that is computed on one or more, but less than all,  
64 taxable items on an invoice. The aggregate tax amount for all  
65 items on the invoice must equal at least the result that would  
66 have been obtained if the rounding algorithm had been applied to  
67 the aggregate tax amount computed on all taxable items on the  
68 invoice. A dealer may satisfy this requirement by setting a  
69 minimum tax amount of not less than 1 cent with respect to each  
70 item, or group of items, to which the rounding algorithm is  
71 applied.

72 (e) The department may not require a dealer to collect the  
73 tax based on a bracket system. ~~Notwithstanding the rate of tax~~  
74 ~~on the sale of communications services imposed pursuant to this~~  
75 ~~chapter and chapter 203, the department shall make available in~~  
76 ~~an electronic format or otherwise the tax amounts and brackets~~  
77 ~~applicable to each taxable sale such that the tax collected~~  
78 ~~results in a tax rate no less than the tax rate imposed pursuant~~  
79 ~~to this chapter and chapter 203.~~

80 Section 2. This act is intended to be remedial in nature  
81 and applies retroactively. This act does not provide a basis for  
82 an assessment of any tax not paid or create a right to a refund  
83 or credit of any tax paid under s. 202.16, Florida Statutes,  
84 before July 1, 2011.

85 Section 3. This act shall take effect July 1, 2011.