

By the Committee on Communications, Energy, and Public Utilities; and Senator Hukill

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1 A bill to be entitled  
2 An act relating to taxes; amending s. 202.12, F.S.;  
3 reducing the tax rate applied to the sale of  
4 communications services; reducing the tax rate applied  
5 to the retail sale of direct-to-home satellite  
6 services; amending s. 202.12001, F.S.; conforming  
7 rates to the reduction of the communications services  
8 tax; amending s. 202.18, F.S.; revising the allocation  
9 of tax revenue received from the communications  
10 services tax; amending s. 203.001, F.S.; conforming  
11 rates to the reduction of the communications services  
12 tax; amending s. 212.20, F.S.; revising the  
13 distributions of tax revenue received from the sales  
14 and use tax, communications services tax, and gross  
15 receipts tax; providing applicability; providing  
16 effective dates.

17  
18 Be It Enacted by the Legislature of the State of Florida:

19  
20 Section 1. Paragraphs (a) and (b) of subsection (1) of  
21 section 202.12, Florida Statutes, are amended to read:

22 202.12 Sales of communications services.—The Legislature  
23 finds that every person who engages in the business of selling  
24 communications services at retail in this state is exercising a  
25 taxable privilege. It is the intent of the Legislature that the  
26 tax imposed by chapter 203 be administered as provided in this  
27 chapter.

28 (1) For the exercise of such privilege, a tax is levied on  
29 each taxable transaction, ~~and the tax~~ is due and payable as

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30 follows:

31 (a) Except as otherwise provided in this subsection, at the  
32 a rate of 3.05 ~~6.65~~ percent applied to the sales price of the  
33 communications service that ~~which~~:

- 34 1. Originates and terminates in this state, or  
35 2. Originates or terminates in this state and is charged to  
36 a service address in this state,

37

38 when sold at retail, computed on each taxable sale for the  
39 purpose of remitting the tax due. The gross receipts tax imposed  
40 by chapter 203 shall be collected on the same taxable  
41 transactions and remitted with the tax imposed by this  
42 paragraph. If no tax is imposed by this paragraph due to the  
43 exemption provided under ~~by reason of~~ s. 202.125(1), the tax  
44 imposed by chapter 203 shall nevertheless be collected and  
45 remitted in the manner and at the time prescribed for tax  
46 collections and remittances under this chapter.

47 (b) At the rate of 7.2 ~~10.8~~ percent applied to ~~on~~ the  
48 retail sales price of any direct-to-home satellite service  
49 received in this state. The proceeds of the tax imposed under  
50 this paragraph shall be accounted for and distributed in  
51 accordance with s. 202.18(2). The gross receipts tax imposed by  
52 chapter 203 shall be collected on the same taxable transactions  
53 and remitted with the tax imposed by this paragraph.

54 Section 2. Section 202.12001, Florida Statutes, is amended  
55 to read:

56 202.12001 Combined rate for tax collected pursuant to ss.  
57 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch.  
58 2010-149, Laws of Florida, the dealer of communication services

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59 may collect a combined rate of 3.2 ~~6.8~~ percent, composed  
60 ~~comprised~~ of the 3.05 ~~6.65~~ percent and 0.15 percent rates  
61 required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively,  
62 if as long as the provider properly reflects the tax collected  
63 with respect to the two provisions as required in the return to  
64 the department ~~of Revenue~~.

65 Section 3. Effective August 1, 2015, subsection (2) of  
66 section 202.18, Florida Statutes, is amended to read:

67 202.18 Allocation and disposition of tax proceeds.—The  
68 proceeds of the communications services taxes remitted under  
69 this chapter shall be treated as follows:

70 (2) The proceeds of the taxes remitted under s.  
71 202.12(1)(b) shall be allocated ~~divided~~ as follows:

72 (a) The portion of the ~~such~~ proceeds which constitutes  
73 gross receipts taxes, imposed at the rate prescribed in chapter  
74 203, shall be deposited as provided by law and in accordance  
75 with s. 9, Art. XII of the State Constitution.

76 (b) Forty-four and one-half ~~Sixty-three~~ percent of the  
77 remainder shall be allocated to the state and distributed  
78 pursuant to s. 212.20(6), except that the proceeds allocated  
79 pursuant to s. 212.20(6)(d)2. shall be prorated to the  
80 participating counties in the same proportion as that month's  
81 collection of the taxes and fees imposed pursuant to chapter 212  
82 and paragraph (1)(b).

83 (c)1. During each calendar year, the remaining portion of  
84 the ~~such~~ proceeds shall be transferred to the Local Government  
85 Half-cent Sales Tax Clearing Trust Fund. Seventy percent of such  
86 proceeds shall be allocated in the same proportion as the  
87 allocation of total receipts of the half-cent sales tax under s.

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88 218.61 and the emergency distribution under s. 218.65 in the  
89 prior state fiscal year. Thirty percent of such proceeds shall  
90 be distributed pursuant to s. 218.67.

91 2. The proportion of the proceeds allocated based on the  
92 emergency distribution under s. 218.65 shall be distributed  
93 pursuant to s. 218.65.

94 3. In each calendar year, the proportion of the proceeds  
95 allocated based on the half-cent sales tax under s. 218.61 shall  
96 be allocated to each county in the same proportion as the  
97 county's percentage of total sales tax allocation for the prior  
98 state fiscal year and distributed pursuant to s. 218.62.

99 4. The department shall distribute the appropriate amount  
100 to each municipality and county each month at the same time that  
101 local communications services taxes are distributed pursuant to  
102 subsection (3).

103 Section 4. Section 203.001, Florida Statutes, is amended to  
104 read:

105 203.001 Combined rate for tax collected pursuant to ss.  
106 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch.  
107 2010-149, Laws of Florida, the dealer of communication services  
108 may collect a combined rate of 3.2 ~~6.8~~ percent, composed  
109 ~~comprised~~ of the 3.05 ~~6.65~~ percent and 0.15 percent rates  
110 required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively,  
111 if as long as the provider properly reflects the tax collected  
112 with respect to the two provisions as required in the return to  
113 the Department of Revenue.

114 Section 5. Effective September 1, 2015, paragraph (d) of  
115 subsection (6) of section 212.20, Florida Statutes, is amended  
116 to read:

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117 212.20 Funds collected, disposition; additional powers of  
 118 department; operational expense; refund of taxes adjudicated  
 119 unconstitutionally collected.—

120 (6) Distribution of all proceeds under this chapter and ss.  
 121 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

122 (d) The proceeds of all other taxes and fees imposed  
 123 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)  
 124 and (2)(b) shall be distributed as follows:

125 1. In any fiscal year, the greater of \$500 million, minus  
 126 an amount equal to 4.6 percent of the proceeds of the taxes  
 127 collected pursuant to chapter 201, or 5.2 percent of all other  
 128 taxes and fees imposed pursuant to this chapter or remitted  
 129 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in  
 130 monthly installments into the General Revenue Fund.

131 2. After the distribution under subparagraph 1., 9.0739  
 132 ~~8.8854~~ percent of the amount remitted by a sales tax dealer  
 133 located within a participating county pursuant to s. 218.61  
 134 shall be transferred into the Local Government Half-cent Sales  
 135 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to  
 136 be transferred shall be reduced by 0.1 percent, and the  
 137 department shall distribute this amount to the Public Employees  
 138 Relations Commission Trust Fund less \$5,000 each month, which  
 139 shall be added to the amount calculated in subparagraph 3. and  
 140 distributed accordingly.

141 3. After the distribution under subparagraphs 1. and 2.,  
 142 0.0976 ~~0.0956~~ percent shall be transferred to the Local  
 143 Government Half-cent Sales Tax Clearing Trust Fund and  
 144 distributed pursuant to s. 218.65.

145 4. After the distributions under subparagraphs 1., 2., and

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146 3., 2.1039 ~~2.0603~~ percent of the available proceeds shall be  
147 transferred monthly to the Revenue Sharing Trust Fund for  
148 Counties pursuant to s. 218.215.

149 5. After the distributions under subparagraphs 1., 2., and  
150 3., 1.3803 ~~1.3517~~ percent of the available proceeds shall be  
151 transferred monthly to the Revenue Sharing Trust Fund for  
152 Municipalities pursuant to s. 218.215. If the total revenue to  
153 be distributed pursuant to this subparagraph is at least as  
154 great as the amount due from the Revenue Sharing Trust Fund for  
155 Municipalities and the former Municipal Financial Assistance  
156 Trust Fund in state fiscal year 1999-2000, no municipality shall  
157 receive less than the amount due from the Revenue Sharing Trust  
158 Fund for Municipalities and the former Municipal Financial  
159 Assistance Trust Fund in state fiscal year 1999-2000. If the  
160 total proceeds to be distributed are less than the amount  
161 received in combination from the Revenue Sharing Trust Fund for  
162 Municipalities and the former Municipal Financial Assistance  
163 Trust Fund in state fiscal year 1999-2000, each municipality  
164 shall receive an amount proportionate to the amount it was due  
165 in state fiscal year 1999-2000.

166 6. Of the remaining proceeds:

167 a. In each fiscal year, the sum of \$29,915,500 shall be  
168 divided into as many equal parts as there are counties in the  
169 state, and one part shall be distributed to each county. The  
170 distribution among the several counties must begin each fiscal  
171 year on or before January 5th and continue monthly for a total  
172 of 4 months. If a local or special law required that any moneys  
173 accruing to a county in fiscal year 1999-2000 under the then-  
174 existing provisions of s. 550.135 be paid directly to the

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175 district school board, special district, or a municipal  
176 government, such payment must continue until the local or  
177 special law is amended or repealed. The state covenants with  
178 holders of bonds or other instruments of indebtedness issued by  
179 local governments, special districts, or district school boards  
180 before July 1, 2000, that it is not the intent of this  
181 subparagraph to adversely affect the rights of those holders or  
182 relieve local governments, special districts, or district school  
183 boards of the duty to meet their obligations as a result of  
184 previous pledges or assignments or trusts entered into which  
185 obligated funds received from the distribution to county  
186 governments under then-existing s. 550.135. This distribution  
187 specifically is in lieu of funds distributed under s. 550.135  
188 before July 1, 2000.

189       b. The department shall distribute \$166,667 monthly to each  
190 applicant certified as a facility for a new or retained  
191 professional sports franchise pursuant to s. 288.1162. Up to  
192 \$41,667 shall be distributed monthly by the department to each  
193 certified applicant as defined in s. 288.11621 for a facility  
194 for a spring training franchise. However, not more than \$416,670  
195 may be distributed monthly in the aggregate to all certified  
196 applicants for facilities for spring training franchises.  
197 Distributions begin 60 days after such certification and  
198 continue for not more than 30 years, except as otherwise  
199 provided in s. 288.11621. A certified applicant identified in  
200 this sub-subparagraph may not receive more in distributions than  
201 expended by the applicant for the public purposes provided in s.  
202 288.1162(5) or s. 288.11621(3).

203       c. Beginning 30 days after notice by the Department of

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204 Economic Opportunity to the Department of Revenue that an  
205 applicant has been certified as the professional golf hall of  
206 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
207 shall be distributed monthly, for up to 300 months, to the  
208 applicant.

209 d. Beginning 30 days after notice by the Department of  
210 Economic Opportunity to the Department of Revenue that the  
211 applicant has been certified as the International Game Fish  
212 Association World Center facility pursuant to s. 288.1169, and  
213 the facility is open to the public, \$83,333 shall be distributed  
214 monthly, for up to 168 months, to the applicant. This  
215 distribution is subject to reduction pursuant to s. 288.1169. A  
216 lump sum payment of \$999,996 shall be made after certification  
217 and before July 1, 2000.

218 e. The department shall distribute up to \$83,333 monthly to  
219 each certified applicant as defined in s. 288.11631 for a  
220 facility used by a single spring training franchise, or up to  
221 \$166,667 monthly to each certified applicant as defined in s.  
222 288.11631 for a facility used by more than one spring training  
223 franchise. Monthly distributions begin 60 days after such  
224 certification or July 1, 2016, whichever is later, and continue  
225 for not more than 20 years to each certified applicant as  
226 defined in s. 288.11631 for a facility used by a single spring  
227 training franchise or not more than 25 years to each certified  
228 applicant as defined in s. 288.11631 for a facility used by more  
229 than one spring training franchise. A certified applicant  
230 identified in this sub-subparagraph may not receive more in  
231 distributions than expended by the applicant for the public  
232 purposes provided in s. 288.11631(3).



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233 f. Beginning 45 days after notice by the Department of  
234 Economic Opportunity to the Department of Revenue that an  
235 applicant has been approved by the Legislature and certified by  
236 the Department of Economic Opportunity under s. 288.11625 or  
237 upon a date specified by the Department of Economic Opportunity  
238 as provided under s. 288.11625(6)(d), the department shall  
239 distribute each month an amount equal to one-twelfth of the  
240 annual distribution amount certified by the Department of  
241 Economic Opportunity for the applicant. The department may not  
242 distribute more than \$7 million in the 2014-2015 fiscal year or  
243 more than \$13 million annually thereafter under this sub-  
244 subparagraph.

245 7. All other proceeds must remain in the General Revenue  
246 Fund.

247 Section 6. This act applies to taxable transactions  
248 included on bills for communication services which are dated on  
249 or after July 1, 2015.

250 Section 7. Except as otherwise provided in this act, this  
251 act shall take effect July 1, 2015.