

THE FLORIDA SENATE
2021 SUMMARY OF LEGISLATION PASSED
Committee on Commerce and Tourism

CS/CS/SB 50 — Taxation

by Appropriations Committee; Finance and Tax Committee; and Senators Gruters, Perry, Hooper, Taddeo, Burgess, Ausley, Albritton, Harrell, Stewart, and Rouson

Chapter 2021-2, L.O.F., the “Park Randall ‘Randy’ Miller Act,” contains provisions related to the sales and use tax and the reemployment tax.

Sales and Use Tax

The law requires out-of-state retailers and marketplace providers with no physical presence in Florida to collect Florida’s sales tax on sales of taxable items delivered to purchasers in Florida if the out-of-state retailer or marketplace provider made a substantial number of sales into Florida in the previous calendar year. A substantial number of remote sales is sales in an amount exceeding \$100,000. Effective April 1, 2022, marketplace providers must also collect the following ancillary fees: the lead-acid battery fee, the waste tire fee, and the “E911” fee; and certain large retailers may contract with a marketplace provider to have the retailer be the party required to collect and remit the sales tax.

The law relieves most taxpayers and remote dealers of liability for tax, penalty, and interest for unpaid taxes on sales and uses that occurred prior to July 1, 2021; however, dealers are only relieved of liability if they register with the Department of Revenue by October 1, 2021. Marketplace sellers and providers are also largely relieved of liability.

The law repeals Florida’s “bracket system” and requires dealers to use traditional rounding conventions to calculate sales taxes.

Reemployment Tax

The law deposits an amount equal to the estimated revenues from the collection of sales and use tax from remote dealers into the Unemployment Compensation Trust Fund until such time the trust fund balance exceeds \$4.07 billion.

The law requires recalculation of the 2021 Reemployment Assistance Tax rates, disregarding the reemployment assistance benefits paid that were related to COVID-19, and authorizes refunds for taxpayers that have already paid the first calculation of the 2021 tax rates. Additionally, all future Reemployment Assistance Tax rates will be calculated disregarding benefit charges related to COVID-19.

Rental of Commercial Real Property

The law reduces the tax rate on the rental of commercial real property from 5.5 percent to 2 percent beginning the second month after the Unemployment Compensation Trust Fund exceeds a balance of \$4.07 billion.

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These provisions were approved by the Governor and take effect July 1, 2021, except where otherwise provided.

Vote: Senate 27-12; House 93-24