

THE FLORIDA SENATE
2011 SUMMARY OF LEGISLATION PASSED

Committee on Community Affairs

CS/CS/CS/HB 311 — Local Business Taxes

by Economic Affairs Committee; Finance and Tax Committee; Business and Consumer Affairs Subcommittee; and Rep. K. Roberson and others (CS/CS/SB 582 by Budget Subcommittee on Finance and Tax; Community Affairs Committee; and Senator Detert)

Under the bill, employees are not required to pay a local business tax, obtain a local business tax receipt, or apply for an exemption from a local business tax. For local business tax purposes, the bill defines independent contractors by reference to the current statutory definition in s. 440.02(15)(d)1.a. and b., F.S. Under the bill, independent contractors are not employees, but individuals licensed and operating as a real estate broker or sales associate are employees.

The bill specifies that employees may not be held liable for failure of their employer to apply for an exemption or pay the tax. Local governments may not require exempt individuals to apply for an exemption or pay the tax. Employers may not be required to provide personal or contact information for exempt individuals in order to obtain a local business tax receipt.

The newly-created employee exemption is retroactive to October 13, 2010, but the bill states that the exemption does not apply to business taxes imposed before that date.

The bill removes statutory language which requires the Department of Business and Professional Regulation, by August 1 of each year, to submit to the local official who issues local business tax receipts a current list of professions the department regulates and information regarding those practitioners that should not be allowed to renew their local business tax receipt due to suspension, revocation, or inactivation of a state license, certification, or registration.

The bill adds language to expand the types of professions that must prove active certification to include any profession regulated by the Florida Supreme Court or any state regulatory agency.

The bill explicitly allows certification renewals to be completed online.

If approved by the Governor, these provisions take effect July 1, 2011.

Vote: Senate 39-0; House 116-0