

STORAGE NAME: h0509a.ca

DATE: March 8, 2000

**HOUSE OF REPRESENTATIVES
AS REVISED BY THE COMMITTEE ON
COMMUNITY AFFAIRS
ANALYSIS**

BILL #: HB 509

RELATING TO: Local Option Tourist Taxes

SPONSOR(S): Representative Ogles

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TOURISM (EDC) YEAS 7 NAYS 0
 - (2) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
 - (3) FINANCE & TAXATION (FRC)
 - (4)
 - (5)
-

I. SUMMARY:

This bill authorizes counties that elect to self-administer the local option tourist development tax, the tourist impact tax, or the local option convention development tax to use independent contractors to perform the functions associated with self-administration.

The bill has no fiscal impact on state government. The effect on tax administration and collections is unknown.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|-----------------------------------------|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a "no" above, please explain:

B. PRESENT SITUATION:

Subsection (10) of s. 125.0104, F.S., authorizes counties to elect to self-administer the local option tourist development tax (TDT), as well as the tourist impact tax (s. 125.018, F.S.), instead of having the Department of Revenue (DOR) administer the tax on their behalf. The county is required to adopt a local ordinance specifying the responsibility for performance of tax administration duties. The ordinance must indicate if the county elects to perform all of the duties or if the authority for those duties are delegated to DOR.

Section 212.0305, F.S., authorizes counties to elect to self-administer the local option convention development tax, instead of having DOR administer the tax on the county's behalf. As with the TDT under s. 125.0104, F.S., the county is required to adopt a local ordinance specifying the responsibility for performance of tax administration duties. The ordinance must indicate if the county elects to perform all of the duties or if the authority for those duties are delegated to DOR.

C. EFFECT OF PROPOSED CHANGES:

House Bill 509 authorizes counties that elect to self-administer the local option tourist development tax, the tourist impact tax, or the local option convention development tax to use independent contractors to perform the functions associated with self-administration.

According to the DOR analysis, these changes do not apply to the local option food and beverage tax imposed by s. 212.0306, F.S., or to the Dade County tax imposed by Chapter 67-930, Laws of Florida.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Paragraph (c) of subsection (10) of s. 125.0104, F.S., is amended to authorize counties that elect to self-administer the local option tourist development tax or the tourist impact tax authorized in s. 125.0108, F.S., to use independent contractors to perform the functions associated with self-administration.

Section 2. Paragraph (c) of subsection (5) of s. 212.0305, F.S., is amended to authorize counties which elect to self-administer the local option convention development

tax to use independent contractors to perform the functions associated with self-administration.

Section 3. An effective date of becoming a law is provided.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

The bill has no impact on state revenues.

2. Expenditures:

The bill has no impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The effect this bill will have on tax collections is unknown.

2. Expenditures:

Counties may experience possible savings through contracting out responsibilities rather than having county employees perform duties associated with self-administration of the taxes.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Private sector entities may be contracted with by counties to perform tax administration functions that were previously performed by the counties.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

STORAGE NAME: h0509a.ca

DATE: March 8, 2000

PAGE 4

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

N/A

B. RULE-MAKING AUTHORITY:

This bill does not necessitate additional rule making authority.

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Judy C. McDonald

Staff Director:

Judy C. McDonald

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Thomas L. Hamby

Staff Director:

Joan Highsmith-Smith