

By the Committee on Finance and Taxation; and Senator Haridopolos

314-2685-04

1 A bill to be entitled

2 An act relating to communications services;

3 providing a short title; specifying the period

4 during which the actual cost of operating a

5 substitute communications system is exempt from

6 such taxes; creating the Communications Policy

7 Task Force; providing for the membership of the

8 task force; providing a purpose; providing for

9 staffing and administrative support; requiring

10 a report to the Governor and the Legislature;

11 providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. (1) This section may be cited as the

16 "Substitute Communications Systems Tax Relief Act."

17 (2) The taxes levied under sections 202.12(1),

18 202.19(7), 202.15, and 203.01, Florida Statutes, shall not be

19 levied on the actual cost of operating a substitute

20 communications system, as defined in section 202.11, Florida

21 Statutes, during the period from the effective date of this

22 act through December 31, 2005.

23 (3) The Department of Revenue shall not make

24 assessments of tax on the costs of operating a substitute

25 communications system for the period October 1, 2001, through

26 the effective date of this act. No refunds shall be made of

27 any tax that has been remitted to the Department of Revenue on

28 the costs of operating a substitute communications system

29 prior to the effective date of this act.

30 Section 2. (1) The Communications Policy Task Force

31 is created and housed for administrative purposes within the

1 Public Service Commission. The task force shall operate
2 independently of the commission.

3 (2)(a) The task force shall consist of nine members,
4 three appointed by the Governor, three appointed by the
5 President of the Senate, and three appointed by the Speaker of
6 the House of Representatives. Members shall serve at the
7 pleasure of the appointing official. Any vacancy shall be
8 filled in the same manner as the original appointment.

9 (b) Any nonlegislative member shall possess expertise
10 in state or national telecommunications policy, taxation, law,
11 or technology.

12 (c) A person who works directly for or who performs
13 contract work for a telecommunications company or any entity
14 or agency that has appeared before the commission on a
15 docketed telecommunications matter in the past 2 years may not
16 be appointed.

17 (d) Members shall serve without compensation, but are
18 entitled to reimbursement of travel and per diem expenses
19 pursuant to section 112.061, Florida Statutes, relating to
20 completing their duties and responsibilities under this
21 section.

22 (3) The task force shall review and evaluate existing
23 national and state regulatory and tax policies relating to the
24 communications industry and make recommendations to the
25 Legislature concerning:

26 (a) The scope of substitute communications services
27 that should be subject to the communications services tax
28 levied under sections 202.12(1), 202.19(7), 202.15, and
29 203.01, Florida Statutes, 2003.

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1 (b) The legal or regulatory actions that will impact
2 the implementation of the Tele-Competition and Innovation Act
3 of 2003.

4 (c) The adequacy of the implementation of Lifeline
5 Assistance under the 2003 Act.

6 (d) The impact on competition by emerging technologies
7 including voice-over-Internet protocol, wireless, and any
8 other developing technology that provides similar end-to-end
9 communications service.

10 (e) The impact on private competitors of local
11 governmental entities, or their affiliates, which provide
12 communications services to the public.

13 (f) Any other legal, regulatory, or technological
14 development during the course of the study that impacts the
15 state's communications policies.

16 (4) The task force shall hold its organizational
17 meeting by July 15, 2004. It shall select a chair and vice
18 chair and shall meet at the call of the chair at the time and
19 place designated by the chair or as often as necessary to
20 accomplish the purposes of this section. A quorum is necessary
21 for the purpose of conducting official business of the task
22 force. The task force shall use accepted rules of procedure to
23 conduct its meetings and shall keep a complete record of each
24 meeting.

25 (5) The Public Service Commission shall provide
26 administrative support and staff for the technical and
27 regulatory issues addressed by the task force. The Department
28 of Revenue shall provide staff for the tax issues addressed by
29 the task force.

30 (6) The task force shall report its findings and
31 recommendations to the Governor, the President of the Senate,

1 and the Speaker of the House of Representatives by January 15,
2 2005. The task force shall be dissolved by June 30, 2005.

3 Section 3. This act shall take effect upon becoming a
4 law.

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6 STATEMENT OF SUBSTANTIAL CHANGES CONTAINED IN
7 COMMITTEE SUBSTITUTE FOR
8 SB 2302

9 The committee substitute does not repeal the current-law taxes
10 on actual cost of operating a substitute communications
11 system. It provides that those taxes shall not be levied for
12 the period from the effective date of the act through December
13 31, 2005. It also provides that the Department of Revenue
14 shall not make assessments on these costs for the period of
15 October 1, 2001 through the effective date of the bill, but no
16 refunds shall be made of any tax that has already been paid.

17 The bill creates the Florida Communications Policy Task Force,
18 comprising nine members appointed by the Governor, the
19 President of the Senate, and the Speaker of the House of
20 Representatives. The task force is charged with reviewing and
21 evaluating existing national and state regulatory and tax
22 policies relating to the communications industry and making
23 recommendations to the Legislature by January 15, 2005.
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