

HB 1443

2010

1                   A bill to be entitled  
2           An act relating to the tax on sales, use, and other  
3           transactions; creating s. 213.758, F.S.; authorizing the  
4           department to contract to develop and implement the  
5           Internet Sales Tax Automated Revenue Tracking program as a  
6           system for collecting and administering sales and use  
7           taxes; providing program requirements, procedures, and  
8           criteria; requiring a report to the Governor and  
9           Legislature; providing for disclosure of information under  
10          the program; providing a penalty; providing for reducing  
11          the rate of the state sales and use tax under certain  
12          revenue certification circumstances; providing an  
13          effective date.

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

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17          Section 1.   Section 213.758, Florida Statutes, is created  
18          to read:

19          213.758 System for sales and use tax collection and  
20          administration by private or public vendors.-

21          (1) The department may enter into contracts pursuant to  
22          the procedures established in chapter 287 with public or private  
23          vendors to develop and implement a system for sales and use tax  
24          collection and administration. The department shall retain  
25          ownership of all intellectual property rights for any programs,  
26          processes, methodologies, and algorithms, including, but not  
27          limited to, all specially designed computer software for the  
28          purpose of sales and use tax collection and administration.

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29 Collections by such means shall be referred to as the Internet  
30 Sales Tax Automated Revenue Tracking program or iSTART. The  
31 amount of compensation paid to such vendors shall be based upon  
32 a percentage of the sales and use tax collections made under the  
33 system, on a per-transaction basis, or upon other grounds  
34 determined through the contracting process. The system at a  
35 minimum must be capable of determining the taxability of a  
36 transaction, the appropriate tax rate to be applied to the  
37 taxable transaction including any applicable local sales tax  
38 option adopted, and the total tax due on the transaction;  
39 collecting the total tax due on the transaction; and providing a  
40 method for reporting and paying the tax collected on the  
41 transaction to the department.

42 (2) On or before January 1 each year, the department shall  
43 provide to the Governor and Cabinet, the Speaker of the House of  
44 Representatives, and the President of the Senate a report on any  
45 sales and use tax collection and administration system developed  
46 and implemented pursuant to this section. The report shall  
47 include information on the number of vendors participating in  
48 such system, the amount of sales and use tax collected by the  
49 vendors, and the amount of compensation paid to such vendors.

50 (3) Disclosure of information under this section shall be  
51 pursuant to a written agreement between the executive director  
52 of the department and such vendors, and the department shall be  
53 subject to the provisions of s. 213.053. Violation of such  
54 agreement is a misdemeanor of the first degree, punishable as  
55 provided in s. 775.082 or s. 775.083.

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56           (4) When total sales and use tax collections by the  
57 department using the software developed under iSTART are  
58 certified by the director of the department to be at least \$5  
59 billion, the state sales and use tax rate shall be rolled back  
60 by reducing the applicable rate by 1 percent, notwithstanding  
61 the rate specified in chapter 212, and the rollback shall remain  
62 in effect for each year that iSTART collections are certified to  
63 be at least \$5 billion.

64           Section 2. This act shall take effect July 1, 2010.