

By the Committee on Communications, Energy, and Public Utilities; and Senator Bogdanoff

579-02804-11

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1 A bill to be entitled

2 An act relating to communications services tax;
3 amending s. 202.16, F.S.; requiring that a dealer
4 compute the communications services tax based on a
5 rounding algorithm; providing criteria; providing for
6 application of the tax; providing options to the
7 dealer for applying the rounding algorithm; providing
8 that a dealer is not required to collect the tax based
9 on a bracket system; removing the provision requiring
10 the Department of Revenue to make available tax
11 amounts and applicable brackets; providing that the
12 provisions of the act are remedial in nature and apply
13 retroactively; providing that the act does not provide
14 a basis for assessment of any tax not paid or create a
15 right to certain refunds or credits; providing an
16 effective date.

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

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20 Section 1. Subsection (3) of section 202.16, Florida
21 Statutes, is amended to read:

22 202.16 Payment.—The taxes imposed or administered under
23 this chapter and chapter 203 shall be collected from all dealers
24 of taxable communications services on the sale at retail in this
25 state of communications services taxable under this chapter and
26 chapter 203. The full amount of the taxes on a credit sale,
27 installment sale, or sale made on any kind of deferred payment
28 plan is due at the moment of the transaction in the same manner
29 as a cash sale.

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30 (3) (a) A dealer must compute the tax due on a sale of
31 communications services imposed pursuant to this chapter and
32 chapter 203 based on a rounding algorithm that meets the
33 following criteria:

34 1. The tax computation must be carried to the third decimal
35 place.

36 2. The tax must be rounded to a whole cent using a method
37 that rounds up to the next cent whenever the third decimal place
38 is greater than four.

39 (b) A dealer may elect to compute the tax due on a sale of
40 communications services on an item or an invoice basis.

41 (c) The rounding algorithm must be applied to the local
42 communications services tax imposed pursuant to this chapter
43 separately from its application to the communications services
44 tax imposed pursuant to s. 202.12 and gross receipts tax
45 pursuant to s. 203.01.

46 (d) A dealer may elect to apply the rounding algorithm to
47 the communications services taxes imposed pursuant to ss. 202.12
48 and 203.01 in one of the following manners:

49 1. Apply the rounding algorithm to the combined
50 communications services tax imposed pursuant to ss. 202.12 and
51 203.01.

52 2. Apply the rounding algorithm separately to the
53 communications services tax imposed pursuant to s. 202.12(1) (a)
54 and gross receipt tax imposed pursuant to ss. 203.01(1) (b)2. and
55 3.

56 3. Apply the rounding algorithm to the combined taxes
57 imposed pursuant to ss. 202.12(1) (a) and 203.01(1) (b)3., as
58 allowed by s. 203.001, and apply the rounding algorithm

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59 separately to the gross receipts tax pursuant to s.
60 203.01(1)(b)2.

61 (e) A dealer is not required to collect the tax based on a
62 bracket system. Notwithstanding the rate of tax on the sale of
63 communications services imposed pursuant to this chapter and
64 chapter 203, the department shall make available in an
65 electronic format or otherwise the tax amounts and brackets
66 applicable to each taxable sale such that the tax collected
67 results in a tax rate no less than the tax rate imposed pursuant
68 to this chapter and chapter 203.

69 Section 2. This act is intended to be remedial in nature
70 and applies retroactively. This act does not provide a basis for
71 an assessment of any tax not paid or create a right to a refund
72 or credit of any tax paid under s. 202.16, Florida Statutes,
73 before July 1, 2011.

74 Section 3. This act shall take effect July 1, 2011.