

By the Committees on Finance and Tax; and Communications,
Energy, and Public Utilities; and Senator Hukill

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1 A bill to be entitled
2 An act relating to taxes; amending s. 202.12, F.S.;
3 reducing the tax rate applied to the sale of
4 communications services; reducing the tax rate applied
5 to the retail sale of direct-to-home satellite
6 services; amending s. 202.12001, F.S.; conforming
7 rates to the reduction of the communications services
8 tax; amending s. 202.18, F.S.; revising the allocation
9 of tax revenue received from the communications
10 services tax; amending s. 202.27, F.S.; authorizing
11 dealers to use a period other than a calendar month
12 for the purpose of determining the communications
13 services taxes to be remitted; amending s. 202.28,
14 F.S.; limiting the disallowance of collection
15 allowance under certain circumstances; amending s.
16 203.001, F.S.; conforming rates to the reduction of
17 the communications services tax; amending s. 212.20,
18 F.S.; revising the distributions of tax revenue
19 received from the sales and use tax, communications
20 services tax, and gross receipts tax; providing
21 applicability; providing effective dates.

22
23 Be It Enacted by the Legislature of the State of Florida:

24
25 Section 1. Paragraphs (a) and (b) of subsection (1) of
26 section 202.12, Florida Statutes, are amended to read:

27 202.12 Sales of communications services.—The Legislature
28 finds that every person who engages in the business of selling
29 communications services at retail in this state is exercising a

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30 taxable privilege. It is the intent of the Legislature that the
31 tax imposed by chapter 203 be administered as provided in this
32 chapter.

33 (1) For the exercise of such privilege, a tax is levied on
34 each taxable transaction, ~~and the tax~~ is due and payable as
35 follows:

36 (a) Except as otherwise provided in this subsection, at the
37 ~~a~~ rate of 3.05 ~~6.65~~ percent applied to the sales price of the
38 communications service that ~~which~~:

- 39 1. Originates and terminates in this state, or
- 40 2. Originates or terminates in this state and is charged to
41 a service address in this state,

42
43 when sold at retail, computed on each taxable sale for the
44 purpose of remitting the tax due. The gross receipts tax imposed
45 by chapter 203 shall be collected on the same taxable
46 transactions and remitted with the tax imposed by this
47 paragraph. If no tax is imposed by this paragraph due to the
48 exemption provided under ~~by reason of~~ s. 202.125(1), the tax
49 imposed by chapter 203 shall nevertheless be collected and
50 remitted in the manner and at the time prescribed for tax
51 collections and remittances under this chapter.

52 (b) At the rate of 7.2 ~~10.8~~ percent applied to ~~on~~ the
53 retail sales price of any direct-to-home satellite service
54 received in this state. The proceeds of the tax imposed under
55 this paragraph shall be accounted for and distributed in
56 accordance with s. 202.18(2). The gross receipts tax imposed by
57 chapter 203 shall be collected on the same taxable transactions
58 and remitted with the tax imposed by this paragraph.

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59 Section 2. Section 202.12001, Florida Statutes, is amended
60 to read:

61 202.12001 Combined rate for tax collected pursuant to ss.
62 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch.
63 2010-149, Laws of Florida, the dealer of communication services
64 may collect a combined rate of 3.2 ~~6.8~~ percent, composed
65 ~~comprised~~ of the 3.05 ~~6.65~~ percent and 0.15 percent rates
66 required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively,
67 if as long as the provider properly reflects the tax collected
68 with respect to the two provisions as required in the return to
69 the department ~~of Revenue~~.

70 Section 3. Effective August 1, 2015, subsection (2) of
71 section 202.18, Florida Statutes, is amended to read:

72 202.18 Allocation and disposition of tax proceeds.—The
73 proceeds of the communications services taxes remitted under
74 this chapter shall be treated as follows:

75 (2) The proceeds of the taxes remitted under s.
76 202.12(1)(b) shall be allocated ~~divided~~ as follows:

77 (a) The portion of the ~~such~~ proceeds which constitutes
78 gross receipts taxes, imposed at the rate prescribed in chapter
79 203, shall be deposited as provided by law and in accordance
80 with s. 9, Art. XII of the State Constitution.

81 (b) Forty-four and one-half ~~Sixty-three~~ percent of the
82 remainder shall be allocated to the state and distributed
83 pursuant to s. 212.20(6), except that the proceeds allocated
84 pursuant to s. 212.20(6)(d)2. shall be prorated to the
85 participating counties in the same proportion as that month's
86 collection of the taxes and fees imposed pursuant to chapter 212
87 and paragraph (1)(b).

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88 (c)1. During each calendar year, the remaining portion of
89 the ~~such~~ proceeds shall be transferred to the Local Government
90 Half-cent Sales Tax Clearing Trust Fund. Seventy percent of such
91 proceeds shall be allocated in the same proportion as the
92 allocation of total receipts of the half-cent sales tax under s.
93 218.61 and the emergency distribution under s. 218.65 in the
94 prior state fiscal year. Thirty percent of such proceeds shall
95 be distributed pursuant to s. 218.67.

96 2. The proportion of the proceeds allocated based on the
97 emergency distribution under s. 218.65 shall be distributed
98 pursuant to s. 218.65.

99 3. In each calendar year, the proportion of the proceeds
100 allocated based on the half-cent sales tax under s. 218.61 shall
101 be allocated to each county in the same proportion as the
102 county's percentage of total sales tax allocation for the prior
103 state fiscal year and distributed pursuant to s. 218.62.

104 4. The department shall distribute the appropriate amount
105 to each municipality and county each month at the same time that
106 local communications services taxes are distributed pursuant to
107 subsection (3).

108 Section 4. Subsection (1) of section 202.27, Florida
109 Statutes, is amended to read:

110 202.27 Return filing; rules for self-accrual.—

111 (1) For the purpose of ascertaining the amount of tax
112 payable under this chapter and chapter 203, every dealer shall
113 ~~has the duty to~~ file a return and remit the taxes required to be
114 collected in any calendar month to the department, on or before
115 the 20th day of the subsequent calendar month, upon forms
116 prepared and furnished by the department or in a format

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117 prescribed by it. The department shall, by rule, prescribe the
118 information to be furnished by taxpayers on such returns. For
119 the purpose of determining the taxes required to be remitted
120 under this subsection, a dealer may elect to use an alternative
121 period basis. An alternative period basis is any month-long
122 period, other than a calendar month, which has an end date on or
123 after the 15th day of the calendar month. The election shall be
124 made upon forms prepared and furnished by the department or in a
125 format prescribed by it. A dealer making the election is bound
126 by the election for at least 12 months and shall file a return
127 and remit the taxes required to be collected in each alternative
128 period to the department on or before the 20th day of the
129 subsequent calendar month.

130 Section 5. Paragraph (d) is added to subsection (1) of
131 section 202.28, Florida Statutes, to read:

132 202.28 Credit for collecting tax; penalties.—

133 (1) Except as otherwise provided in s. 202.22, for the
134 purpose of compensating persons providing communications
135 services for the keeping of prescribed records, the filing of
136 timely tax returns, and the proper accounting and remitting of
137 taxes, persons collecting taxes imposed under this chapter and
138 under s. 203.01(1)(a)2. shall be allowed to deduct 0.75 percent
139 of the amount of the tax due and accounted for and remitted to
140 the department.

141 (d) A disallowance of a collection allowance under this
142 subsection based on a delinquent tax payment is limited to the
143 percentage of the total tax due, before the collection allowance
144 was calculated, which is delinquent at the time of payment.

145 Section 6. Section 203.001, Florida Statutes, is amended to

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146 read:

147 203.001 Combined rate for tax collected pursuant to ss.
148 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch.
149 2010-149, Laws of Florida, the dealer of communication services
150 may collect a combined rate of 3.2 ~~6.8~~ percent, composed
151 ~~comprised~~ of the 3.05 ~~6.65~~ percent and 0.15 percent rates
152 required by ss. 202.12(1)(a) and 203.01(1)(b)3., respectively,
153 if ~~as long as~~ the provider properly reflects the tax collected
154 with respect to the two provisions as required in the return to
155 the Department of Revenue.

156 Section 7. Effective September 1, 2015, paragraph (d) of
157 subsection (6) of section 212.20, Florida Statutes, is amended
158 to read:

159 212.20 Funds collected, disposition; additional powers of
160 department; operational expense; refund of taxes adjudicated
161 unconstitutionally collected.—

162 (6) Distribution of all proceeds under this chapter and ss.
163 202.18(1)(b) and (2)(b) and 203.01(1)(a)3. is as follows:

164 (d) The proceeds of all other taxes and fees imposed
165 pursuant to this chapter or remitted pursuant to s. 202.18(1)(b)
166 and (2)(b) shall be distributed as follows:

167 1. In any fiscal year, the greater of \$500 million, minus
168 an amount equal to 4.6 percent of the proceeds of the taxes
169 collected pursuant to chapter 201, or 5.2 percent of all other
170 taxes and fees imposed pursuant to this chapter or remitted
171 pursuant to s. 202.18(1)(b) and (2)(b) shall be deposited in
172 monthly installments into the General Revenue Fund.

173 2. After the distribution under subparagraph 1., 9.0739
174 ~~8.8854~~ percent of the amount remitted by a sales tax dealer

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175 located within a participating county pursuant to s. 218.61
176 shall be transferred into the Local Government Half-cent Sales
177 Tax Clearing Trust Fund. Beginning July 1, 2003, the amount to
178 be transferred shall be reduced by 0.1 percent, and the
179 department shall distribute this amount to the Public Employees
180 Relations Commission Trust Fund less \$5,000 each month, which
181 shall be added to the amount calculated in subparagraph 3. and
182 distributed accordingly.

183 3. After the distribution under subparagraphs 1. and 2.,
184 0.0976 ~~0.0956~~ percent shall be transferred to the Local
185 Government Half-cent Sales Tax Clearing Trust Fund and
186 distributed pursuant to s. 218.65.

187 4. After the distributions under subparagraphs 1., 2., and
188 3., 2.1039 ~~2.0603~~ percent of the available proceeds shall be
189 transferred monthly to the Revenue Sharing Trust Fund for
190 Counties pursuant to s. 218.215.

191 5. After the distributions under subparagraphs 1., 2., and
192 3., 1.3803 ~~1.3517~~ percent of the available proceeds shall be
193 transferred monthly to the Revenue Sharing Trust Fund for
194 Municipalities pursuant to s. 218.215. If the total revenue to
195 be distributed pursuant to this subparagraph is at least as
196 great as the amount due from the Revenue Sharing Trust Fund for
197 Municipalities and the former Municipal Financial Assistance
198 Trust Fund in state fiscal year 1999-2000, no municipality shall
199 receive less than the amount due from the Revenue Sharing Trust
200 Fund for Municipalities and the former Municipal Financial
201 Assistance Trust Fund in state fiscal year 1999-2000. If the
202 total proceeds to be distributed are less than the amount
203 received in combination from the Revenue Sharing Trust Fund for

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204 Municipalities and the former Municipal Financial Assistance
205 Trust Fund in state fiscal year 1999-2000, each municipality
206 shall receive an amount proportionate to the amount it was due
207 in state fiscal year 1999-2000.

208 6. Of the remaining proceeds:

209 a. In each fiscal year, the sum of \$29,915,500 shall be
210 divided into as many equal parts as there are counties in the
211 state, and one part shall be distributed to each county. The
212 distribution among the several counties must begin each fiscal
213 year on or before January 5th and continue monthly for a total
214 of 4 months. If a local or special law required that any moneys
215 accruing to a county in fiscal year 1999-2000 under the then-
216 existing provisions of s. 550.135 be paid directly to the
217 district school board, special district, or a municipal
218 government, such payment must continue until the local or
219 special law is amended or repealed. The state covenants with
220 holders of bonds or other instruments of indebtedness issued by
221 local governments, special districts, or district school boards
222 before July 1, 2000, that it is not the intent of this
223 subparagraph to adversely affect the rights of those holders or
224 relieve local governments, special districts, or district school
225 boards of the duty to meet their obligations as a result of
226 previous pledges or assignments or trusts entered into which
227 obligated funds received from the distribution to county
228 governments under then-existing s. 550.135. This distribution
229 specifically is in lieu of funds distributed under s. 550.135
230 before July 1, 2000.

231 b. The department shall distribute \$166,667 monthly to each
232 applicant certified as a facility for a new or retained

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233 professional sports franchise pursuant to s. 288.1162. Up to
234 \$41,667 shall be distributed monthly by the department to each
235 certified applicant as defined in s. 288.11621 for a facility
236 for a spring training franchise. However, not more than \$416,670
237 may be distributed monthly in the aggregate to all certified
238 applicants for facilities for spring training franchises.
239 Distributions begin 60 days after such certification and
240 continue for not more than 30 years, except as otherwise
241 provided in s. 288.11621. A certified applicant identified in
242 this sub-subparagraph may not receive more in distributions than
243 expended by the applicant for the public purposes provided in s.
244 288.1162(5) or s. 288.11621(3).

245 c. Beginning 30 days after notice by the Department of
246 Economic Opportunity to the Department of Revenue that an
247 applicant has been certified as the professional golf hall of
248 fame pursuant to s. 288.1168 and is open to the public, \$166,667
249 shall be distributed monthly, for up to 300 months, to the
250 applicant.

251 d. Beginning 30 days after notice by the Department of
252 Economic Opportunity to the Department of Revenue that the
253 applicant has been certified as the International Game Fish
254 Association World Center facility pursuant to s. 288.1169, and
255 the facility is open to the public, \$83,333 shall be distributed
256 monthly, for up to 168 months, to the applicant. This
257 distribution is subject to reduction pursuant to s. 288.1169. A
258 lump sum payment of \$999,996 shall be made after certification
259 and before July 1, 2000.

260 e. The department shall distribute up to \$83,333 monthly to
261 each certified applicant as defined in s. 288.11631 for a

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262 facility used by a single spring training franchise, or up to
263 \$166,667 monthly to each certified applicant as defined in s.
264 288.11631 for a facility used by more than one spring training
265 franchise. Monthly distributions begin 60 days after such
266 certification or July 1, 2016, whichever is later, and continue
267 for not more than 20 years to each certified applicant as
268 defined in s. 288.11631 for a facility used by a single spring
269 training franchise or not more than 25 years to each certified
270 applicant as defined in s. 288.11631 for a facility used by more
271 than one spring training franchise. A certified applicant
272 identified in this sub-subparagraph may not receive more in
273 distributions than expended by the applicant for the public
274 purposes provided in s. 288.11631(3).

275 f. Beginning 45 days after notice by the Department of
276 Economic Opportunity to the Department of Revenue that an
277 applicant has been approved by the Legislature and certified by
278 the Department of Economic Opportunity under s. 288.11625 or
279 upon a date specified by the Department of Economic Opportunity
280 as provided under s. 288.11625(6)(d), the department shall
281 distribute each month an amount equal to one-twelfth of the
282 annual distribution amount certified by the Department of
283 Economic Opportunity for the applicant. The department may not
284 distribute more than \$7 million in the 2014-2015 fiscal year or
285 more than \$13 million annually thereafter under this sub-
286 subparagraph.

287 7. All other proceeds must remain in the General Revenue
288 Fund.

289 Section 8. This act applies to taxable transactions
290 included on bills for communication services which are dated on

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291 or after July 1, 2015.

292 Section 9. Except as otherwise provided in this act, this

293 act shall take effect July 1, 2015.