

By Senator Legg

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1 A bill to be entitled
 2 An act relating to the sales and use tax; amending s.
 3 212.12, F.S.; revising the method for calculating the
 4 amount of tax and discretionary sales surtax; amending
 5 ss. 212.04, 212.05, 212.0506, and 213.015, F.S.;
 6 conforming provisions to changes made by the act;
 7 providing an effective date.

8
 9 Be It Enacted by the Legislature of the State of Florida:

10
 11 Section 1. Present subsections (12) and (13) of section
 12 212.12, Florida Statutes, are redesignated as subsections (10)
 13 and (11), respectively, and present subsections (9), (10), (11),
 14 and (14) of that section are amended, to read:

15 212.12 Dealer's credit for collecting tax; penalties for
 16 noncompliance; powers of Department of Revenue in dealing with
 17 delinquents; calculations ~~brackets~~ applicable to taxable
 18 transactions; records required.-

19 (9) Taxes imposed by this chapter upon the privilege of the
 20 use, consumption, storage for consumption, or sale of tangible
 21 personal property, admissions, license fees, rentals,
 22 communication services, and upon the sale or use of services ~~as~~
 23 ~~herein taxed~~ shall be collected by adding ~~upon the basis of an~~
 24 ~~addition of the tax imposed by this chapter~~ to the total price
 25 of such tangible personal property, admissions, license fees,
 26 rentals, communication or other services, or sale price of such
 27 article or articles that are purchased, sold, or leased at any
 28 one time by or to a customer or buyer. ~~‡~~ The dealer, or person
 29 charged ~~herein~~, shall ~~is required to~~ pay a privilege tax ~~in the~~

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30 ~~amount of the tax imposed by this chapter~~ on the total of his or
31 her gross sales of tangible personal property, admissions,
32 license fees, rentals, and communication services or ~~to~~ collect
33 the a tax upon the sale or use of services, and such person or
34 dealer shall add the tax ~~imposed by this chapter~~ to the price,
35 license fee, rental, or admissions, and communication or other
36 services and collect the total sum from the purchaser, admittee,
37 licensee, lessee, or consumer. The amount of tax to be paid or
38 collected shall be calculated by multiplying the taxable
39 transaction by the 6 percent tax rate or, for transactions
40 pursuant to s. 212.05(1)(e)1.c., the 4.35 percent tax rate. In
41 counties that have adopted a discretionary sales surtax, the
42 amount of the surtax to be paid or collected shall be calculated
43 by multiplying the taxable transaction by the applicable surtax
44 rate. If either resulting product includes a fraction of a cent,
45 the tax or surtax amount shall be rounded down to the nearest
46 whole cent. The department shall make available in an electronic
47 ~~format or otherwise the tax amounts and the following brackets~~
48 ~~applicable to all transactions taxable at the rate of 6 percent:~~
49 ~~(a) On single sales of less than 10 cents, no tax shall be~~
50 ~~added.~~
51 ~~(b) On single sales in amounts from 10 cents to 16 cents,~~
52 ~~both inclusive, 1 cent shall be added for taxes.~~
53 ~~(c) On sales in amounts from 17 cents to 33 cents, both~~
54 ~~inclusive, 2 cents shall be added for taxes.~~
55 ~~(d) On sales in amounts from 34 cents to 50 cents, both~~
56 ~~inclusive, 3 cents shall be added for taxes.~~
57 ~~(e) On sales in amounts from 51 cents to 66 cents, both~~
58 ~~inclusive, 4 cents shall be added for taxes.~~

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59 ~~(f) On sales in amounts from 67 cents to 83 cents, both~~
60 ~~inclusive, 5 cents shall be added for taxes.~~

61 ~~(g) On sales in amounts from 84 cents to \$1, both~~
62 ~~inclusive, 6 cents shall be added for taxes.~~

63 ~~(h) On sales in amounts of more than \$1, 6 percent shall be~~
64 ~~charged upon each dollar of price, plus the appropriate bracket~~
65 ~~charge upon any fractional part of a dollar.~~

66 ~~(10) In counties which have adopted a discretionary sales~~
67 ~~surtax at the rate of 1 percent, the department shall make~~
68 ~~available in an electronic format or otherwise the tax amounts~~
69 ~~and the following brackets applicable to all taxable~~
70 ~~transactions that would otherwise have been transactions taxable~~
71 ~~at the rate of 6 percent:~~

72 ~~(a) On single sales of less than 10 cents, no tax shall be~~
73 ~~added.~~

74 ~~(b) On single sales in amounts from 10 cents to 14 cents,~~
75 ~~both inclusive, 1 cent shall be added for taxes.~~

76 ~~(c) On sales in amounts from 15 cents to 28 cents, both~~
77 ~~inclusive, 2 cents shall be added for taxes.~~

78 ~~(d) On sales in amounts from 29 cents to 42 cents, both~~
79 ~~inclusive, 3 cents shall be added for taxes.~~

80 ~~(e) On sales in amounts from 43 cents to 57 cents, both~~
81 ~~inclusive, 4 cents shall be added for taxes.~~

82 ~~(f) On sales in amounts from 58 cents to 71 cents, both~~
83 ~~inclusive, 5 cents shall be added for taxes.~~

84 ~~(g) On sales in amounts from 72 cents to 85 cents, both~~
85 ~~inclusive, 6 cents shall be added for taxes.~~

86 ~~(h) On sales in amounts from 86 cents to \$1, both~~
87 ~~inclusive, 7 cents shall be added for taxes.~~

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88 ~~(i) On sales in amounts from \$1 up to, and including, the~~
89 ~~first \$5,000 in price, 7 percent shall be charged upon each~~
90 ~~dollar of price, plus the appropriate bracket charge upon any~~
91 ~~fractional part of a dollar.~~

92 ~~(j) On sales in amounts of more than \$5,000 in price, 7~~
93 ~~percent shall be added upon the first \$5,000 in price, and 6~~
94 ~~percent shall be added upon each dollar of price in excess of~~
95 ~~the first \$5,000 in price, plus the bracket charges upon any~~
96 ~~fractional part of a dollar as provided for in subsection (9).~~

97 ~~(11) The department shall make available in an electronic~~
98 ~~format or otherwise the tax amounts and brackets applicable to~~
99 ~~all taxable transactions that occur in counties that have a~~
100 ~~surtax at a rate other than 1 percent which would otherwise have~~
101 ~~been transactions taxable at the rate of 6 percent. Likewise,~~
102 ~~the department shall make available in an electronic format or~~
103 ~~otherwise the tax amounts and brackets applicable to~~
104 ~~transactions taxable at 4.35 percent pursuant to s.~~
105 ~~212.05(1)(c)1.e. and on transactions which would otherwise have~~
106 ~~been so taxable in counties which have adopted a discretionary~~
107 ~~sales surtax.~~

108 ~~(14) If it is determined upon audit that a dealer has~~
109 ~~collected and remitted taxes by applying the applicable tax rate~~
110 ~~to each transaction as described in subsection (9) and rounding~~
111 ~~the tax due to the nearest whole cent rather than applying the~~
112 ~~appropriate bracket system provided by law or department rule,~~
113 ~~the dealer shall not be held liable for additional tax, penalty,~~
114 ~~and interest resulting from such failure if:~~

115 ~~(a) The dealer acted in a good faith belief that rounding~~
116 ~~to the nearest whole cent was the proper method of determining~~

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117 ~~the amount of tax due on each taxable transaction.~~

118 ~~(b) The dealer timely reported and remitted all taxes~~
119 ~~collected on each taxable transaction.~~

120 ~~(c) The dealer agrees in writing to future compliance with~~
121 ~~the laws and rules concerning brackets applicable to the~~
122 ~~dealer's transactions.~~

123 Section 2. Paragraph (b) of subsection (1) of section
124 212.04, Florida Statutes, is amended to read:

125 212.04 Admissions tax; rate, procedure, enforcement.—

126 (1)

127 (b) For the exercise of such privilege, a tax is levied at
128 the rate of 6 percent of sales price, or the actual value
129 received from such admissions, which 6 percent shall be added to
130 and collected with all such admissions from the purchaser
131 thereof, and such tax shall be paid for the exercise of the
132 privilege as defined in the preceding paragraph. Each ticket
133 must show on its face the actual sales price of the admission,
134 or each dealer selling the admission must prominently display at
135 the box office or other place where the admission charge is made
136 a notice disclosing the price of the admission, and the tax
137 shall be computed and collected on the basis of the actual price
138 of the admission charged by the dealer. The sale price or actual
139 value of admission shall, for the purpose of this chapter, be
140 that price remaining after deduction of federal taxes and state
141 or locally imposed or authorized seat surcharges, taxes, or
142 fees, if any, imposed upon such admission. The sale price or
143 actual value does not include separately stated ticket service
144 charges that are imposed by a facility ticket office or a
145 ticketing service and added to a separately stated, established

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146 ticket price. The rate of tax on each admission shall be
147 calculated as provided in ~~according to the brackets established~~
148 ~~by~~ s. 212.12(9).

149 Section 3. Subsection (4) of section 212.05, Florida
150 Statutes, is amended to read:

151 212.05 Sales, storage, use tax.—It is hereby declared to be
152 the legislative intent that every person is exercising a taxable
153 privilege who engages in the business of selling tangible
154 personal property at retail in this state, including the
155 business of making mail order sales, or who rents or furnishes
156 any of the things or services taxable under this chapter, or who
157 stores for use or consumption in this state any item or article
158 of tangible personal property as defined herein and who leases
159 or rents such property within the state.

160 (4) The tax imposed pursuant to this chapter shall be due
161 and payable as calculated ~~according to the brackets set forth~~ in
162 s. 212.12.

163 Section 4. Subsection (6) of section 212.0506, Florida
164 Statutes, is amended to read:

165 212.0506 Taxation of service warranties.—

166 (6) This tax shall be due and payable as calculated
167 ~~according to the brackets set forth~~ in s. 212.12.

168 Section 5. Subsection (3) of section 213.015, Florida
169 Statutes, is amended to read:

170 213.015 Taxpayer rights.—There is created a Florida
171 Taxpayer's Bill of Rights to guarantee that the rights, privacy,
172 and property of Florida taxpayers are adequately safeguarded and
173 protected during tax assessment, collection, and enforcement
174 processes administered under the revenue laws of this state. The

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175 Taxpayer's Bill of Rights compiles, in one document, brief but
176 comprehensive statements which explain, in simple, nontechnical
177 terms, the rights and obligations of the Department of Revenue
178 and taxpayers. Section 192.0105 provides additional rights
179 afforded to payors of property taxes and assessments. The rights
180 afforded taxpayers to ensure that their privacy and property are
181 safeguarded and protected during tax assessment and collection
182 are available only insofar as they are implemented in other
183 parts of the Florida Statutes or rules of the Department of
184 Revenue. The rights so guaranteed Florida taxpayers in the
185 Florida Statutes and the departmental rules are:

186 (3) The right to be represented or advised by counsel or
187 other qualified representatives at any time in administrative
188 interactions with the department, the right to procedural
189 safeguards with respect to recording of interviews during tax
190 determination or collection processes conducted by the
191 department, the right to be treated in a professional manner by
192 department personnel, and the right to have audits, inspections
193 of records, and interviews conducted at a reasonable time and
194 place except in criminal and internal investigations (see ss.
195 198.06, 199.218, 201.11(1), 203.02, 206.14, 211.125(3),
196 211.33(3), 212.0305(3), 212.12(5)(a), (6)(a), and (11) ~~(13)~~,
197 212.13(5), 213.05, 213.21(1)(a) and (c), and 213.34).

198 Section 6. This act shall take effect July 1, 2016.