

By the Committee on Regulated Industries; and Senator Trumbull

580-02861-23

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1 A bill to be entitled
2 An act relating to communications services tax;
3 amending s. 202.12, F.S.; decreasing the tax rates on
4 the retail sale of communications services and direct-
5 to-home satellite services; amending s. 202.19, F.S.;
6 revising the name of the discretionary communications
7 services tax; requiring that a certain tax remain the
8 same rate as it was on a specified past date until a
9 specified future date; specifying the fees, taxes,
10 charges, and other impositions that the tax replaces;
11 prohibiting a certain tax passed after a certain date
12 from being added to the local communications service
13 tax before a future date; providing an effective date.

14
15 Be It Enacted by the Legislature of the State of Florida:

16
17 Section 1. Paragraphs (a) and (b) of subsection (1) of
18 section 202.12, Florida Statutes, are amended to read:

19 202.12 Sales of communications services.—The Legislature
20 finds that every person who engages in the business of selling
21 communications services at retail in this state is exercising a
22 taxable privilege. It is the intent of the Legislature that the
23 tax imposed by chapter 203 be administered as provided in this
24 chapter.

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

27 (a) Except as otherwise provided in this subsection, at the
28 rate of 3.48 ~~4.92~~ percent applied to the sales price of the
29 communications service that:

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30 1. Originates and terminates in this state;~~7~~ or

31 2. Originates or terminates in this state and is charged to
32 a service address in this state,

33
34 when sold at retail, computed on each taxable sale for the
35 purpose of remitting the tax due. The gross receipts tax imposed
36 by chapter 203 shall be collected on the same taxable
37 transactions and remitted with the tax imposed by this
38 paragraph. If no tax is imposed by this paragraph due to the
39 exemption provided under s. 202.125(1), the tax imposed by
40 chapter 203 shall nevertheless be collected and remitted in the
41 manner and at the time prescribed for tax collections and
42 remittances under this chapter.

43 (b) At the rate of 7.63 ~~9.07~~ percent applied to the retail
44 sales price of any direct-to-home satellite service received in
45 this state. The proceeds of the tax imposed under this paragraph
46 shall be accounted for and distributed in accordance with s.
47 202.18(2). The gross receipts tax imposed by chapter 203 shall
48 be collected on the same taxable transactions and remitted with
49 the tax imposed by this paragraph.

50 Section 2. Subsections (1), (3), and (5) of section 202.19,
51 Florida Statutes, are amended, and paragraph (d) is added to
52 subsection (2) of that section, to read:

53 202.19 Authorization to impose local communications
54 services tax.—

55 (1) The governing authority of each county and municipality
56 may, by ordinance, levy a local ~~discretionary~~ communications
57 services tax as provided in this section.

58 (2)

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59 (d) The local communications services tax rate in effect on
60 January 1, 2023, may not be increased before January 1, 2026.

61 (3) (a) The tax authorized under this section replaces other
62 revenue sources for municipalities and counties and includes the
63 following taxes, charges, fees, and other impositions to the
64 extent that the respective local taxing jurisdictions were
65 authorized to impose those taxes, charges, fees, and other
66 impositions before July 1, 2000, and after January 1, 2023:

67 1. With respect to a charter county or municipality:

68 a. The public service tax on telecommunications authorized
69 by s. 166.231(9), Florida Statutes (2001).

70 b. Franchise fees on providers of cable television services
71 as authorized by 47 U.S.C. s. 542.

72 c. The public service tax on prepaid calling arrangements.

73 d. Franchise fees on dealers of communications services
74 that use the public roads or rights-of-way.

75 e. Actual permit fees relating to placing or maintaining
76 facilities in or on public roads or rights-of-way collected from
77 providers of long-distance, cable, and mobile communications
78 services for the fiscal year ending September 30, 1999; however,
79 if a municipality or charter county elected to continue charging
80 permit fees as authorized by s. 337.401 on or before January 1,
81 2019, the fees may not be included as a replaced revenue source.

82 f. Application fees, transfer fees, renewal fees, or claims
83 for related costs to which the municipality or county is
84 otherwise entitled for granting permission to dealers of
85 communications services, including providers of cable television
86 services as authorized by 47 U.S.C. s. 542, to use or occupy its
87 roads or rights-of-way for the placement, construction, and

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88 maintenance of poles, wires, and other fixtures used in the
89 provision of communications services.

90 2. With respect to a noncharter county, franchise fees on
91 providers of cable television services as authorized by 47
92 U.S.C. s. 542 ~~includes and is in lieu of any fee or other~~
93 ~~consideration, including, but not limited to, application fees,~~
94 ~~transfer fees, renewal fees, or claims for related costs, to~~
95 ~~which the municipality or county is otherwise entitled for~~
96 ~~granting permission to dealers of communications services,~~
97 ~~including, but not limited to, providers of cable television~~
98 ~~services, as authorized in 47 U.S.C. s. 542, to use or occupy~~
99 ~~its roads or rights-of-way for the placement, construction, and~~
100 ~~maintenance of poles, wires, and other fixtures used in the~~
101 ~~provision of communications services.~~

102 (b) This subsection does not supersede or impair the right,
103 if any, of a municipality or county to require the payment of
104 consideration or to require the payment of regulatory fees or
105 assessments by persons using or occupying its roads or rights-
106 of-way in a capacity other than that of a dealer of
107 communications services.

108 (5) In addition to the communications services taxes
109 authorized by subsection (1), a discretionary sales surtax that
110 a county or school board has levied under s. 212.055 is imposed
111 as a local communications services tax under this section, and
112 the rate shall be determined in accordance with s. 202.20(3).
113 However, any increase to the discretionary sales surtax levied
114 under s. 212.055 on or after January 1, 2023, may not be added
115 to the local communication services tax under this section
116 before January 1, 2026.

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117 (a) Except as otherwise provided in this subsection, each
118 such tax rate shall be applied, in addition to the other tax
119 rates applied under this chapter, to communications services
120 subject to tax under s. 202.12 which:

- 121 1. Originate or terminate in this state; and
- 122 2. Are charged to a service address in the county.

123 (b) With respect to private communications services, the
124 tax shall be on the sales price of such services provided within
125 the county, which shall be determined in accordance with the
126 following provisions:

127 1. Any charge with respect to a channel termination point
128 located within such county;

129 2. Any charge for the use of a channel between two channel
130 termination points located in such county; and

131 3. Where channel termination points are located both within
132 and outside of such county:

133 a. If any segment between two such channel termination
134 points is separately billed, 50 percent of such charge; and

135 b. If any segment of the circuit is not separately billed,
136 an amount equal to the total charge for such circuit multiplied
137 by a fraction, the numerator of which is the number of channel
138 termination points within such county and the denominator of
139 which is the total number of channel termination points of the
140 circuit.

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