



477076

LEGISLATIVE ACTION

Senate	.	House
Comm: RE	.	
04/25/2014	.	
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The Committee on Appropriations (Hukill) recommended the following:

**Senate Amendment (with title amendment)**

Delete everything after the enacting clause  
and insert:

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

202.12 Sales of communications services.—The Legislature  
finds that every person who engages in the business of selling  
communications services at retail in this state is exercising a  
taxable privilege. It is the intent of the Legislature that the



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11 tax imposed by chapter 203 be administered as provided in this  
12 chapter.

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

16 (a) Except as otherwise provided in this subsection, at a  
17 rate of 6.07 ~~6.65~~ percent applied to the sales price of the  
18 communications service that ~~which~~:

- 19 1. Originates and terminates in this state;; or  
20 2. Originates or terminates in this state and is charged to  
21 a service address in this state,

22  
23 when sold at retail, computed on each taxable sale for the  
24 purpose of remitting the tax due. The gross receipts tax imposed  
25 by chapter 203 shall be collected on the same taxable  
26 transactions and remitted with the tax imposed by this  
27 paragraph. If no tax is imposed by this paragraph due to the  
28 exemption provided under ~~by reason of~~ s. 202.125(1), the tax  
29 imposed by chapter 203 shall nevertheless be collected and  
30 remitted in the manner and at the time prescribed for tax  
31 collections and remittances under this chapter.

32 (b) At the rate of 10.22 ~~10.8~~ percent on the retail sales  
33 price of any direct-to-home satellite service received in this  
34 state. The proceeds of the tax imposed under this paragraph  
35 shall be accounted for and distributed in accordance with s.  
36 202.18(2). The gross receipts tax imposed by chapter 203 shall  
37 be collected on the same taxable transactions and remitted with  
38 the tax imposed by this paragraph.

39 Section 2. Section 202.12001, Florida Statutes, is amended



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40 to read:

41 202.12001 Combined rate for tax collected pursuant to ss.  
42 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch.  
43 2010-149, Laws of Florida, the dealer of communication services  
44 may collect a combined rate of 6.22 ~~6.8~~ percent comprised of  
45 6.07 ~~6.65~~ percent and 0.15 percent required by ss. 202.12(1)(a)  
46 and 203.01(1)(b)3., respectively, if as long as the provider  
47 properly reflects the tax collected with respect to the two  
48 provisions as required in the return to the Department of  
49 Revenue.

50 Section 3. Subsection (2) of section 202.18, Florida  
51 Statutes, is amended to read:

52 202.18 Allocation and disposition of tax proceeds.—The  
53 proceeds of the communications services taxes remitted under  
54 this chapter shall be treated as follows:

55 (2) The proceeds of the taxes remitted under s.  
56 202.12(1)(b) shall be allocated ~~divided~~ as follows:

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

61 (b) Sixty and nine-tenths ~~Sixty-three~~ percent of the  
62 remainder shall be allocated to the state and distributed  
63 pursuant to s. 212.20(6), except that the proceeds allocated  
64 pursuant to s. 212.20(6)(d)2. shall be prorated to the  
65 participating counties in the same proportion as that month's  
66 collection of the taxes and fees imposed pursuant to chapter 212  
67 and paragraph (1)(b).

68 (c)1. During each calendar year, the remaining portion of



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69 such proceeds shall be transferred to the Local Government Half-  
70 cent Sales Tax Clearing Trust Fund. Seventy percent of such  
71 proceeds shall be allocated in the same proportion as the  
72 allocation of total receipts of the half-cent sales tax under s.  
73 218.61 and the emergency distribution under s. 218.65 in the  
74 prior state fiscal year. Thirty percent of such proceeds shall  
75 be distributed pursuant to s. 218.67.

76 2. The proportion of the proceeds allocated based on the  
77 emergency distribution under s. 218.65 shall be distributed  
78 pursuant to s. 218.65.

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

84 4. The department shall distribute the appropriate amount  
85 to each municipality and county each month at the same time that  
86 local communications services taxes are distributed pursuant to  
87 subsection (3).

88 Section 4. Section 203.001, Florida Statutes, is amended to  
89 read:

90 203.001 Combined rate for tax collected pursuant to ss.  
91 202.12(1)(a) and 203.01(1)(b).—In complying with ss. 1-3, ch.  
92 2010-149, Laws of Florida, the dealer of communication services  
93 may collect a combined rate of 6.22 ~~6.8~~ percent comprised of  
94 6.07 ~~6.65~~ percent and 0.15 percent required by ss. 202.12(1)(a)  
95 and 203.01(1)(b)3., respectively, if ~~as long as~~ the provider  
96 properly reflects the tax collected with respect to the two  
97 provisions as required in the return to the Department of



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98 Revenue.

99 Section 5. Effective July 1, 2014, paragraph (d) of  
100 subsection (6) of section 212.20, Florida Statutes, is amended  
101 to read:

102 212.20 Funds collected, disposition; additional powers of  
103 department; operational expense; refund of taxes adjudicated  
104 unconstitutionally collected.—

105 (6) Distribution of all proceeds under this chapter and s.  
106 202.18(1)(b) and (2)(b) shall be as follows:

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

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

116 2. After the distribution under subparagraph 1., 8.814  
117 percent of the amount remitted by a sales tax dealer located  
118 within a participating county pursuant to s. 218.61 shall be  
119 transferred into the Local Government Half-cent Sales Tax  
120 Clearing Trust Fund. Beginning July 1, 2003, the amount to be  
121 transferred shall be reduced by 0.1 percent, and the department  
122 shall distribute this amount to the Public Employees Relations  
123 Commission Trust Fund less \$5,000 each month, which shall be  
124 added to the amount calculated in subparagraph 3. and  
125 distributed accordingly.

126 3. After the distribution under subparagraphs 1. and 2.,



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127 0.095 percent shall be transferred to the Local Government Half-  
128 cent Sales Tax Clearing Trust Fund and distributed pursuant to  
129 s. 218.65.

130 4. After the distributions under subparagraphs 1., 2., and  
131 3., 2.0440 percent of the available proceeds shall be  
132 transferred monthly to the Revenue Sharing Trust Fund for  
133 Counties pursuant to s. 218.215.

134 5. After the distributions under subparagraphs 1., 2., and  
135 3., 1.3409 percent of the available proceeds shall be  
136 transferred monthly to the Revenue Sharing Trust Fund for  
137 Municipalities pursuant to s. 218.215. If the total revenue to  
138 be distributed pursuant to this subparagraph is at least as  
139 great as the amount due from the Revenue Sharing Trust Fund for  
140 Municipalities and the former Municipal Financial Assistance  
141 Trust Fund in state fiscal year 1999-2000, no municipality shall  
142 receive less than the amount due from the Revenue Sharing Trust  
143 Fund for Municipalities and the former Municipal Financial  
144 Assistance Trust Fund in state fiscal year 1999-2000. If the  
145 total proceeds to be distributed are less than the amount  
146 received in combination from the Revenue Sharing Trust Fund for  
147 Municipalities and the former Municipal Financial Assistance  
148 Trust Fund in state fiscal year 1999-2000, each municipality  
149 shall receive an amount proportionate to the amount it was due  
150 in state fiscal year 1999-2000.

151 6. Of the remaining proceeds:

152 a. In each fiscal year, the sum of \$29,915,500 shall be  
153 divided into as many equal parts as there are counties in the  
154 state, and one part shall be distributed to each county. The  
155 distribution among the several counties must begin each fiscal



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156 year on or before January 5th and continue monthly for a total  
157 of 4 months. If a local or special law required that any moneys  
158 accruing to a county in fiscal year 1999-2000 under the then-  
159 existing provisions of s. 550.135 be paid directly to the  
160 district school board, special district, or a municipal  
161 government, such payment must continue until the local or  
162 special law is amended or repealed. The state covenants with  
163 holders of bonds or other instruments of indebtedness issued by  
164 local governments, special districts, or district school boards  
165 before July 1, 2000, that it is not the intent of this  
166 subparagraph to adversely affect the rights of those holders or  
167 relieve local governments, special districts, or district school  
168 boards of the duty to meet their obligations as a result of  
169 previous pledges or assignments or trusts entered into which  
170 obligated funds received from the distribution to county  
171 governments under then-existing s. 550.135. This distribution  
172 specifically is in lieu of funds distributed under s. 550.135  
173 before July 1, 2000.

174 b. The department shall distribute \$166,667 monthly  
175 ~~pursuant to s. 288.1162~~ to each applicant certified as a  
176 facility for a new or retained professional sports franchise  
177 pursuant to s. 288.1162. Up to \$41,667 shall be distributed  
178 monthly by the department to each certified applicant as defined  
179 in s. 288.11621 for a facility for a spring training franchise.  
180 However, not more than \$416,670 may be distributed monthly in  
181 the aggregate to all certified applicants for facilities for  
182 spring training franchises. The department shall also distribute  
183 \$166,667 monthly to an applicant certified as a motorsports  
184 entertainment complex under s. 288.1171. Distributions begin 60



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185 days after such certification and continue for not more than 30  
186 years, except as otherwise provided in s. 288.11621. A certified  
187 applicant identified in this sub-subparagraph may not receive  
188 more in distributions than expended by the applicant for the  
189 public purposes provided for under ~~in~~ s. 288.1162(5), ~~or~~ s.  
190 288.11621(3), or s. 288.1171(7).

191 c. Beginning 30 days after notice by the Department of  
192 Economic Opportunity to the Department of Revenue that an  
193 applicant has been certified as the professional golf hall of  
194 fame pursuant to s. 288.1168 and is open to the public, \$166,667  
195 shall be distributed monthly, for up to 300 months, to the  
196 applicant.

197 d. Beginning 30 days after notice by the Department of  
198 Economic Opportunity to the Department of Revenue that the  
199 applicant has been certified as the International Game Fish  
200 Association World Center facility pursuant to s. 288.1169, and  
201 the facility is open to the public, \$83,333 shall be distributed  
202 monthly, for up to 168 months, to the applicant. This  
203 distribution is subject to reduction pursuant to s. 288.1169. A  
204 lump sum payment of \$999,996 shall be made, after certification  
205 and before July 1, 2000.

206 e. The department shall distribute up to \$55,555 monthly to  
207 each certified applicant as defined in s. 288.11631 for a  
208 facility used by a single spring training franchise, or up to  
209 \$111,110 monthly to each certified applicant as defined in s.  
210 288.11631 for a facility used by more than one spring training  
211 franchise. Monthly distributions begin 60 days after such  
212 certification or July 1, 2016, whichever is later, and continue  
213 for not more than 30 years, except as otherwise provided in s.





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214 288.11631. A certified applicant identified in this sub-  
215 subparagraph may not receive more in distributions than expended  
216 by the applicant for the public purposes provided in s.  
217 288.11631(3).

218 7. All other proceeds must remain in the General Revenue  
219 Fund.

220 Section 6. Effective July 1, 2014, subsection (2) of  
221 section 288.1171, Florida Statutes, is amended, present  
222 subsections (4) through (7) of that section are redesignated as  
223 subsections (5) through (8), respectively, and amended, and a  
224 new subsection (4) is added to that section, to read:

225 288.1171 Motorsports entertainment complex; definitions;  
226 certification; duties.-

227 (2) The department shall serve as the state agency for  
228 screening applicants for funding under s. 212.20, for local  
229 option funding under s. 218.64(3), and for certifying an  
230 applicant as a motorsports entertainment complex. The department  
231 shall develop and adopt rules for the receipt and processing of  
232 applications for funding under ss. 212.20 and ~~s.~~ 218.64(3). The  
233 department shall make a determination regarding any application  
234 filed by an applicant within not later than 120 days after the  
235 application is filed.

236 (4) The department may certify a single applicant as a  
237 motorsports entertainment complex for funding under s. 212.20 if  
238 the applicant meets all of the following conditions:

239 (a) The applicant meets the requirements of subsection (3).

240 (b) The applicant has a verified copy of the approval of a  
241 sanctioning body stating that motorsport events are sanctioned  
242 to occur at the applicant's complex.



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243 (c) The applicant's facility has at least 50,000 fixed  
244 seats.

245 (d) The applicant has projections, verified by the  
246 department, which demonstrate that the motorsports entertainment  
247 complex will annually attract paid attendance of more than  
248 100,000 persons.

249 (e) The applicant has an independent analysis or study,  
250 verified by the department, which demonstrates that the amount  
251 of revenues generated by the taxes imposed under chapter 212  
252 with respect to the use and operation of the motorsports  
253 entertainment complex will annually equal or exceed \$2 million.

254 (f) The applicant has demonstrated that it has provided, is  
255 capable of providing, or has financial or other commitments to  
256 provide more than one-half of the costs incurred or related to  
257 the improvement and development of the complex.

258 (g) The total cost of construction, reconstruction,  
259 expansion, or renovation of the complex exceeds \$250 million.

260  
261 The approved applicant may not seek funding under s. 218.64(3)  
262 while receiving funding under s. 212.20.

263 (5)-(4) Upon determining that an applicant meets the  
264 requirements of subsection (3) or subsection (4), the department  
265 shall notify the applicant and the executive director of the  
266 Department of Revenue of such certification by means of an  
267 official letter granting certification. If the applicant fails  
268 to meet the certification requirements of subsection (3) or  
269 subsection (4), the department shall notify the applicant within  
270 not later than 10 days following such determination.

271 (6)-(5) A motorsports entertainment complex that has been



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272 previously certified under this section and has received funding  
273 under such certification is ineligible for ~~any~~ additional  
274 certification.

275 ~~(7)(6)~~ An applicant certified as a motorsports  
276 entertainment complex may use funds provided pursuant to s.  
277 212.20 or s. 218.64(3) only for the following public purposes:

278 (a) Paying for the construction, reconstruction, expansion,  
279 or renovation of a motorsports entertainment complex.

280 (b) Paying debt service reserve funds, arbitrage rebate  
281 obligations, or other amounts relating ~~payable with respect~~ to  
282 bonds issued for the construction, reconstruction, expansion, or  
283 renovation of the motorsports entertainment complex or for the  
284 reimbursement of such costs or the refinancing of bonds issued  
285 for such purposes.

286 (c) Paying for construction, reconstruction, expansion, or  
287 renovation of transportation or other infrastructure  
288 improvements related to, necessary for, or appurtenant to the  
289 motorsports entertainment complex, including, ~~without~~  
290 ~~limitation,~~ paying debt service reserve funds, arbitrage rebate  
291 obligations, or other amounts relating ~~payable with respect~~ to  
292 bonds issued for the construction, reconstruction, expansion, or  
293 renovation of such transportation or other infrastructure  
294 improvements, and for the reimbursement of such costs or the  
295 refinancing of bonds issued for such purposes.

296 (d) Paying for programs of advertising and promotion of or  
297 related to the motorsports entertainment complex or the  
298 municipality in which the motorsports entertainment complex is  
299 located, or the county if the motorsports entertainment complex  
300 is located in an unincorporated area, if such programs of



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301 advertising and promotion are designed to increase paid  
302 attendance at the motorsports entertainment complex or increase  
303 tourism in or promote the economic development of the community  
304 in which the motorsports entertainment complex is located.

305 ~~(8) (7) The Department of Revenue may audit,~~ As provided in  
306 s. 11.45 213.34, the Auditor General may conduct an audit to  
307 verify that the distributions pursuant to this section have been  
308 expended as required in this section. ~~Such information is~~  
309 subject to the confidentiality requirements of chapter 213. If  
310 the Auditor General ~~Department of Revenue~~ determines that the  
311 distributions pursuant to certification ~~under this section~~ have  
312 not been expended as required by this section, the Auditor  
313 General shall notify the Department of Revenue, which ~~it~~ may  
314 pursue recovery of such funds pursuant to the laws and rules  
315 governing the assessment of taxes.

316 Section 7. (1) The tax levied under chapter 212, Florida  
317 Statutes, may not be collected during the period from 12:01 a.m.  
318 on August 1, 2014, through 11:59 p.m. on August 3, 2014, on the  
319 sale of:

320 (a) Clothing, wallets, or bags, including handbags,  
321 backpacks, fanny packs, and diaper bags, but excluding  
322 briefcases, suitcases, and other garment bags, having a sales  
323 price of \$75 or less per item. As used in this paragraph, the  
324 term "clothing" means:

325 1. An article of wearing apparel intended to be worn on or  
326 about the human body, excluding watches, watchbands, jewelry,  
327 umbrellas, and handkerchiefs; and

328 2. All footwear, excluding skis, swim fins, rollerblades,  
329 and skates.



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330       (b) School supplies having a sales price of \$15 or less per  
331 item. As used in this paragraph, the term "school supplies"  
332 means pens, pencils, erasers, crayons, notebooks, notebook  
333 filler paper, legal pads, binders, lunch boxes, construction  
334 paper, markers, folders, poster board, composition books, poster  
335 paper, scissors, cellophane tape, glue or paste, rulers,  
336 computer disks, protractors, compasses, and calculators.

337       (c) Personal computers and related accessories that have a  
338 sales price of \$750 or less and are purchased for noncommercial  
339 home or personal use. As used in this paragraph, the term:

340       1. "Personal computer" means an electronic device that  
341 accepts information in digital or similar form and manipulates  
342 such information for a result based on a sequence of  
343 instructions. The term includes an electronic book reader and a  
344 laptop, desktop, handheld, tablet, or tower computer but does  
345 not include a cellular telephone, video game console, digital  
346 media receiver, or device that is not primarily designed to  
347 process data.

348       2. "Related accessories" includes keyboards, mice, personal  
349 digital assistants, monitors, other peripheral devices, modems,  
350 routers, and nonrecreational software regardless of whether the  
351 accessories are used in association with a personal computer  
352 base unit but does not include furniture or systems, devices,  
353 software, monitors with a television tuner, or other peripherals  
354 that are designed or intended primarily for recreational use.

355       (2) The tax exemptions provided in this section do not  
356 apply to sales within a theme park or entertainment complex as  
357 defined in s. 509.013, Florida Statutes, within a public lodging  
358 establishment as defined in s. 509.013, Florida Statutes, or



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359 within an airport as defined in s. 330.27, Florida Statutes.

360 (3) The Department of Revenue may, and all conditions are  
361 deemed met to, adopt emergency rules pursuant to ss. 120.536(1)  
362 and 120.54, Florida Statutes, to administer this section.

363 Section 8. For the 2013-2014 fiscal year, the sum of  
364 \$223,048 in nonrecurring funds is appropriated from the General  
365 Revenue Fund to the Department of Revenue for the purpose of  
366 administering section 7 of this act. Funds from the  
367 appropriation that remain unexpended or unencumbered as of June  
368 30, 2014, shall revert and be reappropriated for the same  
369 purpose in the 2014-2015 fiscal year.

370 Section 9. Except as otherwise expressly provided in this  
371 act, this act shall take effect upon becoming a law.

372  
373 ===== T I T L E A M E N D M E N T =====

374 And the title is amended as follows:

375 Delete everything before the enacting clause  
376 and insert:

377 A bill to be entitled  
378 An act relating to taxation; amending s. 202.12, F.S.;  
379 reducing the tax rate applied to the sale of  
380 communications services; reducing the tax rate applied  
381 to the retail sale of direct-to-home satellite  
382 services; amending s. 202.12001, F.S.; conforming  
383 rates to the reduction of the communications services  
384 tax; amending s. 202.18, F.S.; revising the  
385 distribution of tax revenues received; amending s.  
386 203.001. F.S.; conforming rates to the reduction of  
387 the communications services tax; amending s. 212.20,



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388 F.S.; providing for a monthly distribution of a  
389 specified amount of sales tax revenue to a complex  
390 certified as a motorsports entertainment complex by  
391 the Department of Economic Opportunity; amending s.  
392 288.1171, F.S.; authorizing the department to certify  
393 a single applicant as a motorsports entertainment  
394 complex if it meets specified criteria; authorizing  
395 the Auditor General to verify the expenditure of  
396 specified distributions and to notify the Department  
397 of Revenue of improperly expended funds so that it may  
398 pursue recovery; specifying a period during which the  
399 sale of clothing, wallets, bags, school supplies,  
400 personal computers, and personal computer-related  
401 accessories are exempt from the sales tax; providing  
402 definitions; providing exceptions; authorizing the  
403 Department of Revenue to adopt emergency rules;  
404 providing an appropriation; providing effective dates.