

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Ambler offered the following:

2
3 **Amendment (with title amendment)**

4 Between lines 707-708, insert:

5 Section 12. Section 212.0507, Florida Statutes, is created
6 to read:

7 212.0507 Tax on sales or downloads of digital goods.--

8 (1) The tax imposed by this chapter applies to sales or
9 downloads of digital goods that occur on or after January 1,
10 2011, when the digital good is received via electronic means on
11 equipment located within this state.

12 (2) For purposes of this section, the term:

13 (a) "Digital goods" include, but are not limited to:

14 1. Digital audio works, including, but not limited to,
15 digital music files, audio readings of books, or other written
16 materials, ringtones, or other sound recordings.

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17 2. Digital audio-visual works, including, but not limited
18 to, pictures, videos, and other data files that contain digital
19 content created for viewing.

20 3. Digital books, including, but not limited to, e-books,
21 newspapers, magazines, periodicals, or other written works.

22 (b) "Electronic means" includes any technology relating to
23 electrical, digital, magnetic, wireless, optical,
24 electromagnetic, or similar capabilities.

25 (3) Any duties imposed by this chapter upon dealers of
26 tangible personal property with respect to collecting and
27 remitting taxes; making returns; keeping books, records, and
28 accounts; and complying with the rules of the department apply
29 to all dealers, including any person subject to the tax imposed
30 by this section.

31 (4) The department shall administer, collect, and enforce
32 the tax imposed by this section pursuant to the same procedures
33 used in the administration, collection, and enforcement of the
34 taxes imposed under s. 212.05.

35 Section 13. Section 213.758, Florida Statutes, is created
36 to read:

37 213.758 System for sales and use tax collection;
38 administration by private or public vendors.--

39 (1) The department may enter into contracts pursuant to
40 the procedures established in chapter 287 with public or private
41 vendors to develop and implement a system for sales and use tax
42 collection and administration. The department shall retain
43 ownership of all intellectual property rights for any programs,
44 processes, methodologies, and algorithms, including all

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45 pecially designed computer software for the purposes of sales
46 and use tax collection and administration. The amount of
47 compensation paid to such vendors shall be established by the
48 executive director of the department and may be based upon a
49 percentage of the sales and use tax collections made under the
50 system, on a per-transaction basis, or upon other grounds
51 determined through the contracting process. At a minimum, the
52 system must be capable of:

53 (a) Determining the taxability of a transaction.

54 (b) Determining the appropriate tax rate to be applied to
55 a taxable transaction and the total tax due on a transaction.

56 (c) Collecting the total tax due on a transaction.

57 (d) Providing a method for reporting and paying the tax
58 collected to the department.

59 (2) Disclosure of information under this section shall be
60 pursuant to a written agreement between the executive director
61 of the department and such vendors. The vendors shall be bound
62 by the same requirements of confidentiality as the department.
63 Any breach of confidentiality is a misdemeanor of the first
64 degree, punishable as provided in s. 775.082 or s. 775.083.

65 (3) On or before January 1 each year, the department shall
66 provide to the Governor, Cabinet, the Speaker of the House of
67 Representatives, and the President of the Senate a report on any
68 sales and use tax collection and administration system developed
69 and implemented pursuant to this section. This report shall
70 include information on the number of vendors participating in
71 such system, the amount of sales and use tax collected by the
72 vendors, and the amount of compensation paid to such vendors.

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T I T L E A M E N D M E N T

Remove line 61 and insert:

emergency rules; creating s. 212.0507, F.S.; imposing the tax on sales or downloads of digital goods after a certain time; providing definitions; providing for application of certain duties to all dealers including persons subject to the tax on sales or downloads of digital goods; requiring the department to administer, collect, and enforce the tax on sales or downloads of digital goods; creating s. 213.758, F.S.; authorizing the department to contract with public or private vendors to develop and implement a system for sales and use tax collection and administration; providing for the department to retain certain ownership rights; requiring the executive director of the department to establish vendor compensation; providing criteria; specifying system requirements; requiring disclosure of information between the department and vendors to be pursuant to a written agreement; specifying application of certain confidentiality requirements; providing criminal penalties for breach of confidentiality; requiring the department to report to the Governor, Cabinet, and Legislature; providing report requirements; providing appropriations; providing