

By the Committees on Budget Subcommittee on Finance and Tax; Community Affairs; and Communications, Energy, and Public Utilities; and Senators Bogdanoff and Lynn

593-03833-12

20121060c3

1                   A bill to be entitled  
2           An act relating to communications services tax;  
3           creating the Communications Services Tax Working  
4           Group; housing the working group in the Department of  
5           Revenue for administrative purposes; providing for  
6           membership; limiting the reimbursement of members for  
7           per diem and travel expenses; providing issues that  
8           the working group will study; requiring the working  
9           group to hold meetings; providing for a report to the  
10          Governor and Legislature by a certain date; providing  
11          an effective date.

12  
13 Be It Enacted by the Legislature of the State of Florida:

14  
15           Section 1. (1) The Communications Services Tax Working  
16 Group is created and housed for administrative purposes within  
17 the Department of Revenue.

18           (2) The working group shall consist of 11 members as  
19 follows:

20           (a) The executive director of the Department of Revenue, or  
21 his or her designee, who shall serve as chairperson and as a  
22 nonvoting member and who shall appoint the remaining members.

23           (b) Six members, including, but not limited to,  
24 representatives of dealers, retailers, video service providers,  
25 direct-to-home satellite service providers, local phone service  
26 providers, and wireless providers who provide prepaid services.

27           (c) Two representatives of counties.

28           (d) Two representatives of municipalities.

29           (3) Members of the working group are not entitled to

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30 receive reimbursement for per diem and travel expenses other  
31 than reimbursement provided by their respective group, office,  
32 or agency.

33 (4) The working group shall:

34 (a) Review national and state tax policies relating to the  
35 communications industry;

36 (b) Review the amount of tax revenue that has been  
37 generated by the communications services taxes imposed or  
38 administered pursuant to chapter 202, Florida Statutes, and that  
39 is expected to be generated in the future, and the extent to  
40 which this revenue has been relied on to secure bonded  
41 indebtedness;

42 (c) Review the state's ability to design tax laws that are  
43 efficient and fairly administered, including whether the  
44 applicability of the tax laws is reasonably clear to  
45 communications service providers, retailers, customers, local  
46 governments, and state administrators. This review shall take  
47 into consideration the diverse and evolutionary nature of  
48 communication technology and the resulting services,  
49 particularly as it applies to prepaid wireless services;

50 (d) Review the administrative burdens imposed on  
51 communications services providers, retailers, local governments,  
52 and the department under the current tax structure;

53 (e) Identify options for reducing the administrative  
54 burdens and for developing a unified tax or reducing the high  
55 degree of local communications services tax rate variability,  
56 including the feasibility of distributing revenues based on  
57 formulas; and

58 (f) Identify options that remove competitive advantages due

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59 to taxation for competing, functionally equivalent  
60 communications services.

61 (5) The working group shall prepare a report that addresses  
62 each issue specified in subsection (4). The group shall submit  
63 the report to the Governor, the President of the Senate, and the  
64 Speaker of the House of Representatives by February 1, 2013. The  
65 working group shall hold meetings as frequently as deemed  
66 necessary by the chair to produce the report.

67 Section 2. This act shall take effect upon becoming a law.