

1 A bill to be entitled
2 An act relating to local business tax; amending s.
3 205.032, F.S.; authorizing a county to continue to
4 levy a business tax if a resolution or ordinance was
5 adopted by a specified date; providing the maximum
6 amount of business tax a county may impose; removing
7 notice requirements; amending s. 205.033, F.S.;
8 deleting a county's authority to increase its business
9 tax rates or impose additional business taxes;
10 reducing the maximum amount of transfer fees a county
11 may impose; removing exemption from apportionment
12 requirements for certain counties; amending s.
13 205.042, F.S.; authorizing a municipality to continue
14 to levy a business tax if a resolution or ordinance
15 was adopted by a specified date; providing the maximum
16 amount of business tax a municipality may impose;
17 removing notice requirements; amending s. 205.043,
18 F.S.; deleting a municipality's authority to increase
19 its business tax rates; reducing the maximum amount of
20 transfer fees a municipality may impose; amending s.
21 205.0535, F.S.; conforming provisions to changes made
22 by the act; conforming cross-references; amending s.
23 205.162, F.S.; exempting low-income persons from
24 paying business taxes; providing conditions; amending
25 s. 205.171, F.S.; revising the exemption for disabled

26 veterans and their unmarried spouses to include
 27 veterans, the veterans' spouses, and active duty
 28 military servicemembers' spouses; providing
 29 conditions; conforming provisions to changes made by
 30 the act; providing an effective date.

31
 32 Be It Enacted by the Legislature of the State of Florida:

33
 34 Section 1. Section 205.032, Florida Statutes, is amended
 35 to read:

36 205.032 Levy; counties.—The governing body of a county may
 37 continue to levy, ~~by appropriate resolution or ordinance,~~ a
 38 business tax for the privilege of engaging in or managing any
 39 business, profession, or occupation within its jurisdiction if
 40 an appropriate resolution or ordinance was adopted before
 41 January 1, 2017. The business tax imposed on a taxpayer may not
 42 exceed \$25 ~~However, the governing body must first give at least~~
 43 ~~14 days' public notice between the first and last reading of the~~
 44 ~~resolution or ordinance by publishing a notice in a newspaper of~~
 45 ~~general circulation within its jurisdiction as defined by law.~~
 46 ~~The public notice must contain the proposed classifications and~~
 47 ~~rates applicable to the business tax.~~

48 Section 2. Section 205.033, Florida Statutes, is amended
 49 to read:

50 205.033 Conditions for levy; counties.—

51 (1) The following conditions are imposed on the authority
52 of a county governing body to levy a business tax:

53 (a) The tax must be based upon reasonable classifications
54 and must be uniform throughout any class.

55 ~~(b) Unless the county implements s. 205.0535 or adopts a~~
56 ~~new business tax ordinance under s. 205.0315, a business tax~~
57 ~~levied under this subsection may not exceed the rate provided by~~
58 ~~this chapter in effect for the year beginning October 1, 1971;~~
59 ~~however, beginning October 1, 1980, the county governing body~~
60 ~~may increase business taxes authorized by this chapter. The~~
61 ~~amount of the increase above the tax rate levied on October 1,~~
62 ~~1971, for taxes levied at a flat rate may be up to 100 percent~~
63 ~~for business taxes that are \$100 or less; 50 percent for~~
64 ~~business taxes that are between \$101 and \$300; and 25 percent~~
65 ~~for business taxes that are more than \$300. Beginning October 1,~~
66 ~~1982, the increase may not exceed 25 percent for taxes levied at~~
67 ~~graduated or per unit rates. Authority to increase business~~
68 ~~taxes does not apply to licenses or receipts granted to any~~
69 ~~utility franchised by the county for which a franchise fee is~~
70 ~~paid.~~

71 (b)(e) A receipt is not valid for more than 1 year, and
72 all receipts expire on September 30 of each year, except as
73 otherwise provided by law.

74 (2) A ~~Any~~ receipt may be transferred to a new owner, when
75 there is a bona fide sale of the business, upon payment of a

76 | transfer fee of up to 10 percent of the annual business tax, ~~but~~
 77 | ~~not less than \$3 nor more than \$25,~~ and presentation of the
 78 | original receipt and evidence of the sale. Such transfer fee
 79 | must be at least \$3 but not more than \$10.

80 | (3) Upon written request and presentation of the original
 81 | receipt, a ~~any~~ receipt may be transferred from one location to
 82 | another location in the same county upon payment of a transfer
 83 | fee of up to 10 percent of the annual business tax. Such
 84 | transfer fee must be at least \$3 but not more than \$10, ~~but not~~
 85 | ~~less than \$3 nor more than \$25.~~

86 | (4) The revenues derived from the business tax, exclusive
 87 | of the costs of collection and any credit given for municipal
 88 | business taxes, shall be apportioned between the unincorporated
 89 | area of the county and the incorporated municipalities located
 90 | therein by a ratio derived by dividing their respective
 91 | populations by the population of the county. ~~This subsection~~
 92 | ~~does not apply to counties that have established a new rate~~
 93 | ~~structure under s. 205.0535.~~

94 | (5) The revenues so apportioned shall be sent to the
 95 | governing authority of each municipality, according to its
 96 | ratio, and to the governing authority of the county, according
 97 | to the ratio of the unincorporated area, within 15 days after
 98 | ~~following~~ the month of receipt. ~~This subsection does not apply~~
 99 | ~~to counties that have established a new rate structure under s.~~
 100 | ~~205.0535.~~

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101 ~~(6) (a) Each county, as defined in s. 125.011(1), or any~~
102 ~~county adjacent thereto may levy and collect, by an ordinance~~
103 ~~enacted by the governing body of the county, an additional~~
104 ~~business tax up to 50 percent of the appropriate business tax~~
105 ~~imposed under subsection (1).~~

106 ~~(b) Subsections (4) and (5) do not apply to any revenues~~
107 ~~derived from the additional tax imposed under this subsection.~~
108 ~~Proceeds from the additional business tax must be placed in a~~
109 ~~separate interest-earning account, and the governing body of the~~
110 ~~county shall distribute this revenue, plus accrued interest,~~
111 ~~each fiscal year to an organization or agency designated by the~~
112 ~~governing body of the county to oversee and implement a~~
113 ~~comprehensive economic development strategy through advertising,~~
114 ~~promotional activities, and other sales and marketing~~
115 ~~techniques.~~

116 ~~(c) An ordinance that levies an additional business tax~~
117 ~~under this subsection may not be adopted after January 1, 1995.~~

118 (6)(7) Notwithstanding any other provisions of this
119 chapter, the revenue received from a county business tax may be
120 used for overseeing and implementing a comprehensive economic
121 development strategy through advertising, promotional
122 activities, and other sales and marketing techniques.

123 Section 3. Section 205.042, Florida Statutes, is amended
124 to read:

125 205.042 Levy; municipalities.—The governing body of an

126 incorporated municipality may continue to levy, ~~by appropriate~~
127 ~~resolution or ordinance,~~ a business tax for the privilege of
128 engaging in or managing any business, profession, or occupation
129 within its jurisdiction if an appropriate resolution or
130 ordinance was adopted before January 1, 2017. The business tax
131 imposed on a taxpayer may not exceed \$25 ~~However, the governing~~
132 ~~body must first give at least 14 days' public notice between the~~
133 ~~first and last reading of the resolution or ordinance by~~
134 ~~publishing the notice in a newspaper of general circulation~~
135 ~~within its jurisdiction as defined by law. The notice must~~
136 ~~contain the proposed classifications and rates applicable to the~~
137 ~~business tax.~~ The business tax may be levied on:

138 (1) A ~~Any~~ person who maintains a permanent business
139 location or branch office within the municipality, for the
140 privilege of engaging in or managing any business within its
141 jurisdiction.

142 (2) A ~~Any~~ person who maintains a permanent business
143 location or branch office within the municipality, for the
144 privilege of engaging in or managing any profession or
145 occupation within its jurisdiction.

146 (3) A ~~Any~~ person who does not qualify under subsection (1)
147 or subsection (2) and who transacts any business or engages in
148 any occupation or profession in interstate commerce, if the
149 business tax is not prohibited by s. 8, Art. I of the United
150 States Constitution.

151 Section 4. Subsections (1), (2), and (3) of section
 152 205.043, Florida Statutes, are amended to read:

153 205.043 Conditions for levy; municipalities.—

154 (1) The following conditions are imposed on the authority
 155 of a municipal governing body to levy a business tax:

156 (a) The tax must be based upon reasonable classifications
 157 and must be uniform throughout any class.

158 ~~(b) Unless the municipality implements s. 205.0535 or~~
 159 ~~adopts a new business tax ordinance under s. 205.0315, a~~
 160 ~~business tax levied under this subsection may not exceed the~~
 161 ~~rate in effect in the municipality for the year beginning~~
 162 ~~October 1, 1971; however, beginning October 1, 1980, the~~
 163 ~~municipal governing body may increase business taxes authorized~~
 164 ~~by this chapter. The amount of the increase above the tax rate~~
 165 ~~levied on October 1, 1971, for taxes levied at a flat rate may~~
 166 ~~be up to 100 percent for business taxes that are \$100 or less;~~
 167 ~~50 percent for business taxes that are between \$101 and \$300;~~
 168 ~~and 25 percent for business taxes that are more than \$300.~~
 169 ~~Beginning October 1, 1982, an increase may not exceed 25 percent~~
 170 ~~for taxes levied at graduated or per unit rates. Authority to~~
 171 ~~increase business taxes does not apply to receipts or licenses~~
 172 ~~granted to any utility franchised by the municipality for which~~
 173 ~~a franchise fee is paid.~~

174 (b)-(e) A receipt is not valid for more than 1 year and all
 175 receipts expire on September 30 of each year, except as

176 otherwise provided by law.

177 (2) A ~~Any~~ business receipt may be transferred to a new
 178 owner, when there is a bona fide sale of the business, upon
 179 payment of a transfer fee of up to 10 percent of the annual tax,
 180 ~~but not less than \$3 nor more than \$25,~~ and presentation of the
 181 original receipt and evidence of the sale. Such transfer fee
 182 must be at least \$3 but not more than \$10.

183 (3) Upon written request and presentation of the original
 184 receipt, a ~~any~~ receipt may be transferred from one location to
 185 another location in the same municipality upon payment of a
 186 transfer fee of up to 10 percent of the annual tax. Such
 187 transfer fee must be at least \$3 but not more than \$10, ~~but not~~
 188 ~~less than \$3 nor more than \$25.~~

189 Section 5. Paragraphs (a) and (b) of subsection (3) of
 190 section 205.0535, Florida Statutes, are amended to read:

191 205.0535 Reclassification and rate structure revisions.—

192 (3) (a) After the reclassification and rate structure
 193 revisions have been transmitted to and considered by the
 194 appropriate local governing body, it may adopt by majority vote
 195 a new business tax ordinance. The business tax imposed on a
 196 taxpayer may not exceed \$25 ~~Except that a minimum tax of up to~~
 197 ~~\$25 is permitted, the reclassification may not increase the tax~~
 198 ~~by more than the following: for receipts costing \$150 or less,~~
 199 ~~200 percent; for receipts costing more than \$150 but not more~~
 200 ~~than \$500, 100 percent; for receipts costing more than \$500 but~~

201 ~~not more than \$2,500, 75 percent; for receipts costing more than~~
202 ~~\$2,500 but not more than \$10,000, 50 percent; and for receipts~~
203 ~~costing more than \$10,000, 10 percent; however, in no case may~~
204 ~~the tax on any receipt be increased more than \$5,000.~~

205 (b) The total annual revenue generated by the new rate
206 structure for the fiscal year following the fiscal year during
207 which the rate structure is adopted may not exceed:

208 1. For municipalities, the sum of the revenue base and 10
209 percent of that revenue base. The revenue base is the sum of the
210 business tax revenue generated by receipts issued for the most
211 recently completed local fiscal year ~~or the amount of revenue~~
212 ~~that would have been generated from the authorized increases~~
213 ~~under s. 205.043(1)(b), whichever is greater,~~ plus any revenue
214 received from the county under s. 205.033(4).

215 2. For counties, the sum of the revenue base, 10 percent
216 of that revenue base, and the amount of revenue distributed by
217 the county to the municipalities under s. 205.033(4) during the
218 most recently completed local fiscal year. The revenue base is
219 the business tax revenue generated by receipts issued for the
220 most recently completed local fiscal year ~~or the amount of~~
221 ~~revenue that would have been generated from the authorized~~
222 ~~increases under s. 205.033(1)(b), whichever is greater,~~ but may
223 not include any revenues distributed to municipalities under s.
224 205.033(4).

225 Section 6. Subsection (2) of section 205.162, Florida

226 Statutes, is renumbered as subsection (3), and a new subsection
227 (2) is added to that section to read:

228 205.162 Authorized exemptions for ~~exemption allowed~~
229 certain disabled persons, the aged, ~~and~~ widows with minor
230 dependents, and low-income persons.—

231 (2) A person receiving public assistance, as defined in s.
232 409.2554, or a person whose household income is less than 130
233 percent of the federal poverty level based on the current year's
234 federal poverty guidelines may engage in any business or
235 occupation in a county in which he or she lives without paying a
236 business tax. A person claiming an exemption under this
237 subsection must submit a completed and signed request, under
238 penalty of perjury, for fee waiver and supporting documents to
239 the local governing authority.

240 Section 7. Section 205.171, Florida Statutes, is amended
241 to read:

242 205.171 Authorized exemptions for ~~allowed disabled~~
243 veterans, veterans' of any war or their unremarried spouses, or
244 active duty military servicemembers' spouses.—

245 (1) A person ~~Any bona fide, permanent resident elector of~~
246 ~~the state~~ who served as an officer or enlisted person ~~during any~~
247 ~~of the periods specified in s. 1.01(14)~~ in the Armed Forces of
248 the United States, National Guard, or United States Coast Guard
249 or Coast Guard Reserve, or any temporary member thereof, ~~who has~~
250 ~~actually been, or may hereafter be, reassigned by the air force,~~

251 ~~army, navy, coast guard, or marines to active duty during any~~
252 ~~war, declared or undeclared, armed conflicts, crises, etc., who~~
253 ~~was honorably discharged from the service of the United States,~~
254 ~~or such person's spouse, may engage in any business or~~
255 occupation in the county in which he or she lives without paying
256 a business tax. ~~and who at the time of his or her application~~
257 ~~for a business tax receipt is disabled from performing manual~~
258 ~~labor shall, upon sufficient identification, proof of being a~~
259 ~~permanent resident elector in the state, and production of an~~
260 ~~honorable discharge from the service of the United States:~~

261 (2) An active duty military servicemember's spouse who has
262 relocated to a county or municipality pursuant to receipt of a
263 permanent change of station order may engage in any business or
264 occupation in the county in which he or she lives without paying
265 a business tax.

266 ~~(a) Be granted a receipt to engage in any business or~~
267 ~~occupation in the state which may be carried on mainly through~~
268 ~~the personal efforts of the receiptholder as a means of~~
269 ~~livelihood and for which the state license or county or~~
270 ~~municipal receipt does not exceed the sum of \$50 for each~~
271 ~~without payment of any business tax otherwise provided for by~~
272 ~~law; or~~

273 ~~(3)(b) Be entitled to an exemption to the extent of \$50 on~~
274 ~~any receipt to engage in any business or occupation in the state~~
275 ~~which may be carried on mainly through the personal efforts of~~

276 | ~~the receiptholder as a means of livelihood when the state~~
 277 | ~~license or county or municipal receipt for such business or~~
 278 | ~~occupation is more than \$50. An~~ The exemption under this section
 279 | includes shall extend to and include the right of the
 280 | receiptholder to operate an automobile-for-hire of not exceeding
 281 | five-passenger capacity, including the driver, when such
 282 | automobile is owned or contracted to be purchased by the
 283 | receiptholder and is being operated by him or her as a means of
 284 | livelihood and that the proper business tax for the operation of
 285 | such motor vehicle for private use has been applied for and
 286 | attached to the motor vehicle and the proper fees paid by the
 287 | receiptholder.

288 | (4) A person claiming an exemption under this section must
 289 | submit a completed and signed, under penalty of perjury, request
 290 | for fee waiver and supporting documents to the local governing
 291 | authority.

292 | ~~(2) When such person applies for a receipt to conduct any~~
 293 | ~~business or occupation for which the county or municipal~~
 294 | ~~business tax exceeds \$50, the remainder of such tax in excess of~~
 295 | ~~\$50 shall be paid in cash.~~

296 | (5)(3) The local governing authority must ~~Each tax~~
 297 | ~~collecting authority of this state and of each county and each~~
 298 | ~~municipality shall~~ issue to a person entitled to an exemption
 299 | under this section such persons as may be entitled hereunder a
 300 | ~~receipt pursuant to the foregoing provision and subject to the~~

301 ~~conditions thereof. Such receipt when issued shall be marked~~
302 across the face "Veteran Veterans Exempt Receipt" - "Not
303 Transferable," "Veteran Spouse Exempt Receipt" - "Not
304 Transferable," or "Active Duty Military Servicemember Spouse
305 Exempt Receipt" - "Not Transferable," as appropriate. Before
306 issuing the receipt, proof shall be duly made that the applicant
307 is entitled under this section law to receive the exemption. The
308 ~~proof may be made by establishing to the satisfaction of such~~
309 ~~tax collecting authority by means of certificate of honorable~~
310 ~~discharge or certified copy thereof that the applicant is a~~
311 ~~veteran within the purview of this section and by exhibiting:~~

312 ~~(a) A certificate of government-rated disability to an~~
313 ~~extent of 10 percent or more;~~

314 ~~(b) The affidavit or testimony of a reputable physician~~
315 ~~who personally knows the applicant and who makes oath that the~~
316 ~~applicant is disabled from performing manual labor as a means of~~
317 ~~livelihood;~~

318 ~~(c) The certificate of the veteran's service officer of~~
319 ~~the county in which applicant lives, duly executed under the~~
320 ~~hand and seal of the chief officer and secretary thereof,~~
321 ~~attesting the fact that the applicant is disabled and entitled~~
322 ~~to receive a receipt within the meaning and intent of this~~
323 ~~section;~~

324 ~~(d) A pension certificate issued to him or her by the~~
325 ~~United States by reason of such disability; or~~

326 ~~(c) Such other reasonable proof as may be required by the~~
327 ~~tax collecting authority to establish the fact that such~~
328 ~~applicant is disabled.~~

329
330 All receipts issued under this section shall be in the same
331 general form as other state, county, and municipal licenses and
332 expire ~~shall expire~~ at the same time as such other licenses are
333 fixed by law to expire.

334 (6)~~(4)~~ Receipts obtained by the commission of fraud upon
335 any issuing authority are void. Any person who has fraudulently
336 obtained a receipt, or who has fraudulently received any
337 transfer of a receipt issued to another, and has thereafter
338 engaged in any business or occupation requiring a receipt under
339 color thereof is subject to prosecution for engaging in a
340 business or occupation without having the required receipt under
341 the laws of the state. Such receipt may not be issued in any
342 county other than the county where the veteran is a resident
343 citizen elector, unless such veteran produces a certificate of
344 the tax collector of his or her home county to the effect that
345 no exemption from taxation has been granted to such veteran in
346 his or her home county under this section.

347 (7)~~(5)~~ Neither this nor any other law exempts any person
348 from the payment of any amount required by law for the issuance
349 of a license to sell intoxicating liquors or malt and vinous
350 beverages.

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351 ~~(6) The unremarried spouse of a deceased disabled veteran~~
352 ~~of any war in which the United States Armed Forces participated~~
353 ~~is entitled to the same exemptions as the disabled veteran.~~

354 Section 8. This act shall take effect July 1, 2017.