

CS/HB 887

2011

1                   A bill to be entitled

2       An act relating to communications services tax; amending  
3       s. 202.16, F.S.; requiring that a dealer compute the  
4       communications services tax based on a rounding algorithm;  
5       providing criteria; providing for application of the tax;  
6       providing options to the dealer for applying the rounding  
7       algorithm; providing that a dealer is not required to  
8       collect the tax based on a bracket system; removing the  
9       provision requiring the Department of Revenue to make  
10      available tax amounts and applicable brackets; providing  
11      that the provisions of the act are remedial in nature and  
12      apply retroactively; providing that the act does not  
13      provide a basis for assessment of any tax not paid or  
14      create a right to certain refunds or credits; providing an  
15      effective date.

16  
17   Be It Enacted by the Legislature of the State of Florida:

18  
19       Section 1. Subsection (3) of section 202.16, Florida  
20      Statutes, is amended to read:

21       202.16 Payment.—The taxes imposed or administered under  
22      this chapter and chapter 203 shall be collected from all dealers  
23      of taxable communications services on the sale at retail in this  
24      state of communications services taxable under this chapter and  
25      chapter 203. The full amount of the taxes on a credit sale,  
26      installment sale, or sale made on any kind of deferred payment  
27      plan is due at the moment of the transaction in the same manner  
28      as a cash sale.

29        (3) (a) A dealer must compute the tax due on a sale of  
30        communications services imposed pursuant to this chapter and  
31        chapter 203 based on a rounding algorithm that meets the  
32        following criteria:

33        1. The tax computation must be carried to the third  
34        decimal place.

35        2. The tax must be rounded to a whole cent using a method  
36        that rounds up to the next cent whenever the third decimal place  
37        is greater than four.

38        (b) A dealer may elect to compute the tax due on a sale of  
39        communications services on an item or an invoice basis.

40        (c) The rounding algorithm must be applied to the local  
41        communications services tax imposed pursuant to this chapter  
42        separately from its application to the communications services  
43        tax imposed pursuant to s. 202.12 and gross receipts tax  
44        pursuant to s. 203.01.

45        (d) A dealer may elect to apply the rounding algorithm to  
46        the communications services taxes imposed pursuant to ss. 202.12  
47        and 203.01 in one of the following manners:

48        1. Apply the rounding algorithm to the combined  
49        communications services tax imposed pursuant to ss. 202.12 and  
50        203.01.

51        2. Apply the rounding algorithm separately to the  
52        communications services tax imposed pursuant to s. 202.12(1)(a)  
53        and gross receipt tax imposed pursuant to s. 203.01(1)(b)2. and  
54        3.

55        3. Apply the rounding algorithm to the combined taxes  
56        imposed pursuant to ss. 202.12(1)(a) and 203.01(1)(b)3., as

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57 allowed by s. 203.001, and apply the rounding algorithm  
58 separately to the gross receipts tax pursuant to s.  
59 203.01(1)(b)2.

60 (e) A dealer is not required to collect the tax based on a  
61 bracket system. Notwithstanding the rate of tax on the sale of  
62 communications services imposed pursuant to this chapter and  
63 chapter 203, the department shall make available in an  
64 electronic format or otherwise the tax amounts and brackets  
65 applicable to each taxable sale such that the tax collected  
66 results in a tax rate no less than the tax rate imposed pursuant  
67 to this chapter and chapter 203.

68 Section 2. This act is intended to be remedial in nature  
69 and applies retroactively. This act does not provide a basis for  
70 an assessment of any tax not paid or create a right to a refund  
71 or credit of any tax paid under s. 202.16, Florida Statutes,  
72 before July 1, 2011.

73 Section 3. This act shall take effect July 1, 2011.