

1 A bill to be entitled
 2 An act relating to local business taxes; creating s.
 3 205.0105, F.S.; providing for a scheduled, incremental
 4 reduction of local business tax rates to zero;
 5 authorizing counties and municipalities to opt out of
 6 such reduction of local business tax rates under
 7 certain circumstances; prohibiting counties and
 8 municipalities opting out of reducing local business
 9 tax rates from increasing specified property tax
 10 millage rates except under certain circumstances;
 11 repealing s. 205.0315, F.S., relating to the adoption
 12 of business tax ordinances; deleting the authority for
 13 counties and municipalities to adopt business tax
 14 ordinances in the future; authorizing the continuation
 15 of local business taxation, to the extent necessary to
 16 meet specified debt obligations secured by local
 17 business tax revenues; requiring that certain excess
 18 amounts of revenue collected from the continuation of
 19 local business taxation be refunded to taxpayers on a
 20 pro rata basis; prohibiting counties or municipalities
 21 from pledging business tax revenues for specified debt
 22 obligations issued after a certain date; amending ss.
 23 205.033 and 205.043, F.S.; conforming cross-
 24 references; providing an effective date.

25
 26 Be It Enacted by the Legislature of the State of Florida:
 27

28 Section 1. Section 205.010, Florida Statutes, is created
 29 to read:

30 205.0105 Local business tax phase out.—

31 (1) Notwithstanding any other provision of this chapter,
 32 beginning October 1, 2012, local business tax rates levied
 33 pursuant to this chapter may not be increased. Each county and
 34 municipality levying a local business tax shall reduce the local
 35 business tax rate applicable to each business and occupational
 36 classification as follows:

37 (a) For business tax receipts due after October 1, 2013,
 38 and on or before September 30, 2014, to an amount no greater
 39 than five-sixths of the rate in effect on September 30, 2012.

40 (b) For business tax receipts due on or before September
 41 30, 2015, to an amount no greater than four-sixths of the rate
 42 in effect on September 30, 2012.

43 (c) For business tax receipts due on or before September
 44 30, 2016, to an amount no greater than three-sixths of the rate
 45 in effect on September 30, 2012.

46 (d) For business tax receipts due on or before September
 47 30, 2017, to an amount no greater than two-sixths of the rate in
 48 effect on September 30, 2012.

49 (e) For business tax receipts due on or before September
 50 30, 2018, to an amount no greater than one-sixth of the rate in
 51 effect on September 30, 2012.

52 (f) For business tax receipts due on or before September
 53 30, 2019, to zero.

54 (2) Any county or municipality whose business tax receipts
 55 in its 2012-2013 fiscal year comprised at least 25 percent of

56 the county's or municipality's total revenue derived from local
57 taxes levied by the county or municipality in that fiscal year
58 may opt out of the requirements of subsection (1). However, any
59 qualifying county or municipality that opts out may not increase
60 its general county millage, general municipal millage, or any
61 dependent special district millage above the level in effect for
62 fiscal year 2012-2013 in any fiscal year, unless it ceases
63 levying all local business taxes authorized under this chapter
64 in the same fiscal year. Any qualifying county or municipality
65 that does not reduce its local business tax rates pursuant to
66 subsection (1) beginning with business tax receipts due on or
67 before September 30, 2014, is deemed to have opted out of the
68 requirements of subsection (1) and is subject to the
69 requirements of this subsection. As used in this section, the
70 terms "general county millage," "general municipal millage,"
71 "and dependent special district millage" have the same meanings
72 as in s. 200.001(1).

73 Section 2. Section 205.0315, Florida Statutes, is
74 repealed.

75 Section 3. Notwithstanding the revisions to chapter 205,
76 Florida Statutes, made by this act, counties or municipalities
77 imposing a local business tax as of March 9, 2012, pursuant to
78 chapter 205, Florida Statutes, may continue to levy such tax in
79 the same manner and with the same rates and classifications as
80 are in effect on March 9, 2012, to the extent necessary to meet
81 all obligations to or for the benefit of holders of bonds or
82 certificates that were issued before March 9, 2012, and for
83 which taxes levied pursuant to chapter 205, Florida Statutes,

84 are expressly identified and pledged as security, separate from
 85 any other pledge of non-ad valorem revenues. Expenditures of
 86 revenues from tax levies continued pursuant to this section are
 87 limited to meeting obligations required by bonds or certificates
 88 that were issued before March 9, 2012. Revenues collected in
 89 excess of amounts necessary to meet obligations of bonds or
 90 certificates must be refunded to taxpayers in proportion to the
 91 amount of taxes paid by each taxpayer. A county or municipality
 92 may not pledge as security for bonds or certificates issued
 93 after March 9, 2012, revenues derived from local business taxes
 94 imposed under chapter 205, Florida Statutes.

95 Section 4. Paragraph (b) of subsection (1) of section
 96 205.033, Florida Statutes, is amended to read:

97 205.033 Conditions for levy; counties.—

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

100 (b) Unless the county implements s. 205.0535 or has
 101 adopted ~~adopts~~ a new business tax ordinance under former s.
 102 205.0315, a business tax levied under this subsection may not
 103 exceed the rate provided by this chapter in effect for the year
 104 beginning October 1, 1971; however, beginning October 1, 1980,
 105 the county governing body may increase business taxes authorized
 106 by this chapter. The amount of the increase above the tax rate
 107 levied on October 1, 1971, for taxes levied at a flat rate may
 108 be up to 100 percent for business taxes that are \$100 or less;
 109 50 percent for business taxes that are between \$101 and \$300;
 110 and 25 percent for business taxes that are more than \$300.
 111 Beginning October 1, 1982, the increase may not exceed 25

112 percent for taxes levied at graduated or per unit rates.
 113 Authority to increase business taxes does not apply to licenses
 114 or receipts granted to any utility franchised by the county for
 115 which a franchise fee is paid.

116 Section 5. Paragraph (b) of subsection (1) of section
 117 205.043, Florida Statutes, is amended to read:

118 205.043 Conditions for levy; municipalities.—

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

121 (b) Unless the municipality implements s. 205.0535 or has
 122 adopted ~~adopts~~ a new business tax ordinance under former s.
 123 205.0315, a business tax levied under this subsection may not
 124 exceed the rate in effect in the municipality for the year
 125 beginning October 1, 1971; however, beginning October 1, 1980,
 126 the municipal governing body may increase business taxes
 127 authorized by this chapter. The amount of the increase above the
 128 tax rate levied on October 1, 1971, for taxes levied at a flat
 129 rate may be up to 100 percent for business taxes that are \$100
 130 or less; 50 percent for business taxes that are between \$101 and
 131 \$300; and 25 percent for business taxes that are more than \$300.
 132 Beginning October 1, 1982, an increase may not exceed 25 percent
 133 for taxes levied at graduated or per unit rates. Authority to
 134 increase business taxes does not apply to receipts or licenses
 135 granted to any utility franchised by the municipality for which
 136 a franchise fee is paid.

137 Section 6. This act shall take effect upon becoming a law.