

STORAGE NAME: h0509.ft

DATE: March 31, 2000

**HOUSE OF REPRESENTATIVES
AS FURTHER REVISED BY THE COMMITTEE ON
FINANCE AND TAXATION
ANALYSIS**

BILL #: HB 509

RELATING TO: Local Option Tourist Taxes

SPONSOR(S): Representative Ogles

TIED BILL(S): None

ORIGINATING COMMITTEE(S)/COMMITTEE(S) OF REFERENCE:

- (1) TOURISM (EDC) YEAS 7 NAYS 0
- (2) COMMUNITY AFFAIRS (PRC) YEAS 9 NAYS 0
- (3) FINANCE AND TAXATION
- (4)
- (5)

I. SUMMARY:

This bill authorizes counties that elect to self-administer the local option tourist development tax, the tourist impact tax, or the local option convention development tax to use independent contractors to perform the functions associated with self-administration.

This bill has no fiscal impact on state government. The effect on local tax administration and collections is unknown.

II. SUBSTANTIVE ANALYSIS:

A. DOES THE BILL SUPPORT THE FOLLOWING PRINCIPLES:

- | | | | |
|-----------------------------------|------------------------------|-----------------------------|---|
| 1. <u>Less Government</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 2. <u>Lower Taxes</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 3. <u>Individual Freedom</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 4. <u>Personal Responsibility</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |
| 5. <u>Family Empowerment</u> | Yes <input type="checkbox"/> | No <input type="checkbox"/> | N/A <input checked="" type="checkbox"/> |

For any principle that received a “no” above, please explain:

B. PRESENT SITUATION:

Subsection (10) of s. 125.0104, F.S., authorizes counties to elect to self-administer the local option tourist development tax (TDT), as well as the tourist impact tax (s. 125.018, F.S.), instead of having the Department of Revenue (DOR) administer the tax on their behalf. The county is required to adopt a local ordinance specifying the responsibility for performance of tax administration duties. The ordinance must indicate if the county elects to perform all of the duties or if the authority for those duties are delegated to DOR.

Section 212.0305, F.S., authorizes counties to elect to self-administer the local option convention development tax, instead of having DOR administer the tax on the county’s behalf. As with the TDT under s. 125.0104, F.S., the county is required to adopt a local ordinance specifying the responsibility for performance of tax administration duties. The ordinance must indicate if the county elects to perform all of the duties or if the authority for those duties are delegated to DOR.

C. EFFECT OF PROPOSED CHANGES:

House Bill 509 authorizes counties that elect to self-administer the local option tourist development tax, the tourist impact tax, or the local option convention development tax to use independent contractors to perform the functions associated with self-administration.

According to the DOR analysis, these changes do not apply to the local option food and beverage tax imposed by s. 212.0306, F.S., or to the Dade County tax imposed by Chapter 67-930, Laws of Florida.

D. SECTION-BY-SECTION ANALYSIS:

Section 1. Paragraph (c) of subsection (10) of s. 125.0104, F.S., is amended to authorize counties that elect to self-administer the local option tourist development tax or the tourist impact tax authorized in s. 125.0108, F.S., to use independent contractors to perform the functions associated with self-administration.

Section 2. Paragraph (c) of subsection (5) of s. 212.0305, F.S., is amended to authorize counties which elect to self-administer the local option convention development tax to use independent contractors to perform the functions associated with self-administration.

Section 3. An effective date of becoming a law is provided.

III. FISCAL ANALYSIS & ECONOMIC IMPACT STATEMENT:

A. FISCAL IMPACT ON STATE GOVERNMENT:

1. Revenues:

This bill has no impact on state revenues.

2. Expenditures:

This bill has no impact on state expenditures.

B. FISCAL IMPACT ON LOCAL GOVERNMENTS:

1. Revenues:

The effect this bill will have on tax collections is unknown.

2. Expenditures:

Counties may experience possible savings through contracting out responsibilities rather than having county employees perform duties associated with self-administration of local option taxes.

C. DIRECT ECONOMIC IMPACT ON PRIVATE SECTOR:

Counties may contract with private sector entities to perform tax administration functions that were previously performed by the counties.

D. FISCAL COMMENTS:

None.

IV. CONSEQUENCES OF ARTICLE VII, SECTION 18 OF THE FLORIDA CONSTITUTION:

A. APPLICABILITY OF THE MANDATES PROVISION:

This bill does not require counties or municipalities to spend funds or take an action requiring the expenditure of funds.

B. REDUCTION OF REVENUE RAISING AUTHORITY:

This bill does not reduce the authority that municipalities or counties have to raise revenues in the aggregate.

C. REDUCTION OF STATE TAX SHARED WITH COUNTIES AND MUNICIPALITIES:

This bill does not reduce the percentage of a state tax shared with counties or municipalities.

V. COMMENTS:

A. CONSTITUTIONAL ISSUES:

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N/A

B. RULE-MAKING AUTHORITY:

This bill does not necessitate additional rule making authority.

C. OTHER COMMENTS:

N/A

VI. AMENDMENTS OR COMMITTEE SUBSTITUTE CHANGES:

None

VII. SIGNATURES:

COMMITTEE ON TOURISM:

Prepared by:

Staff Director:

Judy C. McDonald

Judy C. McDonald

AS REVISED BY THE COMMITTEE ON COMMUNITY AFFAIRS:

Prepared by:

Staff Director:

Thomas L. Hamby

Joan Highsmith-Smith

AS FURTHER REVISED BY THE COMMITTEE ON FINANCE AND TAXATION:

Prepared by:

Staff Director:

Lynne Overton

Alan Johansen