

**FLORIDA
REVENUE ESTIMATING CONFERENCE**

**2021
FLORIDA TAX HANDBOOK**
Including
Fiscal Impact of Potential Changes



**Honorable Ron DeSantis
Governor
State of Florida**

**Honorable Wilton Simpson
President
Florida Senate**

**Honorable Chris Sprowls
Speaker
House of Representatives**

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NOTE

The estimates in the 2021 edition of the Florida Tax Handbook are as accurate as possible given the scope of the document. An attempt has been made to provide point estimates of the fiscal impact for all current exemptions, refunds and allowances, and potential rate changes. Such point estimates, however, may imply greater accuracy than was possible with the time and resources available. In many cases the estimates should be viewed more as an indication of the approximate or relative impact of a law change. As specific legislation is identified during the course of each session, and more work is done, these estimates may be revised.

The estimates presented in this book show the revenue impact as if the proposed tax law changes were in effect for the entire year. Normal delays caused by collection and implementation lags, will reduce the actual revenue impact in the first year. Tax law changes that only affect revenues for part of a year will further modify the estimates. As a general rule, these estimates make no adjustments for the changes in quantity demanded resulting from changes to the tax rate, nor do they reflect potential losses due to tax avoidance behavior or unusual compliance and enforcement problems. It should also be noted that estimates presented in these analyses are based on historical data from annual collections through Fiscal Year 2020-21.

As each session begins, Impact Conferences are held to consider specific legislative proposals. Those results should be considered the most recent and complete expressions of fiscal impact. The results can be viewed online at <http://edr.state.fl.us/Content/conferences/revenueimpact/index.cfm>. Please note that the underlying revenue forecasts are typically updated three times each year: in preparation for the Long-Range Financial Outlook, the Governor's budget recommendations, and the General Appropriations Act enacted by the Legislature. The latest forecasts can be viewed online at <http://edr.state.fl.us/Content/conferences/index.cfm>.

All estimates and projections used in this Handbook are based on a series of estimating conferences held in July and August of 2021. However, additional conferences will be held in the Fall and Winter that will revise many of these estimates and projections. For additional information regarding a specific revenue source, please contact the Legislative Office of Economic and Demographic Research at (850) 487-1402.

FOREWORD

The Revenue Estimating Conference is pleased to provide the 2021 edition of the Florida Tax Handbook, Including Fiscal Impact of Potential Changes. The Handbook provides statutory and administering authority for all major revenue sources, a review of tax collections and dispositions, base and rate information, and a brief history of the individual sources. The Handbook also provides current revenue estimates and presents a comprehensive and systematic look at the revenue potential of selected alternative tax sources. The information can be used to analyze the revenue effects of proposals for tax relief, tax increases, dealer allowances, changes in exemptions, or alterations to the tax base. The staffs of the Senate Committee on Finance and Tax, the House Ways & Means Committee, the Legislative Office of Economic and Demographic Research, the Governor's Office of Policy and Budget, and the Departments of Revenue, Highway Safety and Motor Vehicles, Business and Professional Regulation, and Lottery provided the various analyses and updates.

The Handbook is divided into five sections.

Section I presents an overview of Florida's financial structure, including a summary of state tax preferences.

Section II presents an analysis of major and minor state revenue sources. For each major tax source, estimates are provided for the value of an incremental change (increase or decrease) in the existing rate. In addition, for each major tax, estimates are provided for the value of all major exemptions, refunds or credits, dealer allowances, deductions, and current distributions. Where possible, estimates are also provided for alternative bases. The values of rate changes are not made for the minor state revenue sources.

Section III contains information about major local government revenue sources that are explicitly authorized in the Florida Constitution or the Florida Statutes. Not included in this section are local government revenue sources that counties and municipalities impose under their home rule powers (e.g., impact fees, special assessments, fees, etc.); revenue sources authorized by special or local bills; and minor revenue sources authorized in the Florida Statutes. For a more comprehensive description of local government revenue sources please refer to The Local Government Financial Information Handbook which can be accessed at <http://edr.state.fl.us/Content/local-government/reports/index.cfm#local-government>. As in Section II, estimates and analyses are provided where available.

Section IV analyzes several alternative tax sources that are significant. Attempts have been made, where information for analysis is available, to present estimates of revenues generated by these alternative taxes. A brief summary of the major advantages and disadvantages of each source is usually presented.

Section V discusses major pending litigation which may affect Florida's tax revenues in the future.

For further information or inquiries, contact the Legislative Office of Economic and Demographic Research, Room 574, Claude Pepper Building, 111 W. Madison Street, Tallahassee, Florida 32399-6588, (850) 487-1402. Notice of any errors appearing in this publication should be sent to the staff of the Legislative Office of Economic and Demographic Research. Please feel free to offer suggestions for improvement of future editions. Copies of this and previous Tax Handbooks can be accessed online at <http://edr.state.fl.us/Content/revenues/reports/tax-handbook/index.cfm>.

FLORIDA'S FINANCIAL STRUCTURE

FLORIDA STATE TREASURY FUNDS

All money received by a state agency is required to be deposited into the treasury, unless specifically exempted from this requirement. Fund receipts can be made through a direct deposit or through a transfer from another fund. Disbursements from the treasury are by warrant drawn upon the treasury by the Chief Financial Officer after an agency that is authorized to make the expenditure initiates the action.

The state treasury consists of three types of funds in the custody of the Chief Financial Officer: (1) the General Revenue Fund; (2) Trust Funds; and (3) the Budget Stabilization Fund.

1. General Revenue Fund consists of all moneys received by the state from every source, except moneys deposited into trust funds and the Budget Stabilization Fund. In Fiscal Year 2021-22, nearly 38 percent of all taxes, licenses, fees, and other operating receipts will be credited to General Revenue, either directly upon deposit into the treasury or by transfer from various clearing and distribution accounts of the trust funds. Beginning in Fiscal Year 2009-10, an 8 percent service charge on all income of a revenue nature deposited into trust funds is also deducted and deposited into the General Revenue Fund. Partial and full exceptions from this requirement are made for trust funds enumerated in subsection (2) of s. 215.20, F.S., and in s. 215.22, F.S. In this regard, specific trust funds and revenues in the Department of Agriculture and Consumer Services and the Department of Citrus are assessed a 4 percent service charge, and other trust funds are exempt entirely.

2. Trust Funds consist of receipts that are earmarked for a specific purpose, either by general law, the Constitution, or a trust agreement. Each receipt is credited to the account related to the trust fund. Based on their principal uses, trust fund accounts can be grouped into the following distinct types:

- a. *Operations or operating* – program operations;
- b. *Operations and maintenance* – depository for client services funded by third-party payers;
- c. *Administrative* – management activities that are departmental in nature;
- d. *Grants and donations* – grant or donor agreement activities funded by restricted contractual revenue from private and public nonfederal sources;
- e. *Agency working capital* – data processing centers (see s. 216.272, F.S.);
- f. *Clearing funds* – depository for collections pending distributions to other funds or lawful recipients;
- g. *Federal grant* – grant activities funded by restricted program revenues from federal sources.

3. Budget Stabilization Fund is required by the Florida Constitution and must be maintained at not less than 5 percent of the last completed fiscal year's General Revenue collections. Moneys in the fund may only be used to cover revenue shortfalls in the General Revenue Fund and for emergencies as defined by general law. Please see the separate section on the Budget Stabilization Fund within this document for additional detail.

Until 2005, Florida law provided for a separate Working Capital Fund consisting of the money in the General Revenue Fund that was in excess of the amount needed to meet General Revenue Fund appropriations. In 2005, the Working Capital Fund was repealed and the following language was added to s. 215.32(2)(a), F.S., describing the General Revenue Fund: "Unallocated general revenue shall be considered the working capital balance of the state and shall consist of moneys in the General Revenue Fund that are in excess of the amount needed to meet General Revenue Fund appropriations for the current fiscal year."

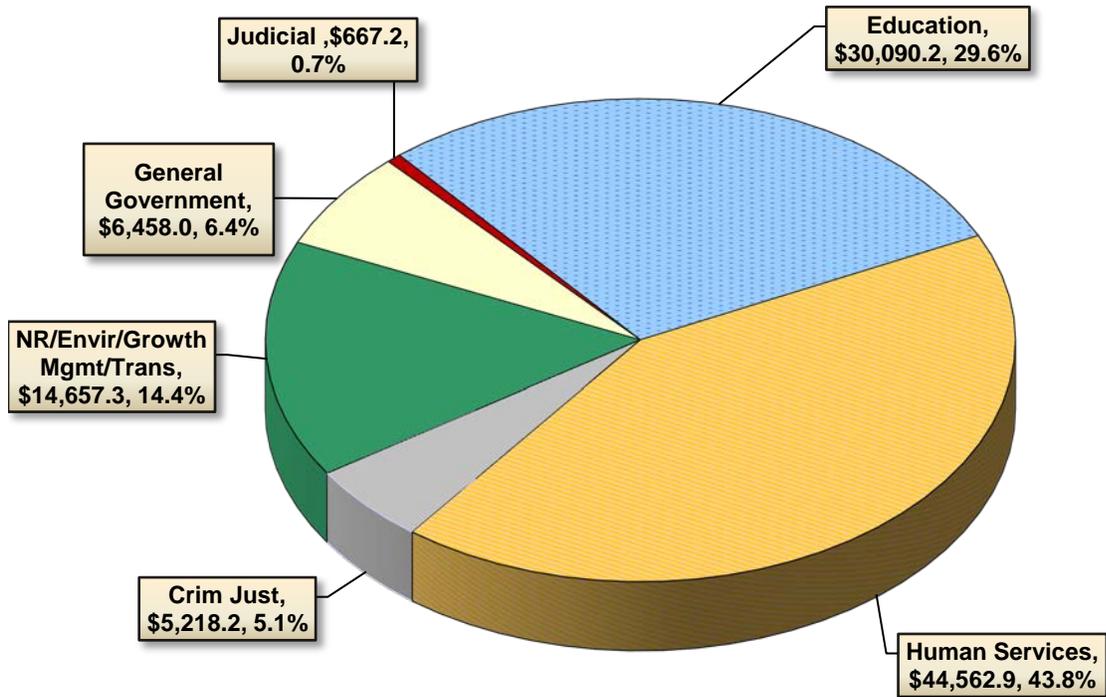
Constitution of Florida: Article III, Section 19.

Florida Statutes: Sections 215.18; 215.20; 215.211; 215.22; 215.31; 215.32; 215.35, 216.222; 216.272.

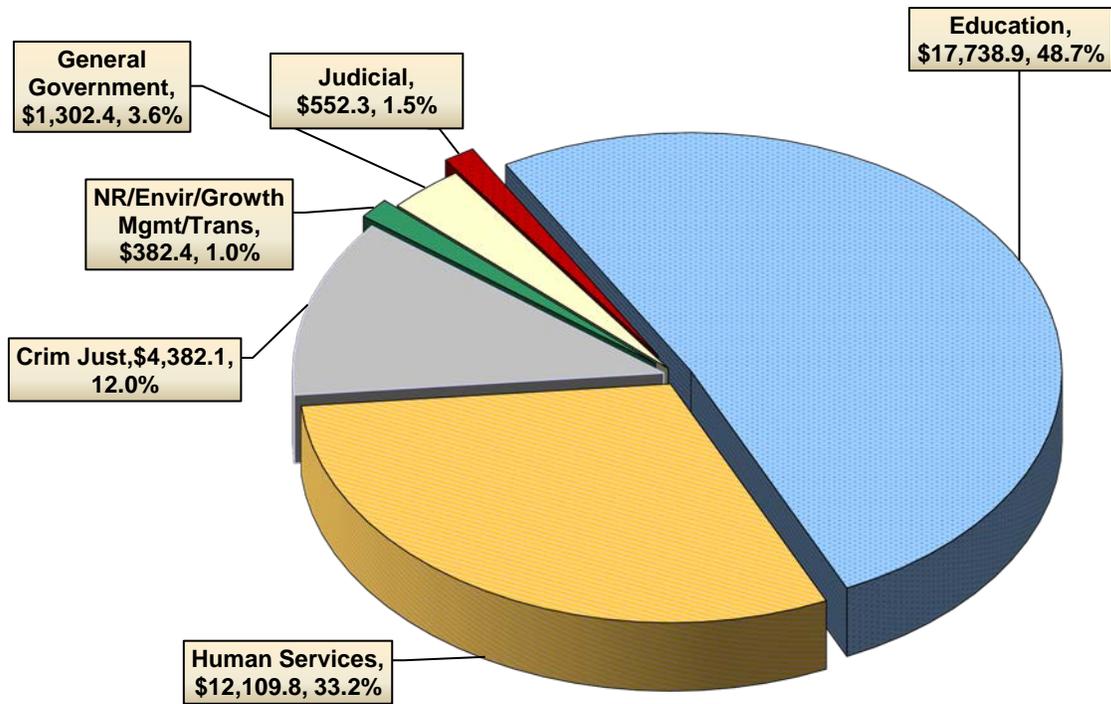
FLORIDA STATE TREASURY FUNDS

Laws of Florida: 22833(1945); 59-91; 59-257; 61-119; 73-196; 73-316; 87-247; 89-255; 89-356; 94-250; 98-73; 2000-371; 2001-376; 2005-152; 2009-71; 2009-78.

**Total Appropriations by
Program Area FY 2021-2022
\$101,653.8**



**Total General Revenue Appropriations
by Program Area FY 2021-2022
\$36,468.0**



**Fiscal Year 2021-22 Appropriations by Detail Fund
Adjusted for Vetoes and Supplementals**

Fund Title	Fund #	State Dollars	Federal Dollars	Total Dollars
ADMINISTRATIVE TRUST FUND	2021	220,258,648	135,637,255	355,895,903
AG EMERGENCY ERAD TF	2360	21,968,872		21,968,872
AIR POLLUTION CONTROL TF	2035	23,135,859	2,114,410	25,250,269
ALCOHOL/DRUGABU/MEN HLH TF	2027		263,623,969	263,623,969
ALCOHOLIC,BEV,TOBACCO TF	2022	29,741,671		29,741,671
ANTI-FRAUD TRUST FUND	2038	200,000		200,000
ARCHITECTS INCIDENTAL TF	2033	1,124,897		1,124,897
BIOMEDICAL RESEARCH TF	2245	39,430,790		39,430,790
BRAIN & SPINAL CORD INJ/TF	2390	12,926,610	340,226	13,266,836
CAMP BLANDING MANAGEMNT TF	2069	2,258,316		2,258,316
CAP IMPROVEMENTS FEE TF	2071	60,395,937		60,395,937
CAPITAL COLLATERAL REG TF	2073	590,538	753,917	1,344,455
CERTIFICATION PROGRAM TF	2092	1,395,054		1,395,054
CHILD CARE/DEV BLK GRNT TF	2098		1,235,193,697	1,235,193,697
CHILD SUPPORT INCENTIVE TF	2075		40,006,978	40,006,978
CHILD SUPPORT TRUST FUND	2084	9,347,662	19,051,180	28,398,842
CHILD WELFARE TRAINING TF	2083	2,173,055		2,173,055
CITRUS ADVERTISING TF	2090	16,143,506	5,000,000	21,143,506
CITRUS INSPECTION TF	2093	10,074,694		10,074,694
CIVIL RICO TRUST FUND	2095	200,020		200,020
CLERKS OF THE COURT TF	2588	40,902,734		40,902,734
COASTAL PROTECTION TF	2099	13,555,684		13,555,684
COMMUNICATIONS WKG CAP TF	2105	127,119,626		127,119,626
CORRECTION WORK PROGRAM TF	2151	29,423,939		29,423,939
COUNTY HEALTH DEPT TF	2141	692,402,099	177,018,590	869,420,689
COURT EDUCATION TRUST FUND	2146	3,854,289		3,854,289
COURT/CSE COLL SYS TF	2115	858,628		858,628
CRIM JUST STAND & TRAIN TF	2148	12,208,236		12,208,236
CRIME STOPPERS TF	2202	4,780,286		4,780,286
CRIMES COMPENSATION TF	2149	23,682,651		23,682,651
CSE APP FEE & PROG REV TF	2104	2,938,526		2,938,526
DIV OF LICENSING TF	2163	41,654,467		41,654,467
DIV UNIV FAC CONST ADM TF	2222	6,228,105		6,228,105
DOMESTIC VIOLENCE TF	2157	7,979,986		7,979,986
DONATIONS TRUST FUND	2168	59,474,416	146,537,261	206,011,677
DRINKING WATER REV LOAN TF	2044		128,001,478	128,001,478
ECONOMIC DEVELOPMENT TF	2177	5,920,000		5,920,000
ED CERTIFICATION/SVC TF	2176	9,337,251		9,337,251
ED MEDIA & TECHNOLOGY TF	2183	133,426		133,426
ED/GEN STUD & OTHR FEES TF	2164	1,957,486,926		1,957,486,926
EDUCATIONAL ENHANCEMENT TF	2178	2,409,443,736		2,409,443,736
ELECTIONS COMMISSION TF	2511	1,612,016		1,612,016
EMER MGMG PREP/ASST TF	2191	17,531,869		17,531,869
EMERGENCY MED SVC TF	2192	22,675,204		22,675,204
EMPLOYMENT SECURITY ADM TF	2195		375,596,494	375,596,494
EPILEPSY SERVICES TF	2197	815,278		815,278
EXEC BR LOBBY REGIS TF	2203	186,076		186,076
FED LAW ENFORCEMENT TF	2719	57,984	1,537,508	1,595,492
FEDERAL GRANTS TRUST FUND	2261	18,609,986	7,907,956,271	7,926,566,257
FEDERAL REHABILITATION TF	2270	67,701	224,804,457	224,872,158
FINANCIAL INST REG TF	2275	11,639,864		11,639,864
FL AGRIC PROM CAMPAIGN TF	2920	315,267		315,267
FL CONDO/TIMESHARE/MH TF	2289	7,446,107		7,446,107

**Fiscal Year 2021-22 Appropriations by Detail Fund
Adjusted for Vetoes and Supplementals**

Fund Title	Fund #	State Dollars	Federal Dollars	Total Dollars
FL FACILITIES POOL CLR TF	2313	20,040,320		20,040,320
FL INTER TRADE & PROM TF	2338	5,173,245		5,173,245
FL.CRIME PREV TR IN REV TF	2302	849,729		849,729
FL.PANTHER RESCH & MAN TF	2299	999,694		999,694
FLORIDA FOREVER TF	2348	1,998,100		1,998,100
FOOD & NUTRITION SVCS TF	2315		1,270,618,546	1,270,618,546
FORFEIT/INVES SUPPORT TF	2316	3,261,330	934,979	4,196,309
GAS TAX COLLECTION TF	2319	5,192,150		5,192,150
GENERAL INSPECTION TF	2321	78,476,740	100,090	78,576,830
GRANTS AND DONATIONS TF	2339	2,928,070,317	1,078,561,605	4,006,631,922
HEALTH CARE TRUST FUND	2003	820,833,973	48,384,712	869,218,685
HIGHWAY SAFETY OPER TF	2009	483,712,900	14,645,371	498,358,271
HOTEL AND RESTAURANT TF	2375	27,666,987		27,666,987
INCIDENTAL TRUST FUND	2381	14,729,665		14,729,665
INDIGENT CIVIL DEFENSE TF	2976	310,980		310,980
INDIGENT CRIM DEFENSE TF	2974	27,224,896		27,224,896
INLAND PROTECTION TF	2212	117,235,684		117,235,684
INSTITUTE ASSESSMENT TF	2380	4,404,485		4,404,485
INSURANCE REG TF	2393	158,404,721		158,404,721
INTERNAL IMPROVEMENT TF	2408	29,923,615		29,923,615
INVASIVE PLANT CONTROL TF	2030	7,851,048		7,851,048
JUV CRIME PREVER/ELY INT TF	2415	1,262,903		1,262,903
JUVENILE JUSTICE TRNG TF	2417	1,636,860		1,636,860
L/G HF-CT SALES TAX CL TF	2455	25,700,000		25,700,000
LAND ACQUISITION TF	2423	1,307,027,214		1,307,027,214
LAW ENFORCEMENT RADIO TF	2432	30,003,576		30,003,576
LAW ENFORCEMENT TF	2434	733,537		733,537
LEGAL AFFAIRS REVOLVING TF	2439	22,637,945		22,637,945
LEGAL SERVICES TRUST FUND	2438	23,825,963		23,825,963
LEGIS LOBBYIST REGIS TF	2442	315,514		315,514
LOCAL GOV HOUSING TF	2250	146,700,000		146,700,000
MARINE RESOURCES CONSV TF	2467	79,964,127	1,944,464	81,908,591
MARKET IMP WKG CAP TF	2473	3,517,458		3,517,458
MAT/CH HLTH BLOCK GRANT TF	2475		20,767,711	20,767,711
MEDICAL CARE TRUST FUND	2474	671,333,289	20,502,520,215	21,173,853,504
MEDICAL QLTY ASSURANCE TF	2352	70,077,906	178,101	70,256,007
MINERALS TRUST FUND	2499	2,152,049		2,152,049
MOTOR VEHICLE WARRANTY TF	2492	2,484,871		2,484,871
NON-GAME WILDLIFE TF	2504	8,418,432		8,418,432
NON-MANDATORY LAND RECL TF	2506	2,200,920		2,200,920
NURS STDNT LOAN FORGIVE TF	2505	1,394,198		1,394,198
OPERATING TRUST FUND	2510	461,073,316		461,073,316
OPERATIONS AND MAINT TF	2516	119,455,885	1,070,198,268	1,189,654,153
OPTIONAL RETIREMENT PRG TF	2517	317,338		317,338
PARI-MUTUEL WAGERING TF	2520	13,968,044		13,968,044
PERC TRUST FUND	2558	1,856,793		1,856,793
PERMIT FEE TRUST FUND	2526	15,108,155		15,108,155
PEST CONTROL TRUST FUND	2528	4,209,735		4,209,735
PHOSPHATE RESEARCH TF	2530	5,239,739		5,239,739
PLAN AND BUDGET SYSTEM TF	2535	6,260,348		6,260,348
PLANNING AND EVALUATION TF	2531	30,389,178	9,088,250	39,477,428
PLANT INDUSTRY TF	2507	4,431,929		4,431,929

**Fiscal Year 2021-22 Appropriations by Detail Fund
Adjusted for Vetoes and Supplementals**

Fund Title	Fund #	State Dollars	Federal Dollars	Total Dollars
POL/FIREMEN PREMIUM TAX TF	2532	1,194,759		1,194,759
PRETAX BENEFITS TRUST FUND	2570	850,345		850,345
PREVENT HLTH SVCS BL GR TF	2539		1,969,979	1,969,979
PRISON INDUSTRIES TF	2385	1,250,000		1,250,000
PRIVATE INMATE WELFARE TF	2623	5,055,028		5,055,028
PROFESSIONAL REGULATION TF	2547	42,661,917		42,661,917
PROFESSIONAL SPORTS DEV TF	2551	3,000,000		3,000,000
PUB MEDICAL ASST TF	2565	839,649,772		839,649,772
PUBLIC ED CO&DS TRUST FUND	2555	1,084,329,358		1,084,329,358
QUALITY LONG-TERM CARE TF	2126		6,002,054	6,002,054
R-O-W ACQ/BRIDGE CONST TF	2586	673,869,512		673,869,512
RADIATION PROTECTION TF	2569	8,843,565	498,492	9,342,057
RAPE CRISIS PROGRAM TF	2089	1,736,884		1,736,884
RECORDS MANAGEMENT TF	2572	1,741,064		1,741,064
REFUGEE ASSISTANCE TF	2579		3,798,480	3,798,480
REGULATORY TRUST FUND	2573	47,877,966		47,877,966
RESILIENT FLORIDA TF	2055	29,026,698		29,026,698
RET HLTH INS SUBSIDY TF	2583	203,602		203,602
REVOLVING TRUST FUND	2600	810,000	3,505,225	4,315,225
SALE/GOODS & SERVICES TF	2606	1,198,047		1,198,047
SALTWTR PRODUCTS PROM TF	2609	1,347,308		1,347,308
SAVE THE MANATEE TF	2611	3,411,130		3,411,130
SCH/DIS & CC/DIS CO&DS TF	2612	128,513,034		128,513,034
SEED TRUST FUND	2041	80,441,117		80,441,117
SHARED CO/STATE JUV DET TF	2685	61,768,347		61,768,347
SOCIAL SVCS BLK GRT TF	2639	3,600,000	156,289,683	159,889,683
SOLID WASTE MGMT TF	2644	20,331,037		20,331,037
SPEC EMPLOYMNT SECU ADM TF	2648	6,539,619		6,539,619
ST ST FIN ASSIST TF	2240	234,500		234,500
ST TRANSPORT (PRIMARY) TF	2540	5,844,568,074	2,922,549,432	8,767,117,506
STATE ATTNYS REVENUE TF	2058	50,551,037		50,551,037
STATE COURTS REVENUE TF	2057	96,062,316		96,062,316
STATE EMPLOYEES DIS INS TF	2671	34,061		34,061
STATE EMPLY HEALTH INS TF	2668	67,923,180		67,923,180
STATE EMPLY LIFE INS TF	2667	26,251		26,251
STATE GAME TRUST FUND	2672	34,104,691		34,104,691
STATE HOUSING TF	2255	62,500,000		62,500,000
STATE INMATE WELFARE TF	2523	2,500,000		2,500,000
STATE PARK TRUST FUND	2675	56,015,315		56,015,315
STATE PERSONNEL SYSTEM TF	2678	33,390,544		33,390,544
STATE RISK MGMT TF	2078	76,607,254		76,607,254
STATE SCHOOL TF	2543	230,435,000		230,435,000
STUDENT LOAN OPERATING TF	2397		24,408,544	24,408,544
SUPERVISION TRUST FUND	2696	78,334,084		78,334,084
SURPLUS PROPERTY REVOLV TF	2699	245,696		245,696
TEACHER CERT EXAM TF	2727	18,702,683		18,702,683
TOBACCO SETTLEMENT TF	2122	409,153,061		409,153,061
TOURISM PROMOTIONAL TF	2722	21,703,068		21,703,068
TRANSPORT DISADVANTAGED TF	2731	66,160,254		66,160,254
TREASURY ADM/INVEST TF	2725	8,041,822		8,041,822
TRUST FUNDS	2732	87,260,046		87,260,046
TURNPIKE GEN RESERVE TF	2326	639,074,804		639,074,804

**Fiscal Year 2021-22 Appropriations by Detail Fund
Adjusted for Vetoes and Supplementals**

Fund Title	Fund #	State Dollars	Federal Dollars	Total Dollars
TURNPIKE RENEW/REPLACE TF	2324	100,368,379		100,368,379
U.S. CONTRIBUTIONS TF	2750		1,387,590,983	1,387,590,983
U.S. TRUST FUND	2738		160,558,001	160,558,001
UNCLAIMED PROPERTY TF	2007	5,630,912		5,630,912
VITICULTURE TRUST FUND	2773	759,580		759,580
WASTEWTR/STORMWTR REVOL TF	2661		200,521,125	200,521,125
WATER PROTECT/SUSTAIN TF	2603	116,710,752		116,710,752
WATER QUALITY ASSURANCE TF	2780	34,792,152		34,792,152
WELFARE TRANSITION TF	2401	2,727,442	388,499,190	391,226,632
WIRELESS COMM E911 TF	2344	150,916,214	1,815,685	152,731,899
WORKERS' COMP ADMIN TF	2795	29,535,243		29,535,243
WORKERS'COMP SPEC DISAB TF	2798	1,323,686		1,323,686
WORKING CAPITAL TRUST FUND	2792	89,254,367		89,254,367
TOTAL TRUST FUNDS		25,246,662,870	39,939,122,876	65,185,785,746

BUDGET STABILIZATION FUND

The Budget Stabilization Fund (BSF) was created upon approval of a constitutional amendment placed on the November 1992 ballot by the Taxation and Budget Reform Commission. The relevant portion of that amendment states:

(g) BUDGET STABILIZATION FUND. Beginning with the 1994-95 fiscal year, at least 1 percent of an amount equal to the last completed fiscal year's net revenue collections for the General Revenue Fund shall be retained in the BSF. The BSF shall be increased to at least 2 percent of said amount for the 1995-96 fiscal year, at least 3 percent of said amount for the 1996-97 fiscal year, at least 4 percent of said amount for the 1997-98 fiscal year, and at least 5 percent of said amount for the 1998-99 fiscal year and thereafter. Subject to the provisions of this subsection, the BSF's principal balance shall be maintained at an amount equal to at least 5 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. The BSF's principal balance shall not exceed an amount equal to 10 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. The Legislature shall provide criteria for withdrawing funds from the BSF in a separate bill for the purpose only of covering revenue shortfalls of the General Revenue Fund or for the purpose of providing funding for an emergency, as defined by general law. General law shall provide for the restoration of this fund. The BSF shall be comprised of funds not otherwise obligated or committed for any purpose.

Section 216.222, F.S., establishes criteria for transferring money from the BSF. The BSF may be used to offset a deficit in the General Revenue Fund and to provide funding for an emergency as defined in s. 252.34, F.S., which is part of the State Emergency Management Act.

216.222 Budget Stabilization Fund; criteria for withdrawing moneys.--

(1) Moneys in the BSF may be transferred to the General Revenue Fund for:

(a)1. Offsetting a deficit in the General Revenue Fund. A deficit is deemed to occur when the official estimate of funds available in the General Revenue Fund for a fiscal year falls below the total amount appropriated from the General Revenue Fund for that fiscal year. Such a transfer must be made pursuant to s. 216.221, or pursuant to an appropriation by law.

2. Notwithstanding the requirements of s. 216.221, if, after consultation with the Revenue Estimating Conference, the Chief Financial Officer believes that a deficit will occur in the General Revenue Fund and if:

a. Fewer than 30 but more than 4 days are left in the fiscal year, the Legislature is not in session, and neither the Legislature nor the Legislative Budget Commission is scheduled to meet before the end of the fiscal year, or

b. Fewer than 5 days are left in the fiscal year and the Governor and the Chief Justice, the Legislature, or the Legislative Budget Commission have not implemented measures to resolve the deficit, the Chief Financial Officer shall certify the deficit to the Governor, the Chief Justice, the President of the Senate, and the Speaker of the House of Representatives, and may thereafter withdraw funds from the BSF to offset the projected deficit in the General Revenue Fund. The Chief Financial Officer shall consult with the Governor and the chair and vice chair of the Legislative Budget Commission before any funds may be withdrawn from the BSF. At the beginning of the next fiscal year, the Chief Financial Officer shall promptly determine the General Revenue Fund balance to be carried forward. The Chief Financial Officer shall immediately repay the BSF for the withdrawn amount, up to the amount of the balance. If the

BUDGET STABILIZATION FUND

General Revenue Fund balance carried forward is not sufficient to fully repay the BSF, the repayment of the remainder of the withdrawn funds shall be as provided in s. 215.32(2)(c)3.

(b) Providing funding for an emergency as defined in s. 252.34. The emergency must have been declared by the Governor pursuant to s. 252.36 or declared by law. Such a transfer must be made pursuant to s. 252.37, subject to the conditions in that section, or pursuant to an appropriation by law.

(c) Providing temporary transfers to the General Revenue Fund pursuant to s. 215.18.

(2)(a) Moneys in the BSF may be transferred to the State Risk Management Trust Fund to provide funding for an emergency. For purposes of this subsection, an emergency exists when uninsured losses to state property exceed \$2 million per occurrence or \$5 million annual aggregate, as this constitutes an unanticipated financial need that the Legislature has found must be funded to serve an essential state responsibility.

(b) At such time that the Division of Risk Management certifies that uninsured property losses exceed \$2 million per occurrence or \$5 million annual aggregate, the division shall request a budget amendment through the procedures set out in s. 216.181. Transfers into the State Risk Management Trust Fund pursuant to this paragraph may not exceed \$38 million in any fiscal year.

Section 215.32(2)(c), F.S., provides for restoration of transfers from the BSF to the General Revenue Fund. Unless otherwise provided by law, these transfers (referred to as expenditures) must be returned in five equal annual installments beginning in the third year after the withdrawal. During Fiscal Years 2004-05, 2005-06, and 2006-07, disbursements were made to the Casualty Insurance Risk Management Trust Fund. In addition, pursuant to Section 77 of the 2008-09 General Appropriations Act (HB 5001/Chapter 2008-152, L.O.F.), \$672.4 million was transferred to the General Revenue Fund in September 2008 to offset a deficit in the General Revenue Fund. Another \$400 million was transferred in February 2009 pursuant to Section 51 of Chapter 2009-1, L.O.F. (SB 2-A). All transfers have since been repaid.

215.32 State funds; segregation.--

(2)(c)1. The BSF shall consist of amounts equal to at least 5 percent of net revenue collections for the General Revenue Fund during the last completed fiscal year. The BSF's principal balance shall not exceed an amount equal to 10 percent of the last completed fiscal year's net revenue collections for the General Revenue Fund. As used in this paragraph, the term "last completed fiscal year" means the most recently completed fiscal year prior to the regular legislative session at which the Legislature considers the General Appropriations Act for the year in which the transfer to the BSF must be made under this paragraph.

2. By September 15 of each year, the Governor shall authorize the Chief Financial Officer to transfer, and the Chief Financial Officer shall transfer pursuant to appropriations made by law, to the BSF the amount of money needed for the balance of that fund to equal the amount specified in subparagraph 1., less any amounts expended and not restored. The moneys needed for this transfer may be appropriated by the Legislature from any funds.

3. Unless otherwise provided in this subparagraph, an expenditure from the BSF must be restored pursuant to a restoration schedule that provides for making five equal annual transfers from the General Revenue Fund, beginning in the third fiscal year following that in which the expenditure was made. For any Budget Stabilization Fund expenditure, the Legislature may establish by law a

BUDGET STABILIZATION FUND

different restoration schedule and such change may be made at any time during the restoration period. Moneys are hereby appropriated for transfers pursuant to this subparagraph.

House Bill 5011 (Ch. 2021-43, L.O.F.) directs the State Board of Administration to liquidate the assets in the Lawton Chiles Endowment Fund by June 30, 2022, and to transfer all balances remaining to the Budget Stabilization Fund.

BUDGET STABILIZATION FUND CALCULATION \$ MILLIONS --- EDR Forecast Based on August 2021 GR Estimate

Fiscal Year	Revenue Base Year	Revenue Base for Calculation*	Minimum BSF Fund Rate	Minimum Fund Balance	Maximum Fund Balance	Constitutional Transfers	Net Loans & Repayments	Distributions & Repayments from General Revenue	Other Transfers	Subtotal*	Adjusted Fund Cash Balance
1994-95	1992-93	12,059.0	1.0%	120.6	1,205.9	120.6	0.0	0.0	0.0	120.6	120.6
1995-96	1993-94	13,037.3	2.0%	260.7	1,303.7	140.1	0.0	0.0	0.0	140.1	260.7
1996-97	1994-95	13,647.0	3.0%	409.4	1,364.7	148.7	0.0	0.0	0.0	148.7	409.4
1997-98	1995-96	14,648.8	4.0%	586.0	1,464.9	176.6	0.0	0.0	0.0	176.6	586.0
1998-99	1996-97	15,738.4	5.0%	786.9	1,573.8	200.9	0.0	0.0	0.0	200.9	786.9
1999-00	1997-98	16,939.4	5.0%	847.0	1,693.9	60.1	0.0	0.0	0.0	60.1	847.0
2000-01	1998-99	17,879.4	5.0%	894.0	1,787.9	47.0	0.0	0.0	0.0	47.0	894.0
2001-02	1999-00	18,817.1	5.0%	940.9	1,881.7	46.9	0.0	0.0	0.0	46.9	940.9
2002-03	2000-01	19,178.1	5.0%	958.9	1,917.8	18.0	0.0	0.0	0.0	18.0	958.9
2003-04	2001-02	19,328.5	5.0%	966.4	1,932.9	7.5	0.0	0.0	0.0	7.5	966.4
2004-05	2002-03	19,984.2	5.0%	999.2	1,998.4	32.8	-3.4	0.0	0.0	29.4	995.8
2005-06	2003-04	21,823.9	5.0%	1,091.2	2,182.4	92.0	-9.8	0.0	0.0	82.2	1,078.0
2006-07	2004-05	24,969.4	5.0%	1,248.5	2,496.9	157.3	1.5	0.0	0.0	158.8	1,236.8
2007-08	2005-06	27,074.8	5.0%	1,353.7	2,707.5	105.2	2.8	0.0	0.0	108.0	1,344.8
2008-09	2006-07	26,400.3	5.0%	1,320.0	2,640.0	0.0	1.5	-1,072.4	0.0	-1,070.9	273.9
2009-10	2007-08	24,138.8	5.0%	1,206.9	2,413.9	0.0	1.0	0.0	0.0	1.0	274.9
2010-11	2008-09	21,036.4	5.0%	1,051.8	2,103.6	0.0	4.3	0.0	0.0	4.3	279.2
2011-12	2009-10	21,535.5	5.0%	1,076.8	2,153.6	0.0	0.1	214.5	0.0	214.6	493.8
2012-13	2010-11	22,574.0	5.0%	1,128.7	2,257.4	0.0	0.5	214.5	0.0	215.0	708.8
2013-14	2011-12	23,623.0	5.0%	1,181.2	2,362.3	0.0	1.5	214.5	0.0	215.9	924.7
2014-15	2012-13	25,343.6	5.0%	1,267.2	2,534.4	0.0	0.0	214.5	0.0	214.5	1,139.2
2015-16	2013-14	26,217.8	5.0%	1,310.9	2,621.8	0.0	0.0	214.5	0.0	214.5	1,353.7
2016-17	2014-15	27,687.4	5.0%	1,384.4	2,768.7	30.7	0.0	0.0	0.0	30.7	1,384.4
2017-18	2015-16	28,329.0	5.0%	1,416.5	2,832.9	32.1	0.0	0.0	0.0	32.1	1,416.5
2018-19	2016-17	29,660.7	5.0%	1,483.0	2,966.1	66.5	0.0	0.0	0.0	66.5	1,483.0
2019-20	2017-18	31,483.4	5.0%	1,574.2	3,148.3	91.2	0.0	0.0	0.0	91.2	1,574.2
2020-21	2018-19	33,484.6	5.0%	1,674.2	3,348.5	100.0	0.0	0.0	0.0	100.0	1,674.2
2021-22	2019-20	31,544.8	5.0%	1,577.2	3,154.5	0.0	0.0	0.0	1,049.3	1,049.3	2,723.5
<i>Forecast:</i>											
2022-23	2020-21	36,307.6	5.0%	1,815.4	3,630.8	0.0	0.0	0.0	0.0	0.0	2,723.5
2023-24	2021-22	36,927.5	5.0%	1,846.4	3,692.8	0.0	0.0	0.0	0.0	0.0	2,723.5
2024-25	2022-23	38,363.5	5.0%	1,918.2	3,836.4	0.0	0.0	0.0	0.0	0.0	2,723.5
2025-26	2023-24	39,916.3	5.0%	1,995.8	3,991.6	0.0	0.0	0.0	0.0	0.0	2,723.5
2026-27	2024-25	41,498.5	5.0%	2,074.9	4,149.9	0.0	0.0	0.0	0.0	0.0	2,723.5

*The "Revenue Base for Calculation" is drawn from the retrospect available during the Session prior to the fiscal year in which the transfer is made. The forecast portion is drawn from the August 17, 2021, General Revenue Financial Outlook Statement.

The required constitutional transfer of \$100.0 million for Fiscal Year 2020-21 was made. The State Board of Administration transferred \$1,049.3 million from the Lawton Chiles Endowment Fund on July 8, 2021, and is expected to transfer another estimated \$8 million by Fiscal Year 2022-23. The current balance in the fund is \$2,723.5 million. Since the BSF's principal balance exceeds the required minimum fund balance through FY 2026-27, no other transfers are required during this forecast period. Any interest earned on the BSF accrues to the General Revenue Fund.

CONSENSUS ESTIMATING CONFERENCE PROCESS

Economic, demographic, resource-demand and revenue forecasts are essential for a variety of governmental planning and budgeting functions. Most importantly, revenue and resource-demand estimates are needed to ensure that Florida meets its constitutional balanced budget requirement. In this regard, the various forecasts are primarily used in the development of the constitutionally required Long-Range Financial Outlook, the Governor's budget recommendations and the General Appropriations Act. Economic and demographic forecasts are also used to support the other estimates of revenues and demands for state services.

Florida's revenue forecasting system is founded on a base forecast which typically assumes a "current law, current administration" structure in which no changes are allowed to the legal setting and practices known at the time of the forecast. This multi-stage process begins with the adoption of a national economic forecast based in part on information from a private forecasting firm, and the subsequent development of a Florida-specific economic forecast linked to major elements from the national forecast. Key state economic variables are then used to model the likely growth paths of individual revenue sources. They are further adjusted by recent revenue collection trends and calibrated to current receipts.¹ This process determines the baseline forecasts, and proposed law changes are modeled as deviations from the projected base. In the next round of forecasts, the process begins again, and the baseline is updated to account for any new or changed information, such as data revisions and law changes. All revenue estimates are made on a "cash" basis where revenues are assigned to the fiscal year in which they are likely to be received. The resource-demand conferences follow a similar process, and most rely heavily on the shape of the Florida-specific economic and population forecasts.

Rather than constitutional or statutory guidance, the classification of recurring and non-recurring revenues is based on institutional forecasting conventions developed over time by the principals of the Revenue Estimating Conference. Typically, the forecasted revenue level for each baseline year is deemed to be the "recurring" amount of funds for that year, regardless of the projected levels in subsequent years. Narrow exceptions are made for one-time events such as hurricanes and the receipt of special federal funds, as well as time-limited statutory provisions. Recent estimates have included at least five complete fiscal years in the forecast adopted at the conference. Moreover, the annual Long-Term Revenue Analysis adopted each fall contains 10-year forecasts for revenues.

Consensus estimating informally began in 1970 and was limited to forecasts of the General Revenue Fund. The law establishing the conference process in statute did not pass until 1985 (Chapter 85-26, L.O.F.). The use of consensus forecasting to support the planning and budgeting process has expanded in the years since, and there are now ten estimating conferences formally identified in statute:

1. Economic Estimating Conference
 - a. Florida Economic
 - b. National Economic
2. Florida Demographic Estimating Conference
3. Revenue Estimating Conference
 - a. Ad Valorem
 - b. Article V Fees & Transfers
 - c. Documentary Stamp Tax
 - d. General Revenue
 - e. Gross Receipts/Communications Services Tax
 - f. Highway Safety Fees

¹ Designated principals also use independent (but informed) judgment to alter the forecast.

CONSENSUS ESTIMATING CONFERENCE PROCESS

- g. Indian Gaming
 - h. Long-Term Revenue Analysis
 - i. Lottery
 - j. Public Education Capital Outlay (PECO)
 - k. Slot Machines
 - l. Tobacco Settlement
 - m. Tobacco Tax and Surcharge
 - n. Transportation Revenue
 - o. Unclaimed Property/State School Trust Fund
- 4. Education Estimating Conference
 - a. Public Schools Enrollment
 - b. Public Schools Capital Outlay Full-Time Equivalent Enrollment
 - c. Florida College System Enrollment
 - d. Post-Secondary Financial Aid
 - 5. Criminal Justice Estimating Conference
 - 6. Social Services Estimating Conference
 - a. TANF/WAGES
 - b. Medicaid Caseloads
 - c. Medicaid Expenditures
 - d. Kidcare
 - 7. Labor Market Estimating Conference
 - 8. Early Learning Programs Estimating Conference
 - a. School Readiness Program
 - b. Voluntary Prekindergarten Education Program
 - 9. Self-Insurance Estimating Conference
 - a. Risk Management Trust Fund
 - b. State Employees' Health Insurance
 - 10. Florida Retirement System Actuarial Assumption Estimating Conference
 - a. Florida Retirement System
 - b. Retiree Health Insurance Subsidy and Florida National Guard Benefits

While references to specific conferences exist in several places within the Florida Statutes, general statutory authority for the consensus process is provided in sections 216.133 through 216.138, F.S., which specifies the duties of each conference and designates the conference principals and participants. Conference principals can call conferences and are generally responsible for developing and choosing the forecasts. Participants may be requested to provide alternative forecasts and to generate supporting information. All conferences are open, public meetings.

The four principals for each conference are designated professional staff representing the Governor's Office, Senate, House of Representatives, and Legislative Office of Economic and Demographic Research. Historically, the revenue representatives of the House and Senate have been the staff directors of the tax committees, and the policy coordinator overseeing tax issues has represented the Governor's Office. In the other conferences, the principals represent the same offices, but they are specifically chosen for their subject-matter expertise in the area represented by

CONSENSUS ESTIMATING CONFERENCE PROCESS

the conference. An exception is made for the Coordinator of the Legislative Office of Economic and Demographic Research who – by law – sits as a principal on all conferences.

Consensus forecasting requires the conference principals to agree on the forecasts before they are finalized. Section 216.133(3), F.S., defines “consensus” as “the unanimous consent of all of the principals,” essentially meaning that each principal has a veto. All state agencies and the judicial branch must use the official results adopted by the conferences in carrying out their duties under the state planning and budgeting process; however, the Legislature is not bound to use the official consensus forecasts. Nevertheless, since 1970, the Florida Legislature has consistently used the results of these conferences in its official duties.

Over the course of each year, the principals meet in a series of regularly scheduled Consensus Estimating Conferences to provide the forecasts needed to support the planning and budgeting process. Typically, these conferences have occurred in three “seasons” that are geared to the major events of the annual planning and budgeting cycle. In addition, impact conferences are held when estimates are needed to determine the impact of changes or proposed changes to current law or current administration. The statutes do not specify the methods, techniques, or approaches for developing estimates or forecasts; however, the impact conferences typically use static analyses with modest adjustments for likely behavioral changes when conditions warrant their inclusion.

A special case of the estimating conference process has been developed for evaluating the fiscal impact of petition initiatives. In 2004, a constitutional amendment passed that requires initiative petitions be filed with the Secretary of State by February 1st of each general election year in order to be eligible for ballot consideration. Section 100.371(13)(a), F.S., requires that “at the same time the Secretary of State submits an initiative petition to the Attorney General pursuant to s. 15.21, F.S., the Secretary shall submit a copy of the initiative petition to the Financial Impact Estimating Conference.” This triggers a 75-day review period for the conference to complete an analysis and financial impact statement to be placed on the ballot.

The Financial Impact Estimating Conference (FIEC) consists of four principals: one person from the Executive Office of the Governor; the coordinator of the Legislative Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal must have appropriate fiscal expertise in the subject matter of the initiative. A separate FIEC is appointed for each initiative.

Another special case of the estimating conference process has been developed for evaluating legislative proposals—whether statutory or budgetary—based on tools and models not generally employed by the consensus estimating conferences, including cost-benefit, return-on-investment, or dynamic scoring techniques, when suitable and appropriate for the legislative proposals being evaluated. In 2010, HB 1178 was passed and signed into law (Chapter 2010-101, L.O.F) establishing section 216.138, F.S., authorizing the President of the Senate and the Speaker of the House of Representatives to request special impact estimating conferences employing such tools and models. The Special Impact Estimating Conference consists of four principals: one person from the Executive Office of the Governor; the coordinator of the Legislative Office of Economic and Demographic Research, or his or her designee; one person from the professional staff of the Senate; and one person from the professional staff of the House of Representatives. Each principal must have appropriate fiscal expertise in the subject matter of the legislative proposal. A separate Special Impact Estimating Conference may be appointed for each proposal.

SUMMARY OF THE CONSTITUTIONAL STATE REVENUE LIMITATION

In November 1994, the voters approved a constitutional amendment to limit state revenues (Article VII, Section 1, Florida Constitution). Placed before the voters by act of the Legislature (HJR 2053), the amendment limits state revenues to a specific dollar amount that is increased annually by an approximation of the growth rate in Florida's economy. If more revenue is collected than is permitted by this limit, it may not be spent; excess revenues must be deposited in the Budget Stabilization Fund until the fund reaches its maximum allowable balance, and thereafter refunded to taxpayers. The Legislature, by two-thirds vote of both houses, may decide to do otherwise. In any year, the revenue limit is determined by multiplying the average annual growth rate in Florida personal income over the previous five years by the amount of revenue permitted under the cap in the previous year.

State revenue is defined as taxes, licenses, fees, and charges for services (but not for goods) imposed by the Legislature on individuals, businesses, or agencies outside of state government. The definition of state revenues includes the proceeds of lottery ticket sales. Exempt from the limitation, either implicitly, through the definition of revenue, or explicitly, through specific exemption, are the following items:

1. Lottery receipts returned as prizes;
2. Balances carried forward from prior years;
3. The proceeds of sales of goods (e.g., land, buildings, surplus property);
4. Funds used for debt service and other payments related to debt;
5. State funds used to match federal money for most of Medicaid (see below);
6. Receipts of the Hurricane Catastrophe Trust Fund; and
7. Revenues required to be imposed by amendment to the Constitution after July 1, 1994.

The revenues of cities, counties, school districts, and special districts are not subject to the revenue limitation. In particular, required local effort millage levied by school districts and local option taxes authorized by state law, but levied at the discretion of local governments, are not subject to the revenue limitation. However, state revenues, such as the motor fuel tax, cigarette tax, and sales tax, which are levied and collected by the state and shared, in part, with local governments through a variety of statutory revenue sharing formulas, are subject to the revenue limitation.

State funds used to match federal funds for Medicaid are partially exempt from the revenue limitation. A portion of the state money used to match federal Medicaid funds is appropriated from the Public Medical Assistance Trust Fund (PMATF), a fund originally established for discretionary Medicaid programs. A tax on hospitals, and some cigarette tax revenues provide state support for the PMATF. Since the reason for exempting Medicaid from the revenue limitation is that it is in large part a federal mandate, and since the programs funded from the PMATF were, at least initially, voluntary, the revenues of the PMATF were made subject to the revenue limitation. However, other revenues used to match federal Medicaid money were exempted from the revenue limitation. Additionally, state matching funds for expansions of the Medicaid program voluntarily undertaken by the state after July 1, 1994, are subject to the revenue limitation.

The Constitution requires the Legislature to establish, by general law, the procedures necessary to administer the revenue limitation; however, such legislation has yet to be enacted. In addition, the Legislature is required to provide general law guidelines for adjusting the state revenue limit when the responsibility for providing specific governmental services is transferred between the state and other levels of government.

Over a two-year period beginning in Fiscal Year 2002-03, revenue from the State University System (SUS) was devolved from state accounts to each university's local accounting system. Chapter 2002-387, L.O.F. (SB 20-E), directed the Revenue Estimating Conference to reduce the total receipts subject to the limitation to reflect that transfer. The conference made a one-time adjustment in Fiscal Year 2003-04

SUMMARY OF THE CONSTITUTIONAL STATE REVENUE LIMITATION

after the devolution was complete. From Fiscal Year 2003-04 forward, no SUS revenues are included in state revenues. Additionally, no SUS-related debt service deductions are made.

In 1998, the Constitution was amended (Article V, section 14(b)) to require that “All funding for the offices of the clerks of the circuit and county courts performing court-related functions, except as otherwise provided in this subsection and subsection (c), shall be provided by adequate and appropriate filing fees for judicial proceedings and service charges and costs for performing court-related functions as required by general law.” General law has since been passed to impose the required fees. The imposed fees generate revenues higher than necessary to perform the stated functions, and the excess money from those fees is transferred to the General Revenue Fund. The conference interpreted this to mean that any revenues used to perform the stated functions should not be counted as state revenue, while any additional funds should be included. Therefore, only Article V revenues that are transferred to the General Revenue Fund are included as state revenue.

Impacts of the Constitutional Revenue Limitation

In the first few years after the adoption of the revenue limitation, actual revenues were close to the constitutional cap. Over the subsequent years, revenues subject to the cap have generally grown more slowly than personal income. Since 1999, the Florida Legislature has enacted significant measures to reduce state revenue. The intangibles tax, sales and use tax, beverage tax, corporate income tax, vehicle emissions testing, health care assessments, unemployment tax, and pari-mutuel tax have all been reduced by the Legislature. Additionally, changes in federal law have effectively eliminated Florida’s estate tax. These changes in tax laws contributed to a widening gap between actual revenues and the revenue limit through Fiscal Year 2002-03 when revenues were almost \$5 billion below the limit. Over the next three years and despite the tax reductions mentioned above, state revenues grew faster than growth in the limit. As a result, Fiscal Year 2005-06 revenues subject to the limitation were only \$658 million below the constitutional cap. This surge in revenues was related to the boom in real estate activity and associated construction spending, as well as the tax revenues derived from rebuilding following the hurricanes in 2004 and 2005. However, state revenue collections fell in Fiscal Years 2006-07 through 2008-09 and grew less than the cap growth rate in Fiscal Year 2009-10. Total receipts grew in the 2010-11 and 2011-12 fiscal years; however, the state match for Medicaid, which is exempt from the cap, grew even faster.

Revenue growth returned to more typical levels since 2011-12 until Fiscal Year 2019-20. As result of the Coronavirus pandemic-induced economic contraction that began in Fiscal Year 2019-20, state revenue collections were down \$2.1 billion from Fiscal Year 2018-19 widening the gap between actual revenues and the revenue limit. In addition, Medicaid caseload increases as a result of the pandemic and legislative measures affecting corporate income tax refunds further widened the gap. Consequently, state revenues subject to the revenue limitation were \$25.4 billion below the constitutional revenue limit in Fiscal Year 2019-20.

In Fiscal Year 2020-21, the economy recovered more quickly than expected. Through June 2021, revenue collections had gained \$2.3 billion to earlier expectations. In addition, the 2021 Legislature added online sales tax revenue beginning Fiscal Year 2021-22. Although the constitutional revenue limit for Fiscal Year 2021 has not yet been completed, it is expected that state revenues will continue to be well below the revenue limit.

TAX PREFERENCES

For each individual tax source, the preparers of this document have attempted to provide estimates for all current tax preferences, including exemptions, deductions, allowances, exclusions, credits, preferential rates, and deferrals. While individual estimates have not been possible for all, a large portion of the total preferences have been estimated. This section presents these estimates of forgone revenue in a single table to show their relative and absolute magnitude. Preferential tax treatments reduce government revenue and compete with programs funded by appropriations for state and local use.

There are a number of important distinctions between appropriations and tax preferences. Once adopted, tax preferences often receive less scrutiny than appropriations, which must be enacted every year. In contrast, tax preferences typically remain effective until a positive action is taken to change them. Also, unlike appropriations which are for fixed amounts, tax preferences are often open-ended.

The following table presents summary estimates of the tax preferences identified in this book by type of preference for each tax source.

ESTIMATE of FISCAL YEAR 2022-23 STATE TAX PREFERENCES (in millions)

TAX	TOTAL COLLECTIONS	EXEMPTIONS	PREFERRED/ DIFFERENTIAL RATES	CREDITS	REFUNDS	DEDUCTIONS/ ALLOWANCES	TOTAL TAX PREFERENCES
Beverage Tax	337.3	5.0		475.0		15.1	495.1
Cigarette and Other Tobacco Tax	1,071.7	8.6			0.7	2.3	11.6
Communications Services Tax	962.7	668.0				12.2	680.2
Corporate Income and Emergency Excise Tax	3,820.1	2,839.5		312.5		10.2	3,162.2
Documentary Stamp Tax	3,657.1	395.7	37.4			16.9	450.0
Gross Receipts Tax	1,148.3	841.6					841.6
Insurance Premium Tax	1,069.9	123.4		1,007.0		21.0	1,151.4
Intangibles Tax	533.4	*			2.7	0.7	3.4
Lottery	8,405.1					471.5	471.5
Motor Fuel & Diesel Fuel Tax	3,304.9	5.7			26.0	5.4	37.1
Pollutant Taxes	294.2	1.7					1.7
Sales and Use Tax**	33,655.2	16,235.9				74.8	16,310.7
Severance Tax Oil & Gas	1.6			0.4			0.4
TOTAL	58,261.6	21,125.1	37.4	1,794.9	29.4	630.1	23,616.9

* Indeterminate

** The total of Sales and Use Tax exemptions does not include \$30.5 billion associated with sales of services. Services are not exempt from the sales tax, instead, they are "excluded" because the sales tax generally applies to the sale of tangible personal property, not services.

NOTE: Some exemptions overlap so that repeal of all exemptions would not yield the total shown.

STATE REVENUE SOURCES

ARTICLE V FEES AND TRANSFERS

FLORIDA STATUTES: The authority for Article V fees and transfers are provided in Chapters 25, 27, 28, 34, 44, 57, 142, 318, 501, 741, and 775, Florida Statutes. The specific statutory citation and corresponding fees, service charges and fines collected by the Florida Clerks of the Court and remitted to the state for deposit in the General Revenue Fund and various state trust funds are as follows:

Statutory Citation	Fee, Service Charge, or Fine Description
34.041(1)(b)	First \$10 of the filing fees for county civil claims under subparagraph 34.041(1)(a)7
34.041(1)(b)	\$15 of the filing fees for county civil claims under subparagraph 34.041(1)(a)4
34.041(1)(e)	\$195 of the first \$200 filing fees for Non-Foreclosure payable under subparagraph (a)5 between \$15,001-\$30,000
34.041(1)(e)	\$1 of the first \$200 filing fees payable under subparagraph (a)5
34.041(1)(e)	\$4 of the first \$200 filing fees payable under subparagraph (a)5
34.041(1)(b)	\$3.50 of additional \$4 filing fee for county civil claims
34.041(1)(b)	\$0.50 of additional \$4 filing fee for county civil action
318.21(2)(a)	20.6 percent of remainder of civil penalties received pursuant to Ch. 318
318.21(2)(b)	7.2 percent of remainder of civil penalties received pursuant to Ch. 318
318.21(2)(c)	5.1 percent of remainder of civil penalties received pursuant to Ch. 318
318.21(2)(d)	8.2 percent of remainder of civil penalties received pursuant to Ch. 318
318.21(2)(e)	2 percent of remainder of civil penalties received pursuant to Ch. 318
318.18(19)(a)	\$5 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.
318.18(19)(b)	\$3.33 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.
318.18(19)(c)	\$1.67 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.
318.21(20)	\$25 increase in fines assessed under s. 318.18(3) for unlawful speed
318.18(15)(a)1.	Remaining \$30 of \$158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1)
318.18(15)(a)1.	Remaining \$ 3 of \$158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1)
28.101(1)(a)	\$5 additional charge for petitions for dissolution of marriage
28.101(1)(c)	\$55 additional charge for petitions for dissolution of marriage
28.101(1)(d)	\$37.50 charge for petitions for dissolution of marriage
28.241(1)(a)1.b.	\$95 of first \$100 in filing fees for circuit civil action
28.241(1)(a)1.b.	\$1.00 of first \$100 in filing fees for circuit civil action
28.241(1)(a)1.b.	\$4.00 of first \$100 in filing fees for circuit civil action
28.241(1)(a)1.a.	\$195 of first \$200 in filing fees for circuit civil action
28.241(1)(a)1.a.	\$1.00 of first \$200 in filing fees for circuit civil action
28.241(1)(a)1.a.	\$4.00 of first \$200 in filing fees for circuit civil action
28.241(1)(a)1.c. & e.	\$3.50 of additional \$4 filing fee for circuit civil action
28.241(1)(a)1.c. & e.	\$0.50 of additional \$4 filing fee for circuit civil action
28.2401(1)	\$115 of each filing fee collected under paragraphs (1)(a), (1)(c) - (i), and (1)(k) in probate matters
28.2401(3)	\$3.50 of additional \$4 service charge in probate matters
28.2401(3)	\$0.50 of additional \$4 service charge in probate matters
25.241, 35.22	\$50 of Supreme Court filing fee (from State Courts Operating TF)
25.241, 35.22	Supreme Court & DCA filing fees & service charges
34.041(1)(c)	\$295 counterclaim filing fee for county civil action
44.108(1)	\$1 filing fee on all circuit and county proceedings
44.108(2)	Fees collected for court-ordered mediation services
44.106	Licenses Mediation Certification
741.01(4)	\$25 additional fee upon receipt of application for marriage license
28.241(6)	\$100 fee for attorneys appearing pro hac vice in circuit court
34.041(8)	\$100 fee for attorneys appearing pro hac vice in county court
27.52(7)(b)	75 percent of any amount recovered by state attorney for fraudulent indigency claims in criminal proceedings

ARTICLE V FEES AND TRANSFERS

57.082(7)(b)	75 percent of any amount recovered by state attorney for fraudulent indigency claims in civil proceedings
Ch. 2010-134	\$50 administration fee per trustee deed for each deed recorded pursuant to the trustee foreclosure procedures set forth in ss. 721.855 and 72
501.2075	Up to \$10,000 civil penalty assessed against persons found to have committed deceptive and unfair trade practices
Ch. 2008-111	Additional Revenue pursuant to Chapter 2008-111, L.O.F
34.041(1)(e)	\$195 of the first \$200 filing fees for Foreclosure payable under subparagraph (a)5 between \$15,001-\$30,000
28.241(1)(a)2.d.	\$195 in filing fees for circuit civil action relating to real property or mortgage foreclosure
28.241(1)(a)2.d.	\$700 in filing fees for circuit civil action relating to real property or mortgage foreclosure
28.241(1)(a)2.d.	\$770 in filing fees for circuit civil action relating to real property or mortgage foreclosure
28.241(1)(a)2.d.	\$930 in filing fees for circuit civil action relating to real property or mortgage foreclosure
28.241(1)(a)2.d.	\$1.00 in filing fees for circuit civil action relating to real property or mortgage foreclosure
28.241(1)(a)2.d.	\$4.00 in filing fees for circuit civil action relating to real property or mortgage foreclosure

ADMINISTERED BY: Florida Department of Revenue, the State Court System, the Justice Administrative Commission, and Florida Clerks of the Court

SUMMARY:

The 67 Clerks of the Court collect fees, service charges, and fines imposed pursuant to law. A portion of these fees, service charges, and fines are remitted monthly to the Florida Department of Revenue for deposit into the General Revenue Fund, State Court Revenue Trust Fund, Clerks of the Court Trust Fund, and various other state trust funds. By February 1 of each year, 50 percent of the cumulative excess revenues remaining in the Clerks of the Court Trust Fund beyond what is needed for current year operations are transferred to the General Revenue Fund pursuant to section 28.37(4), F.S.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	Article V Fees General Revenue	Adjustments to General Revenue**	Trust Funds
2022-23*	239,700,000	0.97%	112,200,000	0	127,500,000
2021-22*	237,400,000	27.93%	103,800,000	11,100,000	122,500,000
2020-21	185,570,420	-11.98%	77,231,862	0	108,338,558
2019-20	210,833,502	-14.24%	95,264,130	9,316,216	106,253,155
2018-19	245,854,377	17.87%	110,157,515	23,244,371	112,452,491
2017-18	208,582,235	-10.28%	103,969,640	0	104,612,595
2016-17	232,480,262	-6.23%	126,579,504	0	105,900,758

*Estimate

**Pursuant to s. 28.37(4) F.S., 50% of the cumulative excess of all fines, fees and charges is to be transferred to General Revenue no later than February 1, 2022. The forecasted amount of these funds is \$11.1 million.

HISTORY:

On November 3, 1998, Florida voters approved Revision 7 to Article V, Section 14 (b) of the Florida Constitution providing that circuit and county courts performing court-related functions be funded by adequate and appropriate filing fees for judicial proceedings, and service charges and costs for performing court-related functions as required by general law.

During the 2000 Legislative Session, the Legislature approved Chapter 2000-237, L.O.F. (SB 1212), setting forth a process for the clerks to develop and propose a schedule of fees and services to the

ARTICLE V FEES AND TRANSFERS

Legislature for consideration. In 2003, the Legislature approved Chapter 2003-402, L.O.F. (HB 113-A), regarding the implementation of Revision 7 to Article V, section 14 (b) of the Florida Constitution, which was developed in accordance with the process established in Chapter 2000-237, L.O.F. Chapter 2003-402, L.O.F. (HB 113-A), also provided a schedule of fines, fees, and service charges as well as the disposition of revenues to the various entities, funds, and trust funds. During the 2004 and 2005 Legislative Sessions, the Legislature approved Chapters 2004-265 and 2005-236, L.O.F. (SB 2962 and HB 1935), respectively, revising a number of fees, fines, and service charges. During the 2008 Legislative Session, the Legislature approved Chapter 2008-111, L.O.F. (SB 1790), establishing several new and increasing many existing fines, fees, and service charges. During the Special Legislative Session held in January 2009, the Legislature approved Chapter 2009-6, L.O.F. (SB 12-A), revising some fines and providing several new fines and fees to be collected by the Clerks of the Court for remission to the state and deposit in the newly created State Courts Revenue, Public Defenders Revenue, and State Attorneys Revenue Trust Funds. During the regular 2009 Legislative Session, Chapters 2009-61 and 2009-204, L.O.F. (SB 1718 and SB 2108), were approved, further revising fees and fines, redirecting some revenues, and changing the manner in which Clerks of the Court revenues and budgets were administered.

The 2013 Legislature approved Chapter 2013-44, L.O.F. (SB 1512), redirecting \$80 of circuit filing fee revenues from General Revenue to the Clerks of Court and, in effect, reinstating the manner in which Clerks of the Court revenues and budgets were administered prior to the 2009 legislative changes. The 2017 Regular and Special Legislative Sessions made numerous changes to Article V fees. The Displaced Homemaker Trust Fund was abolished and its fees related to dissolution of marriage redirected into the General Revenue Fund. In addition, various fees which were distributed into the General Revenue Fund where instead directed to be distributed into the Clerk's Fine and Forfeiture Funds. The Clerks were also directed to deposit the 10 percent of fines which the Clerks previously received per s. 28.37, F.S. into the Fine and Forfeiture Funds. The Clerk's new revenue was accompanied by the requirement that the total combined budgets of the clerks of court not exceed the revenue estimates established by the most recent Revenue Estimating Conference. Chapter 2018-118, L.O.F. (HB 7087), passed during the 2018 session, reduced traffic fines when the person elects to attend traffic improvement school and redirected fees to offset the impact to the State Courts Revenue Trust Fund. During the 2019 session, the Legislature passed Chapter 2019-42, L.O.F. (HB 7123) directing that the State Courts Revenue Trust Fund portion of traffic fines when the person elects to attend traffic improvement school be eliminated with further fee redirects from General Revenue used to offset the loss to the trust fund. The 2019 Legislature also passed Chapter 2019-58, L.O.F. (HB 337), which dealt with numerous court fee issues: effective January 1, 2020, the county court jurisdictional threshold is increased from \$15,000 to \$30,000. Effective January 1, 2023, the county court jurisdictional threshold is increased from \$30,000 to \$50,000. As the jurisdictional limit for these cases changes, the filing fees move from circuit court to county court; however, the law was written so that the impact to the various receiving funds was negated. For cases which change jurisdiction, the district courts retain jurisdiction over appeals; however, that language will be repealed January 1, 2023. Chapter 2008-111 L.O.F., as passed by the 2008 Legislature, provided for updating many fees and service charges assessed by the Clerk of Courts. The 2019 legislation revised numerous statutes referencing the fines, fees, and charges increased by Ch. 2008-111 L.O.F. to specify that those fees are to be deposited into the General Revenue Fund. These changes were remedial and clarifying in nature and applied retroactively to July 1, 2008. The 2020 Legislature passed Chapter 2020-61, L.O.F. (SB 1392), which stated that the circuit courts will no longer have jurisdiction over appeals from county court with certain exceptions effective January 1, 2021.

BASE AND RATE:

First \$10 of the filing fees for county civil claims under subparagraph 34.041(1)(a)7; \$15 of the filing fees for county civil claims under subparagraph 34.041(1)(a)4; \$195 of the first \$200 filing fees for Non-Foreclosure payable under subparagraph (a)5 between \$15,001-\$30,000; \$1 of the first \$200 filing fees

ARTICLE V FEES AND TRANSFERS

payable under subparagraph (a)5; \$4 of the first \$200 filing fees payable under subparagraph (a)5; \$3.50 of additional \$4 filing fee for county civil claims; \$0.50 of additional \$4 filing fee for county civil action; 20.6 percent of remainder of civil penalties received pursuant to Ch. 318; 7.2 percent of remainder of civil penalties received pursuant to Ch. 318; 5.1 percent of remainder of civil penalties received pursuant to Ch. 318; 8.2 percent of remainder of civil penalties received pursuant to Ch. 318; 2 percent of remainder of civil penalties received pursuant to Ch. 318; \$5 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.; \$3.33 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.; \$1.67 of the \$10 fine for all noncriminal moving and nonmoving traffic violations under chapter 316, 320 & 322.; \$25 increase in fines assessed under s. 318.18(3) for unlawful speed; remaining \$30 of \$158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1); remaining \$ 3 of \$158 civil penalty for violation of ss. 316.075(1)(c)1 or 316.074(1); \$5 additional charge for petitions for dissolution of marriage; \$55 additional charge for petitions for dissolution of marriage; \$37.50 charge for petitions for dissolution of marriage; \$95 of first \$100 in filing fees for circuit civil action; \$1.00 of first \$100 in filing fees for circuit civil action; \$4.00 of first \$100 in filing fees for circuit civil action; \$195 of first \$200 in filing fees for circuit civil action; \$1.00 of first \$200 in filing fees for circuit civil action; \$4.00 of first \$200 in filing fees for circuit civil action; \$3.50 of additional \$4 filing fee for circuit civil action; \$0.50 of additional \$4 filing fee for circuit civil action; \$115 of each filing fee collected under paragraphs (1)(a), (1)(c) - (i), and (1)(k) in probate matters; \$3.50 of additional \$4 service charge in probate matters; \$0.50 of additional \$4 service charge in probate matters; \$50 of Supreme Court filing fee (from State Courts Operating TF); Supreme Court & DCA filing fees & service charges; \$295 counterclaim filing fee for county civil action; \$1 filing fee on all circuit and county proceedings; fees collected for court-ordered mediation services ; licenses Mediation Certification; \$25 additional fee upon receipt of application for marriage license; \$100 fee for attorneys appearing pro hac vice in circuit court; \$100 fee for attorneys appearing pro hac vice in county court; 75 percent of any amount recovered by state attorney for fraudulent indigence claims in criminal proceedings; 75 percent of any amount recovered by state attorney for fraudulent indigence claims in civil proceedings; \$50 administration fee per trustee deed for each deed recorded pursuant to the trustee foreclosure procedures set forth in ss. 721.855 and 72; up to \$10,000 civil penalty assessed against persons found to have committed deceptive and unfair trade practices; additional Revenue pursuant to Chapter 2008-111, L.O.F; \$195 of the first \$200 filing fees for Foreclosure payable under subparagraph (a)5 between \$15,001-\$30,000; \$195 in filing fees for circuit civil action relating to real property or mortgage foreclosure; \$700 in filing fees for circuit civil action relating to real property or mortgage foreclosure; \$770 in filing fees for circuit civil action relating to real property or mortgage foreclosure; \$930 in filing fees for circuit civil action relating to real property or mortgage foreclosure; \$1.00 in filing fees for circuit civil action relating to real property or mortgage foreclosure; and \$4.00 in filing fees for circuit civil action relating to real property or mortgage foreclosure.

DISPOSITION:

The Clerks of the Court collect fees, service charges, and fines from individuals and remits them to the Florida Department of Revenue by the tenth of each month following their collection. The revenues are deposited by the Department of Revenue into the General Revenue Fund and designated state trust funds as provided by law.

THE AFFECTED TRUST FUNDS ARE:

- 1) COCTF – Clerks of the Court Trust Fund
- 2) SCRTF – State Courts Revenue Trust Fund
- 3) DFSATF - Department of Financial Services Administrative Trust Fund
- 4) CETF – Court Education Trust Fund
- 5) SARTF – State Attorneys Revenue Trust Fund
- 6) BSCITF – Brain and Spinal Cord Injury Trust Fund
- 7) ACCTF – Additional Court Costs Trust Fund

ARTICLE V FEES AND TRANSFERS

- 8) EMSTF – Emergency Medical Services Trust Fund
- 9) DVTF – Domestic Violence Trust Fund
- 10) DHTF – Displaced Homemaker Trust Fund
- 11) CWTF – Child Welfare Trust Fund
- 12) GDTFDVR – Grants and Donations Trust Fund of the Division of Vocational Rehabilitation
- 13) ICDTF – Indigent Criminal Defense Trust Fund

OTHER STATES:

According to the National Center for State Courts, all 50 states, the District of Columbia, Guam, Puerto Rico, the Virgin Islands, and the U.S. Federal Court System impose some form of court fees.

AUTO TITLE AND LIEN FEES

FLORIDA STATUTES: Chapter 319

ADMINISTERED BY: Department of Highway Safety and Motor Vehicles

SUMMARY:

Fees are imposed on motor vehicles titled in Florida. For each original certificate of title and for each duplicate copy, the fee is \$70.00. An additional \$10.00 fee is imposed on each original certificate of title issued for a motor vehicle previously registered outside Florida.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	General Revenue	State Transportation Trust Fund	Other State Trust Fund
2022-23*	492,197,905	1.06%	136,700,000	316,903,863	38,594,042
2021-22*	487,028,579	-2.33%	133,200,000	315,601,881	38,226,698
2020-21	498,664,231	14.47%	141,164,468	319,569,838	37,929,925
2019-20	435,641,619	-6.78%	99,444,504	303,928,864	32,268,251
2018-19	467,326,824	0.13%	121,575,144	311,372,868	34,378,813
2017-18	466,697,152	1.95%	121,642,152	311,307,630	33,747,371
2016-17	457,773,403	4.36%	116,094,782	309,484,346	32,194,275

* Estimate

HISTORY:

In 1923, Florida passed an act to protect the title of motor vehicles within the state. The act provided for the issuance and registration of certificates of ownership. The motor vehicle title law was revised in 1941, and fees were imposed for the first time. Fees were increased in 1947 and 1967. In 1990, the fee for each original certificate of title and each duplicate copy of a certificate of title on all motor vehicles, except those for hire, was increased from \$3 to \$24. The \$21 increase is for deposit into the State Transportation Trust Fund. Chapter 98-397, L.O.F. (HB 271), required the Department of Highway Safety and Motor Vehicles to charge a fee of \$7.00 for each lien placed on a motor vehicle by the state child support enforcement program for deposit into the General Revenue Fund. Effective July 1, 2000, Chapter 2000-257, L.O.F. (SB 862), eliminated the 7 percent General Revenue Service Charge on the \$24 original certificate of title fee and each duplicate copy fee, which increased the distribution to the State Transportation Trust Fund. Chapter 2002-235, L.O.F. (SB 522), required all auto title and lien revenues collected by county officials to be submitted by electronic funds transfer to the State Treasury no later than five working days, instead of seven working days as provided for in Chapter 116, F.S., after the close of the business day in which the funds were received. As a result of the 2009 Regular Legislative Session, Chapter 2009-71, L.O.F. (SB 1778), raised fees beginning September 1, 2009.

Chapter 2012-128, L.O.F. (SB 1998), redirected \$47 of the existing title lien revenues being deposited in the General Revenue Fund to the State Transportation Trust Fund. Deposits to the State Transportation Trust Fund resulting from the redirect are limited to \$200 million in any fiscal year; any collections in excess of the \$200 million cap are deposited in the General Revenue Fund.

BASE AND RATE:

In accordance with s. 319.32, F.S., a \$70.00 fee is levied for original certificate of title and duplicates of title of all motor vehicles except for a motor vehicle for hire registered under s. 320.08(6), F.S. There is an additional \$4.25 service charge for the transfer of any certificate of title and a \$2.00 fee for assignment by a lien holder, memorandum certificates, and noting a lien and its satisfaction. There is a \$1.25 service

AUTO TITLE AND LIEN FEES

charge for the recordation or notation of a lien which is not related to the purchase of a vehicle. A service fee of \$2.50, for deposit into the Highway Safety Operating Trust Fund, is charged for the shipping and handling of each paper title mailed by the department. A fee of \$10 for motor vehicles and mobile homes and \$5 for vessels is charged for certain types of expedited services, which is in addition to the fees imposed by s. 319.32, F.S. The fee, after deducting the \$1 odometer fee amount referenced by s. 319.324, F.S., and \$3.50 to be retained by the processing agency, is deposited into the General Revenue Fund. An additional service charge of not more than \$0.50 may be imposed by the tax collector when any of the above mentioned transactions occur at a tax collector's branch office. Application for title must be made within 30 days of acquisition, subject to a \$20 late fee penalty.

DISPOSITION:

General Revenue Fund: \$48 per each original certificate of title and each duplicate copy of a certificate of title and all other fees collected by the department not specifically earmarked for deposit into a trust fund from a For Hire vehicle. \$1 per each original certificate of title and each duplicate copy of a certificate of title and all other fees collected by the department not specifically earmarked for deposit into a trust fund from vehicles other than For Hire vehicles.

State Transportation Trust Fund: \$21 per each original certificate of title and each duplicate copy of a certificate of title. This fee is not currently charged on For Hire vehicles per s. 319.32(1), F.S. Titles for vehicles other than For Hire distribute \$47 to the State Transportation Trust Fund which is capped at \$200 million. Any amount collected above that \$200 million is distributed to the General Revenue Fund.

Non-game Wildlife Trust Fund: An additional \$10 per each original certificate of title issued for a vehicle previously registered outside Florida.

OTHER STATES:

All states, plus the District of Columbia, assess a fee or a tax for issuing a certificate of title or ownership. Most states charge a fee, ranging from \$1 to \$35, while others incorporate title fees into auto sales excise taxes. The most frequently occurring fees are in the range of \$1 to \$10.

VALUE OF RATE CHANGE:
Value of \$1 on all titles issued

2022-23
(millions)

\$ 6.4

BEVERAGE LICENSES

FLORIDA STATUTES: Chapters 561 - 568

ADMINISTERED BY: Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco

SUMMARY:

Beverage licenses are required for any person or entity that would manufacture, bottle, distribute, sell, or in any way deal with the commerce of alcoholic beverages.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	Cities & Counties	Trust Fund	General Revenue Service Charge
2022-23*	47,112,342	1.41%	18,000,000	25,343,355	3,768,987
2021-22*	46,456,601	1.46%	18,000,000	24,740,073	3,716,528
2020-21**	45,786,159	4.81%	18,076,551	24,046,715	3,662,893
2019-20	43,682,902	-0.39%	16,840,498	23,347,772	3,494,632
2018-19	43,851,942	3.16%	17,439,356	22,904,431	3,508,155
2017-18	42,510,701	2.01%	16,768,235	22,341,610	3,400,856
2016-17	41,671,785	1.89%	16,331,790	22,006,252	3,333,743

* Estimate

** Cities & counties distribution and trust fund amount for FY 20-21 not finalized

HISTORY:

Florida legalized the manufacturing and selling of alcoholic beverages in 1933, subject to county approval. The same form and rates of licenses were in effect from 1935 until 1971. The 1971 Legislature rewrote the alcoholic beverage laws. License fees were increased substantially for vendors of wine and liquor. Vendors' licenses for liquor sales were limited to one per 2,500 residents, but special licenses were issued to certain organizations. Until 1986, distributions of license revenues were as follows: 24 percent to the county where collected; 38 percent to the city where collected; and the remainder to the General Revenue Fund. Beginning July 1, 1986, all beverage license revenue, less distributions to counties and cities, was earmarked for deposit into the Alcoholic Beverage and Tobacco Trust Fund, to be used to operate the Division of Alcoholic Beverages and Tobacco. A surtax of 40 percent of license fees for beer and wine vendors was imposed, for deposit into the trust fund. Bottle clubs became subject to the licensing provisions of Chapter 561, F.S., in 1990, with an annual license fee of \$500. In 1992, the Legislature expanded the definition of "licensed premises" to include sidewalks and other outside areas, increased the Hughes Act fee for a new liquor license from \$5,000 to \$10,750, and revised the formula for the issuance of quota alcoholic beverage licenses. The Legislature also provided for the issuance of a special license for consumption on-premises only, for a qualified performing arts center.

In 1997, the Legislature amended s. 561.24, F.S., to prohibit a wine manufacturer from being dually licensed as a distributor and registered as an exporter. A grandfather clause was added to exempt any manufacturer of wine that held a distributor's license on April 1, 1997, from the new prohibition. An additional exemption was provided for certified Florida Farm Wineries as defined in s. 599.004, F.S., to hold a manufacturer's license and a distributor's license. The Legislature also clarified that the licensure of distributors' salesmen of spirituous or vinous beverages does not apply for cider. Chapter 2000-191, L.O.F. (HB 2281), provided the following changes to the beverage license laws: increased the quota license restriction from one license for every 5,000 residents to one license for every 7,500 residents in a

BEVERAGE LICENSES

county; required that a transfer fee equal to fifteen times the annual license fee be assessed on the transfer of any quota license issued after October 1, 2000, which is in addition to the transfer fees assessed in s. 561.32(3)(a), F.S.; and created a special alcoholic beverage license for caterers.

In 2007, legislation was passed prohibiting a licensed alcoholic beverage establishment from denying service to a designated driver. In 2008, the Tied House Evil laws were extended to include importers, primary American sources of supply, brand owners or registrants, or any related brokers, sales agents, or sales persons to the prohibitions of giving financial aid and assistance to vendors. The law was extended to allow vendors to own brands, brand names, or labels of alcoholic beverages.

In 2017, Chapter 2017-137 L.O.F. (HB 689) was amended to eliminate the temporary beverage license fee of \$100 and reduce craft distillery licensing fees from \$4,000 to \$1,000.

In 2021, the Legislature created s. 565.02 (12), F.S., to provide a quota license exemption for a craft distillery's vendor's license if the craft distillery is located on a property within a destination entertainment venue and open for tours during normal business hours. The legislation also amended s. 565.03, F.S., to increase the production limit for distilleries to qualify as craft distilleries from 75,000 gallons per year to 250,000 gallons per year. Effective July 1, 2026, a minimum of 60 percent of a craft distillery's total finished branded products must be distilled in the state and contain one or more of Florida's agricultural products.

BASE AND RATE:

Beer: Vendor, on-premises \$40 to \$200 depending on the size of the county; off-premises 50 percent of on-premises rate; surtax of 40 percent of license fee. Manufacturers of malt liquor \$3,000. Distributors \$1,250. Vendor/manufacturers of malt liquor \$500.

Wine: Vendor, on-premises \$120 to \$280 depending on the size of the county; off-premises 50 percent of on-premises rate; surtax of 40 percent of license fee. Manufacturers of wine \$1,500; wine and cordials \$2,000. Distributors \$50 - \$1,250.

Spirits: Vendor, on-premises \$624 to \$1,820 depending on the size of county and the number of locations on the premises where consumption occurs; off-premises are 75 percent of on-premises rate. Manufacturers distilling liquors - \$4,000; blending liquors - \$4,000; distributors - \$4,000. Different rates for vendor licenses apply to transportation companies, night clubs, private clubs, race tracks, and jai alai frontons. License rates are stated as state, county, and city licenses.

DISPOSITION:

Of the base license tax imposed and collected within a county, 24 percent is returned to the county tax collector; 38 percent of the license tax imposed and collected within an incorporated municipality is returned to the municipality; the remainder plus 100 percent of the surtax on beer and wine licenses is deposited into the Alcoholic Beverage and Tobacco Trust Fund.

OTHER STATES:

There are 17 states that control the sale of beer, wine or spirits and 33 states and the District of Columbia that license the sale of liquor. Every state that allows alcoholic beverages to be sold by private industry imposes a vendor's license fee. All states impose a license fee on the manufacture or distribution of alcoholic beverages. Some states charge a licensing fee for importers in addition to wholesale license fees. There is no uniform rate schedule among the states for comparisons, but among the states for which comparisons can be made in amount of revenues raised, Florida ranks high. Florida collects approximately 9 percent of the total alcoholic beverage license fee revenues in the United States annually, with only Texas, New York, and California collecting more revenues.

BEVERAGE TAX

FLORIDA STATUTES: Chapters 561 - 568

ADMINISTERED BY: Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco

SUMMARY:

Taxes on alcoholic beverages are levied at the wholesale level in Florida. An excise tax is imposed on the distributor for each gallon as follows: beer at \$0.48 per gallon; wine at \$2.25 to \$3.50 per gallon; cider at \$0.89 per gallon; and spirits at \$2.25 to \$9.53 per gallon, with rates varying with the alcohol content of the beverage.

Of the monthly collections of the excise taxes on alcoholic beverages, 2 percent are deposited into the Alcoholic Beverage and Tobacco Trust Fund to meet the division's appropriation for the state fiscal year. The remainder of the excise taxes is credited to the General Revenue Fund.

REVENUE:

Fiscal Year	Net Collections**	Annual Change %	Beverage Tax Distributions	
			General Revenue	Alcoholic Beverage and Tobacco Trust Fund
2022-23*	337,300,000	3.37%	331,800,000	5,500,000
2021-22*	326,300,000	-3.64%	321,000,000	5,300,000
2020-21	338,642,303	12.74%	333,930,066	4,712,236
2019-20	300,377,908	-2.77%	296,370,042	4,007,866
2018-19	308,922,492	5.41%	305,294,493	3,627,999
2017-18	293,075,546	-9.37%	289,217,464	3,858,083
2016-17	323,380,732	-11.66%	314,690,409	8,690,323

* Estimate

** Net Collections reflect Beverage Wholesale Tax less dealer credits including Scholarship Credits

Fiscal Year	Beverage Consumption (millions of gallons)							
	Beer	% change	Wine	% change	Spirits	% change	Total	% change
2022-23*	444.1	0.7%	86.5	1.5%	58.2	1.7%	588.8	0.9%
2021-22*	441.0	1.7%	85.2	0.9%	57.2	2.9%	583.4	1.7%
2020-21	433.7	3.2%	84.4	2.7%	55.6	14.2%	573.7	4.1%
2019-20	420.3	-0.8%	82.2	0.1%	48.7	4.1%	551.2	-0.3%
2018-19	423.9	0.9%	82.1	1.5%	46.8	2.9%	552.8	1.1%
2017-18	420.2	-0.7%	80.9	1.0%	45.5	2.5%	546.6	-0.2%
2016-17	423.0	0.0%	80.1	3.5%	44.4	6.5%	547.5	1.0%

* Estimate

HISTORY:

In 1933, Florida authorized the sale of alcoholic beverages and a tax was placed on manufacturers, distributors, and vendors of beer and liquor. In 1935, the beverage tax was extended to include beer, wine, and liquor. The tax rates were increased on specific beverage categories in 1937, 1941, 1947, 1949, 1967, 1968, and 1972. The primary tax rates were increased in 1945, 1963, 1977, and 1983 on all

BEVERAGE TAX

alcoholic beverages, and the classification of beverages was established as they now exist. The drinking age was increased from 19 to 21 in 1985. In 1986, the measurement for alcoholic content was changed from percent of alcohol by weight to percent of alcohol by volume. In 1985, a lower tax rate was imposed for wines and liquors manufactured from Florida citrus products and sugarcane. In 1988, the Supreme Court of Florida ruled that the lower state tax rates for wines and liquors were unconstitutional. The 1988 Legislature imposed an import tax on alcoholic beverages imported into the state, which was later declared unconstitutional by the 2nd Judicial Circuit Court. As a result, all alcoholic beverages sold in the state became subject to the full state excise tax.

In 1990, a surcharge of \$0.10 per ounce of liquor, \$0.10 per 4 ounces of wine, and \$0.04 per 12 ounces of beer was imposed on alcoholic beverages sold for on-premise consumption, to be paid by the retail vendor. In 1997, several provisions increasing enforcement for unlawful shipments of beverages from out-of-state were passed, and the surcharge rate on cider was reduced from \$0.10 per 4-ounce serving to \$0.06 per 12-ounce serving. In 1999, all surcharge tax rates were reduced by one-third, and in 2000 they were reduced again by one-half. In 2001, the Legislature removed the 8, 12, and 16-ounce restrictions on container sizes of malt beverages sold at retail, allowing malt beverages to be sold in individual containers of any size of 32 ounces or less. In 2004, Chapter 2004-2, L.O.F. (SB 2002), directed the following distributions from beverage excise tax collections: Grants and Donations Trust Fund, Department of Elder Affairs - \$15 million annually; Biomedical Research Trust Fund - \$6 million annually; and the Florida State University School of Chiropractic Medicine - \$9 million annually. Chapter 2006-182, L.O.F. (HB 1027), eliminated the distributions to the Grants and Donations Trust Fund in the Department of Elder Affairs, the Biomedical Research Trust Fund, and the Florida State University School of Chiropractic Medicine and restored the funds to the General Revenue Fund. Chapter 2006-162, L.O.F. (HB 7105), repealed the on-premises consumption surcharge, effective July 1, 2007. Chapter 2010-24, L.O.F. (SB 2126), expanded the revenue sources against which tax credits may be granted for contributions to the Florida Tax Credit Scholarship Program to include alcoholic beverage taxes.

Chapter 2016-220, L.O.F. (HB 7099) replaced the beverage and tobacco taxes that cruise lines pay with a new, simplified tax based on ship capacity and the number of times a ship embarks from Florida.

BASE AND RATE:

Type of Beverage	Alcohol By Volume	Per Gallon
Beer	0.500% or more	\$0.48
Wine	Less than 17.259%	\$2.25
Wine	17.259% or more	\$3.00
Sparkling Wine	All	\$3.50
Wine Coolers	All	\$2.25
Cider	All	\$0.89
Liquor	Less than 17.259%	\$2.25
Liquor	17.259% to 55.780%	\$6.50
Liquor	55.780% or more	\$9.53

Beer distributors are allowed 2.5 percent of taxes collected and remitted, liquor distributors are allowed 1 percent of taxes collected and remitted, and wine distributors are allowed 1.9 percent of taxes collected and remitted as a dealer collection allowance.

B E V E R A G E T A X

DISPOSITION:

Viticulture Trust Fund: 50 percent of all revenue collected from the excise taxes imposed on wine products produced by Florida manufacturers from products grown in the state, less 8 percent General Revenue Service Charge.

Alcoholic Beverage and Tobacco Trust Fund: 2 percent of Excise Tax collections for beer, wine, and liquor, less 8 percent General Revenue Service Charge.

General Revenue Fund: Receives the remainder of the proceeds.

OTHER STATES:

All states, plus the District of Columbia, tax the sale of alcoholic beverages. There are 17 states that control the sale of liquor, and 33 states plus the District of Columbia that license the sale of liquor. Among the states for which comparisons can be made, Kentucky and Alaska are the only states with higher excise tax rates for wine but for liquor, Florida is ranked at number twenty-two for excise taxes. Alabama, North Carolina, South Carolina, Kentucky, Hawaii, Tennessee, Minnesota, Maryland, Alaska and the District of Columbia have higher excise tax rates on beer.

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
Value of 1 cent per gallon levy on beer	\$4.4
Value of 10 cents per gallon levy on liquor	\$5.8
Value of 10 cents per gallon levy on wine	\$8.6
(Note: After collection allowances)	

VALUE OF CREDITS:

Scholarship Funding Organizations (\$873.6m cap)	\$475.0
This credit may be taken against the Beverage Tax, Corporate Income Tax, Insurance Premium Tax, certain Sales and Use Taxes and Severance Taxes - Oil and Gas (s. 561.1211 F.S.)	

VALUE OF EXEMPTIONS:

Beverages sold on military installations (s. 563.05, beer), (s. 564.06(8), wine), (s. 565.12(3), liquor)	\$5.0
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VALUE OF REFUNDS AND ALLOWANCES:

Dealer allowance on wine (1.9 percent) (s. 564.06(7))	\$3.9
Dealer allowance on beer (2.5 percent) (s. 563.07)	\$7.1
Dealer allowance on liquor (1 percent) (s. 565.13)	\$4.1

ALTERNATIVE BASES:

Price-Based Alcoholic Beverage Tax - The current alcoholic beverage tax is a volume based tax. Growth in tax revenue is tied, therefore, to increases in consumption and not increases in price. As an alternative to the current tax base, the alcoholic beverage tax could be converted to a price-based tax. The rate could be either fixed or varied based on an item's alcoholic content. The price used could be at the manufacturing, wholesale, or retail level.

Indexed Alcoholic Beverage Tax - Another option would be to index the current alcoholic beverage tax rate based on general price increases or a percentage increase in alcoholic beverage prices. For example, alcoholic beverage taxes could be annually adjusted by the percentage change in the Consumer Price Index. This would allow taxes to be adjusted for inflation.

**CIGARETTE AND OTHER TOBACCO PRODUCTS
TAX AND SURCHARGE**

FLORIDA STATUTES: Chapter 210

ADMINISTERED BY: Department of Business and Professional Regulation, Division of Alcoholic Beverages and Tobacco

SUMMARY:

Taxes are imposed on the sale of cigarettes and other tobacco products in Florida. The tax is paid by the wholesale dealer at the time of first sale within the state. For cigarettes of common size the rate is \$0.339 per pack, with rates varying proportionately for cigarettes and packs of non-standard size. Additionally, a \$1.00 surcharge per pack of common size cigarettes is imposed, with rates varying proportionately for cigarettes and packs of non-standard size. For other tobacco products, the tax rate is 25 percent of the wholesale price, with an additional surcharge of 60 percent of the wholesale price.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	Cigarette Tax Collections	Other Tobacco Products Tax Collections	Cigarette Surcharge	Other Tobacco Products Surcharge
2022-23*	1,071,700,000	-1.24%	231,000,000	44,300,000	690,500,000	105,900,000
2021-22*	1,085,200,000	-0.87%	235,800,000	42,700,000	704,600,000	102,100,000
2020-21	1,094,772,818	-0.05%	242,064,056	41,559,604	723,293,061	87,856,097
2019-20	1,095,290,327	-4.39%	240,669,293	36,355,270	723,192,722	95,073,043
2018-19	1,145,594,516	-2.32%	262,986,800	42,042,508	753,153,720	87,411,488
2017-18	1,172,747,635	-2.51%	264,781,132	36,290,793	787,688,124	83,987,586
2016-17	1,202,958,357	-1.01%	276,005,198	31,086,791	819,811,631	76,054,737

*Estimate

DISTRIBUTIONS:

Distributions from Cigarette Tax and Other Tobacco Products Tax								
Fiscal Year	Total Distributions	General Revenue	County Revenue Sharing	Public Medical Assistance	Moffitt Center	Biomedical Research Trust Fund **	GR Service Charge	ABT Transfer
2022-23*	275,100,000	157,700,000	6,200,000	61,600,000	26,900,000	2,100,000	18,500,000	2,100,000
2021-22*	279,200,000	159,800,000	6,400,000	62,800,000	26,900,000	2,100,000	19,100,000	2,100,000
2020-21	282,659,604	172,559,604	6,400,000	64,700,000	15,500,000	2,200,000	19,100,000	2,200,000
2019-20	277,037,655	167,837,655	6,400,000	64,500,000	15,500,000	2,200,000	18,400,000	2,200,000
2018-19	304,665,468	184,865,468	6,900,000	69,500,000	15,500,000	2,400,000	23,200,000	2,300,000
2017-18	301,110,297	182,640,389	7,027,448	71,001,454	15,524,028	2,423,000	20,100,000	2,393,979
2016-17	306,975,186	183,038,080	7,270,635	73,458,485	15,524,028	2,507,115	22,700,000	2,476,843

**CIGARETTE AND OTHER TOBACCO PRODUCTS
TAX AND SURCHARGE**

Distributions from Cigarette and Other Tobacco Products Surcharge		
Fiscal Year	Health Care Trust Fund	General Revenue Service Charge
2022-23*	732,700,000	63,700,000
2021-22*	753,300,000	64,600,000
2020-21	735,000,000	64,900,000
2019-20	752,280,361	65,500,000
2018-19	768,015,150	71,800,000
2017-18	803,987,639	67,688,710
2016-17	823,206,804	72,666,368

* Estimate

** Pursuant to s. 210.20(2)c, F.S., the funds distributed to the Biomedical Research Trust Fund benefit cancer centers participating in the Florida Consortium of National Cancer Institute Centers Program for the advancement of cures for cancers afflicting pediatric populations through basic or applied research.

HISTORY:

Florida began taxing cigarettes at 3 cents per pack in 1943. The tax rate was increased in 1949, 1963, 1971, 1977, 1986, and 1990. In 1949, cities were authorized by the state to levy a 2 cent cigarette tax which was credited against the state tax and collected by the state. In 1971, the cigarette tax was increased by 2 cents per pack for a total of 17 cents. The additional 2 cents per pack was deposited into the Municipal Financial Assistance Trust Fund. In 1972, municipal authority to levy a cigarette tax was repealed. In the Revenue Sharing Act of 1972, cities were allocated 13/17, counties 1/17, and the General Revenue Fund 3/17 of net collections. In 1982, the first proceeds of funds earmarked for deposit in the General Revenue Fund, up to a certain amount, were directed to be deposited in the Chronic Disease Research and Treatment Center Trust Fund for a period of three years. Chapter 85-141, L.O.F., imposed a 25 percent tax on the wholesale price of chewing tobacco, snuff, and loose tobacco for the first time. Chapter 90-132, L.O.F. (HB 3695), provided for a cigarette tax increase of 9.9 cents per pack, earmarked for deposit into the Public Medical Assistance Trust Fund, and authorized the Division of Alcoholic Beverages and Tobacco to withhold 0.9 percent of cigarette tax collections for deposit into the Alcoholic Beverage and Tobacco Trust Fund to fund the division. Chapter 98-286, L.O.F. (HB 3783), provided for a 10-year distribution of 2.59 percent to the H. Lee Moffitt Cancer Center and Research Institute and reduced the General Revenue distribution accordingly. Chapter 2000-355, L.O.F. (HB 2433), eliminated the distribution from cigarette tax to the Municipal Revenue Sharing Trust Fund and the Municipal Financial Assistance Trust Fund, resulting in an increase in the distribution to the General Revenue Fund. Chapter 2002-393, L.O.F. (HB 41-E), provided for an additional distribution to the H. Lee Moffitt Cancer Center and Research Institute: 0.2632 percent in 2002-03 and 2003-04; and 1.47 percent in 2004-05 through 2015-16, with the General Revenue distribution reduced accordingly. Chapter 2002-393, L.O.F. (HB 41-E), determined that from Fiscal Year 2004-2005 forward, the appropriation to Moffitt Center should not be less than the amount that would have been paid in Fiscal Year 2001-2002 had subparagraph (2)(b) of s. 210.20, F.S., been in effect. Chapter 2009-79, L.O.F. (SB 1840), imposed a surcharge of \$1.00 per pack of standard sized cigarettes, with proportionate surcharges on non-standard sized cigarettes. Additionally, a surcharge of 60 percent of the wholesale price was imposed on other tobacco products. Enforcement was strengthened concerning phone, mail, delivery service, and Internet sales of tobacco products. Indian-tax-exemption coupons were created to limit sale of untaxed cigarettes on Indian reservations.

CIGARETTE AND OTHER TOBACCO PRODUCTS TAX AND SURCHARGE

Chapter 2009-58, L.O.F. (SB 1664), extended the 1.47 percent Moffitt Center distribution through 2019-20, with a corresponding reduction in the distribution to General Revenue. Chapter 2012-32, L.O.F. (HB 7087), ended the 1.47 percent Moffitt Center distribution and provided for a 2.75 percent distribution from cigarette excise tax beginning July 1, 2013, and continuing through June 30, 2033. Chapter 2014-38, L.O.F. (HB5601), increased the Moffitt Center distribution to 4.04 percent, which resulted in a recurring \$5 million increase in the distribution and a \$5 million decreased to General Revenue.

Additionally, the legislation created s. 210.21(2)(c), F.S., to provide a 1 percent distribution from cigarette excise tax to the Biomedical Research Trust Fund in the Department of Health beginning July 1, 2013, and continuing through June 30, 2021. Chapter 2013-42, L.O.F. (SB 406), extended the distribution to the Biomedical Research Trust Fund through June 30, 2033.

Chapter 2016-220, L.O.F. (HB 7099) replaced the beverage and tobacco taxes that cruise lines pay with a new, simplified tax based on ship capacity and the number of times a ship embarks from Florida.

Chapter 2021-31, L.O.F. (HB 7061) increased the portion of net cigarette taxes distributed to the Moffitt Cancer Center from 4.04 percent to 7 percent from July 1, 2021 through June 30, 2024. Thereafter, the law increases the portion of net cigarette taxes distributed to the Moffitt Cancer Center from 7 percent to 10 percent; this treatment begins July 1, 2024, and continues through June 30, 2054.

BASE AND RATE:

Cigarettes of common size (not over 3 lbs. per 1,000) are \$1.339 per pack (\$.339 tax and \$1.00 surcharge). For larger sizes and non-standard packs, other rates are specified (see ss. 210.02 and 210.011, F.S.). All non-cigarette tobacco products other than cigars are taxed at the rate of 85 percent (25 percent tax and 60 percent surcharge) of the wholesale sales price.

DISPOSITION:

Cigarette Tax: Deductions from total collections include 8 percent for the General Revenue Service Charge and 0.9 percent to the Alcoholic Beverage and Tobacco Trust Fund. Distributions are then made from the remaining revenue as follows: 2.9 percent to County Revenue Sharing, 29.3 percent to the Public Medical Assistance Trust Fund, 7 percent to the Board of Directors of the H. Lee Moffitt Cancer Center and Research Institute, 1 percent to the Biomedical Research Trust Fund, and the remainder to General Revenue. Effective 2017, the funds distributed to the Biomedical Research Trust Fund are paid annually to The Florida Consortium of National Cancer Institute Centers Program rather than the Sanford-Burnham Medical Research Institute, s. 210.20(2)c, F.S., (SB 2514).

Cigarette Surcharge: After a deduction of 8 percent for the General Revenue Service Charge, the remainder is distributed to the Health Care Trust Fund within the Agency for Health Care Administration.

Other Tobacco Products Tax: General Revenue Fund

Other Tobacco Products Surcharge: After a deduction of 8 percent for the General Revenue Service Charge, the remainder is distributed to the Health Care Trust Fund within the Agency for Health Care Administration.

**CIGARETTE AND OTHER TOBACCO PRODUCTS
TAX AND SURCHARGE**

OTHER STATES:

All states and the District of Columbia tax cigarettes at varying rates, ranging from \$0.17 in Missouri to \$4.50 in the District of Columbia.¹ Thirty-two states and the District of Columbia currently have higher cigarette tax rates than Florida (including the \$1.00 per pack surcharge).²

VALUE OF RATE CHANGES:	<u>2022-23</u> (millions)
Cigarette Tax:	
Value of 1 cent per pack tax levy	\$7.0
(Note: this estimate assumes no reduction in consumption would result from a tax increase. With higher increases in the tax, consumption effects would likely occur, reducing the associated per penny increase in tax collections.)	
Other Tobacco Products Tax:	
Value of 1 percent levy on currently taxed products	\$1.8
 VALUE OF EXEMPTIONS:	
Cigarette Tax:	
Cigarettes sold at federal installations (s. 210.04(4)(a), F.S.)	\$1.0
(Note: Title 4, Section 107 USC (Buck Act), prohibits states from levying excise taxes on cigarettes sold at federal installations.)	
Cigarettes sold on Indian reservations (s. 210.05(5), F.S.)	\$7.6
 VALUE OF REFUNDS AND ALLOWANCES:	
Dealer collection allowance (s. 210.05(3)(a), F.S.)	\$2.3
(2 percent of taxes collected and due calculated on a 24 cent tax rate)	
Refund for unsold products (s. 210.11, F.S.)	\$0.7

¹ <https://www.taxpolicycenter.org/statistics/state-cigarette-tax-rates>

² Ibis.

CITRUS TAXES

FLORIDA STATUTES: Chapter 601

ADMINISTERED BY: Florida Citrus Commission

SUMMARY:

Each box of fresh and processed citrus grown and placed into the primary channel of trade in this state is subject to the citrus tax. The annual per box tax rates are determined by the Florida Citrus Commission each year, but cannot exceed maximum rates set forth in s. 601.15, F.S.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	7,540,227	0.00%
2021-22*	7,540,227	-3.52%
2020-21	7,815,569	28.12%
2019-20	6,100,348	-14.52%
2018-19	7,136,532	53.81%
2017-18	4,639,730	-31.71%
2016-17	6,794,499	-70.81%

* Estimate from Department of Citrus Approved Preliminary Operating Budget for 2021-22 (available at <https://www.floridacitrus.org/grower/finance-budget/>).

HISTORY:

The Florida Citrus Commission was established in 1935 to protect and to stabilize the citrus industry in the state. The citrus tax was increased in 1953, 1970, 1971, and 1973, and over the years, various minor rate changes and restrictions on Commission actions have been passed. The tax is imposed upon each box of citrus fruit subject to maximum annual tax rates, determined each season from the tables in s. 601.15, F.S., based upon the previous season's actual statewide production as reported by the USDA and subject to additional maximum limits imposed by the Legislature. Section 601.156, F.S., which imposed an additional excise tax of 2 cents per box on each box of oranges grown in Florida and sold or delivered for processing, was repealed, effective July 1, 1995. In 2011, further limits were placed on the maximum tax rate as provided by s. 601.15, F.S. The rate for fresh oranges is capped at 7 cents per box, fresh grapefruit at 36 cents per box, and 16 cents per box for other varieties. For processed citrus products, the rates were capped at 25 cents per box for oranges, 36 cents per box for grapefruit, and 25 cents per box for other varieties. In addition to those statutory maximums, effective July 1, 2011, the tax rate per box on grapefruit, oranges, tangerines, and citrus hybrids that enter the primary channel of trade for use in processed and fresh form may not exceed the tax rate per box in effect on May 1, 2011.

In 2012, the Legislature passed HB 1237 (Chapter 2012-182, L.O.F.), re-designating "excise tax" on citrus fruit as "assessments." The bill also revises the maximum assessment for grapefruit, oranges, tangerines, and citrus hybrids regulated by the Department of Citrus that enter the primary channel of trade for use in processed and fresh form.

In 2020, the Legislature passed SB 1276 (Chapter 2020-151, L.O.F.), creating the "Friends of Florida Citrus Program" that allows private corporations to donate directed funds to the Florida Citrus Advertising Trust Fund.

CITRUS TAXES

BASE AND RATE:

The tax rates per box for the 2021-2022 fiscal year are:

Fresh – 5 cents for oranges, 7 cents for grapefruit, and 7 cents for other varieties.

Processed – 12 cents for oranges, 7 cents for grapefruit, and 7 cents for other varieties.

DISPOSITION:

Citrus Advertising Trust Fund

OTHER STATES:

The nature of this tax precludes an interstate comparison, but some other states have similar taxes used to promote specific agricultural products.

COMMUNICATIONS SERVICES TAX

FLORIDA STATUTES: Chapter 202

ADMINISTERED BY: Department of Revenue

SUMMARY:

The communications services tax is imposed on retail sales of communications services which originate and terminate in Florida, or originate or terminate in Florida and are billed to a Florida address. Communications services include all forms of telecommunications previously taxed by the gross receipts tax plus cable television and direct-to-home satellite service. The law specifically states that the tax also applies to communications services provided through any “other medium or method now in existence or hereafter devised.” The tax imposed by Chapter 203, F.S., on communications services is also administered under Chapter 202, F.S.

REVENUE (in millions):

Fiscal Year	Total Collections	Annual Change %	Distributed by Sales Tax Distribution Formula	Tax on Direct-to-Home Satellite Services **	Gross Receipts Tax
2022-23*	962.7	1.27%	580.9	47.0	334.8
2021-22*	950.6	-0.17%	572.4	48.0	330.2
2020-21	952.2	-3.20%	571.6	50.8	329.7
2019-20	983.6	-3.61%	593.8	56.3	333.6
2018-19	1020.5	-5.19%	607.5	60.2	352.8
2017-18	1076.3	6.62%	648.8	63.4	364.1
2016-17	1009.5	-9.50%	591.8	63.3	354.4

* Estimate

** Distributed to local governments through the Local Government Half-Cent Clearing Trust Fund.

Source: CST-GRUT Estimating Conference, July 2021

HISTORY:

Prior to 2001, nonresidential telecommunications services were subject to sales and use tax under Chapter 212, F.S., at the rate of 7 percent. Cable television and direct satellite television were subject to sales and use tax at a rate of 6 percent. Telecommunications services were also subject to gross receipts tax at the rate of 2.5 percent under Chapter 203, F.S. Chapter 2000-260, L.O.F. (SB 1338), created the Communications Services Tax Simplification Law which provided for a new statewide tax on communications services to replace the sales and use tax on telecommunications services, cable, and direct satellite television. It also provided for a different administration of the gross receipts tax on telecommunications services and extended that tax to cable and direct satellite television. The Communications Services Tax Simplification Law, which applied to bills issued by communications services providers on or after October 1, 2001, also provided for locally imposed communications services tax to be administered by the Department of Revenue. Chapter 2001-140, L.O.F. (SB 1878), established the revenue-neutral tax rates for the state-wide and local communications services taxes. Chapter 2002-48, L.O.F. (HB 1511), conformed the communications services tax exemption for religious and educational institutions to similar provisions in the sales tax statute. It also provided an exemption for the public lodging industry from the requirement that dealers separately state the communications services tax. Chapter 2003-254, L.O.F. (SB 1176), exempted homes for the aged from the tax on communications services. Chapter 2005-187, L.O.F. (SB 2070), repealed the tax on substitute

COMMUNICATIONS SERVICES TAX

communications systems and provided that the Department of Revenue would not assess this tax back to October 1, 2001, when the communications services tax was implemented. Chapter 2006-229, L.O.F. (HB 293), redistributed communications services tax revenue from the Local Government Half-Cent Clearing Trust Fund to fiscally constrained counties. Of the tax on direct-to-home satellite services that had been transferred to the Local Government Half-Cent Clearing Trust Fund, 30 percent was redirected to fiscally constrained counties, which are defined as counties for which a mill of property tax will raise no more than \$5 million. Chapter 2010-138, L.O.F. (HB 7157), clarified that the partial exemption for residential households described in s. 202.125, F.S., does not apply to any residence that constitutes all or part of a transient public lodging establishment as defined in Chapter 509, F.S. Chapter 2010-83, L.O.F. (HB 281), allowed dealers to report credits for bad debts by netting the credit directly against communications services tax due. Chapter 2010-149, L.O.F. (SB 2024), decreased the sales tax rate to 6.65 percent and increased the gross receipts tax rate to 2.52 percent – effectively shifting 0.15 percent from the sales tax component to the gross receipts tax component – while retaining the exemption for residential households provided by s. 202.125(1), F.S., on the additional 0.15 percent gross receipts tax rate. Chapter 2011-120, L.O.F. (HB 887), required the tax to be calculated using the traditional “4-5” rounding rule, whereby the amount is rounded up if the third decimal place is greater than four, and allows the dealer to utilize rounding on the sales tax portion and gross receipts and at the item or invoice level. Chapter 2012-70, L.O.F. (HB 809), revised provisions of the law holding communications dealers liable for misallocation of taxes across local governments and allowing dealers to unbundle taxable and non-taxable items stated jointly on a customer’s bill as long as the dealer could identify the items in its books and records. Chapter 2014-38, L.O.F. (HB 5601), revised the definition of prepaid calling arrangements to include services other than telephone calls, and services which terminate upon the expiration or exhaustion of all prepaid units and do not require the purchase of additional units. Chapter 2015-221, L.O.F. (HB 33A), revised the rate applied to Direct-to-Home (DTH) Satellite Communication Services Tax to 9.07 percent, and non-satellite CST to 4.92 percent as of July 1, 2015. Furthermore, the law revised statutory distributions of CST revenue to ensure local government distributions of the tax imposed on direct-to-homes satellite service pursuant to section 212.20(6), the Local Government Half-cent Sales Tax Clearing Trust Fund pursuant to s. 218.61, F.S., the Local Government Half-cent Sales Tax Clearing Trust Fund– Emergency Distribution pursuant to s. 218.65, F.S., the Revenue Sharing Trust Fund for Counties pursuant to s. 218.215, F.S. and the Revenue Sharing Trust Fund for Municipalities pursuant to s. 218.215; F.S. were not affected by the rate change.

BASE AND RATE:

Gross Receipts CST is derived from two different tax rates plus a portion of direct-to-home satellite collections. First, a tax rate of 2.37 percent is applied to the cable, wireless, landline and miscellaneous services tax bases. Second, an additional tax rate of 0.15 percent is applied to the same tax bases, excluding landlines in residential households. The dollars generated by both of these tax rates, plus 20.7 percent of total direct-to-home satellite collections, comprise total Gross Receipts CST collections.

The tax rate for Sales CST is currently set at 4.92 percent. Sales CST Collections are generated by applying the tax rate against the cable, wireless, landline and miscellaneous services tax bases, coupled with 44.32 percent of total direct-to-home satellite collections. As part of the calculation, the landline tax base is reduced by the residential household telephone exemption for Sales Tax CST. Because the weakening landline base impacts Gross Receipts CST to a greater degree than Sales CST, Sales CST has moderately stronger growth rates.

The tax rate for direct-to-home satellite service is currently set at 11.44 percent. The tax revenue is distributed between Gross Receipts CST, Sales CST, and local governments.

COMMUNICATIONS SERVICES TAX

DISPOSITION:

Except for the tax on direct-to-home satellite service, the state tax collected under this chapter is distributed by the same formula as the sales and use tax, as prescribed in s. 212.20(6), F.S. Of the tax on direct-to-home satellite, 55.9 percent is distributed by the sales tax formula (with an adjustment to s. 212.20(6)(d), F.S.) and the remainder is transferred to the Local Government Half-Cent Clearing Trust Fund and is allocated in the same proportion as the half-cent sales tax under s. 218.61, F.S., the emergency distribution under s. 218.65, F.S., and the fiscally constrained counties distribution under s. 218.67, F.S. The gross receipts tax which is administered under this law goes to the Public Education Capital Outlay and Debt Service Trust Fund.

OTHER STATES:

Wireless Telecommunication Services are taxed by all 50 states and the District of Columbia. A state-by-state comparison of tax rates in 2019 is available from the Tax Foundation at: <https://taxfoundation.org/cell-phone-wireless-taxes-and-fees-jump-sharply-in-2019/>

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
Value of 1 percent levy on tax base:	
Cable Telecommunication Services	\$34.8
Wireless Telecommunication Services	\$14.0
Direct-to-Home Satellite Telecommunication Services	\$11.4
Landline Telephone Services	\$16.7
Other Telecommunication Services	<u>\$56.7</u>
Total Telecommunication Services	\$133.7
VALUE OF EXEMPTIONS:	
Residential telephone (not including mobile telephone) (s. 202.125, F.S.)	\$82.9
Sales to government agencies, religious or educational 501(c)(3) organizations, and homes for the aged (s. 202.125, F.S.)	\$221.4
\$100,000 cap on taxes on incoming interstate communications services for holder of direct-pay permits (s. 202.12(3), F.S.)	\$10.6
Internet access (s. 202.11(1), F.S.)	\$353.1
Dealer collection allowance (s. 202.1(3), F.S.)	\$12.2

CORPORATE INCOME AND EMERGENCY EXCISE TAX

FLORIDA STATUTES: Chapter 220; Florida Constitution Article VII, Subsection 5(b)

ADMINISTERED BY: Department of Revenue

SUMMARY:

Certain corporations doing business in Florida must pay tax of 5.5 percent (for taxable years beginning January 1, 2019 through December 31, 2020, the rate is 4.458 percent, and for taxable years beginning January 1, 2021 through December 31, 2021, the rate is 3.535 percent, pursuant to s. 220.1105, F.S.) on income earned in Florida. Florida “piggybacks” the federal income tax code in its determination of taxable income. Taxable income earned by corporations operating in more than one state is taxed in Florida on an apportioned basis using a formula based 25 percent on property, 25 percent on payroll and 50 percent on sales. The first \$50,000 of net income is exempt, effective with tax years beginning January 1, 2013.

REVENUE:

Fiscal Year	Gross Collections	Annual Change %	Refunds	Annual Change %	Net Collections
2022-23*	3,820,100,000	21.18%	546,900,000	-46.66%	3,273,200,000
2021-22*	3,152,300,000	-7.16%	1,025,300,000	169.15%	2,127,000,000
2020-21	3,395,582,342	37.28%	380,946,475	-52.48%	3,014,635,867
2019-20	2,473,548,547	-21.22%	801,663,331	195.95%	1,671,885,216
2018-19	3,139,885,280	30.13%	270,881,774	17.78%	2,869,003,507
2017-18	2,412,971,868	1.97%	229,987,355	18.59%	2,182,984,513
2016-17	2,366,355,485	4.15%	193,933,665	-35.62%	2,172,421,820

* Estimate

HISTORY:

In response to a constitutional amendment which authorized the levy of a state corporate income tax, the 1971 Legislature adopted a 5 percent corporate income tax, which became effective on corporate incomes earned after January 1972. In 1982, a 2 percent Emergency Excise Tax was enacted to counter federal changes to the Internal Revenue Code. The 1983 Legislature significantly changed Florida's corporate income tax base by: (1) adopting a worldwide unitary approach for determining income; (2) distinguishing between business and non-business income for taxation purposes; (3) adopting a "throwback rule" for sales to the federal government and to entities where profits cannot be taxed; and (4) repealing the exemption on profits from foreign sales and foreign source dividends. In a December 1984 special session, the unitary apportionment, both domestic and worldwide, was repealed along with the taxation of foreign source dividends and the "throwback rule" and replaced with an increase in the tax rate. The corporate income tax rate was increased to 5.5 percent, and the emergency excise tax was increased to 2.2 percent.

In 1990, a general definition of "taxable income" was provided for any taxpayer whose taxable income is not otherwise defined, and the Alternative Minimum Tax Credit allowed in later years was clarified. The 1991 Legislature merged most of Ch. 214 (Administrative Procedures and Judicial Review) with Ch. 220, F.S. In 1994, the community contribution tax credit was extended from June 30, 1994, to June 30, 2005, but was restricted to projects within enterprise zones or benefiting low-income housing. The allowable annual contribution amount was reduced from a total of \$3 million annually to \$2 million annually. The 1996 Legislature adopted a 15 percent enterprise zone job credit for WAGES participants and a 5 percent job credit was adopted for non-WAGES employees whose wages exceed \$1,500 a month. In 1997, Chapter 97-50, L.O.F. (SBs 780, 520, 692), created the Rural Job Tax Credit Program and the Urban

CORPORATE INCOME AND EMERGENCY EXCISE TAX

High Crime Area Job Tax Credit Program. Each program authorizes qualified corporations to take a tax credit per eligible employee of \$500, \$1,000, or \$1,500. This credit can be taken against the corporate income tax or the sales and use tax, but not both.

The 1998 Legislature provided for eight changes in the Florida Income Tax Code. The new laws: (1) created an exemption for research and development activities through a university; (2) created a capital tax credit equal to 5 percent of the capital costs generated by a project; (3) increased the credits available for community revitalization from \$2 to \$5 million; (4) created a credit for establishing or providing child care facilities; (5) increased the number of enterprise credits; (6) created an exemption for limited liability companies; (7) repealed the intangible tax credit for banks; and (8) created a credit for the rehabilitation of contaminated sites. In 1999, the Legislature: (1) provided that a citrus processing company may elect to use an apportionment formula determined solely by the sales factor; (2) eliminated an apportionment option available to insurance companies; and (3) increased the community contribution tax credit from \$5 million to \$10 million. The 2001 Legislature provided for one change in the Florida Income Tax Code by introducing a tax credit for contributions made by Florida corporations to non-profit scholarship funding organizations (SFOs). The 2002 Legislature provided for piggybacking of the Internal Revenue Code by the Florida Income Tax Code, including the accelerated/bonus depreciation provisions of the Federal Job Creation and Worker Assistance Act of 2002, P.L. 107-147. Other changes pertained to the expansion of the SFO credit scholarship recipients to students in kindergarten and first grade, the change in the apportionment factor for industries in NAICS 311411 (SIC 2037, frozen fruit juices, and vegetables), and the change in the manner of calculating interest on tax deficiencies.

The 2003 Legislature included certain financial services facilities as qualified projects for the capital investment tax credit. Chapter 2003-395, L.O.F. (SB 18-A), created an amnesty program for taxpayers. This law also increased the interest rate on certain tax deficiencies to prime plus 4 percent. Chapter 2003-391, L.O.F. (SB 30-A), amended the corporate income tax credit scholarship program to provide a cap of \$88 million in annual tax credits and the carry forward of tax credits. In special session, the Legislature subsequently reduced from \$88 million to \$50 million the maximum amount of corporate tax credits and carry forward tax credits for contributions to SFO's for Fiscal Year 2003-04.

The 2004 Legislature reduced the SFO credits limitation from \$88 million to \$50 million for Fiscal Year 2004-05. The 2005 Legislature extended the time to file for refunds from two years to three years from the due date of the return with regard to extension. Chapter 2005-282, L.O.F. (SB 202), extended the community contribution tax program through June 30, 2015, and increased the annual cap on the total amount of tax credits granted under the program from \$10 million to \$12 million. The legislation also allowed the Office of Tourism, Trade, and Economic Development to waive the sector requirements of the Capital Investment Tax Credit Program to induce the location or expansion of a facility that creates or retains 1,000 jobs, provided that 100 are new jobs, pays an average wage of at least 130 percent of the average private sector wage, and makes a cumulative capital investment of at least \$100 million.

Chapter 2006-230, L.O.F. (SB 888), authorized a corporate income tax credit for a new or expanded Florida renewable energy facility. Total credits may not exceed \$5 million for any tax year and can be claimed for a maximum period of ten years. The legislation also provided a corporate income tax credit of 75 percent of all capital costs, operation and maintenance costs, and research and development costs incurred between July 1, 2006, and June 30, 2010, up to a limit of \$3 million per fiscal year, in connection with an investment in hydrogen powered vehicles and hydrogen vehicle fuel stations in Florida. Chapter 2006-78, L.O.F. (HB 821), increased the annual community contribution tax credit by \$2 million. Chapter 2006-55, L.O.F. (SB 2728), established the Florida Capital Investment Trust, the Florida Opportunity Fund Management Corporation, and the Florida Opportunity Fund for the purpose of increasing the availability of seed capital and early stage venture capital for emerging companies in Florida. It provided for a total of \$75 million in tax credits, with tax credits exercisable only between July 1, 2011, and June

CORPORATE INCOME AND EMERGENCY EXCISE TAX

30, 2036, with an annual cap of \$20 million. No major changes were made by the 2007 Legislature other than the annual “piggybacking” legislation.

The 2008 Legislature made several major changes. Chapter 2008-206, L.O.F. (HB 5065), provided for piggybacking of the Internal Revenue Code by the Florida Income Tax Code. However, the temporarily increased asset expensing and temporary additional depreciation allowances enacted by Congress in the Economic Stimulus Act of 2008 were disallowed for Florida income tax purposes. Additionally, the legislation slightly accelerated the timing of all estimated payments by requiring remittance only before the first day of the month, not on the first day. Chapter 2008-241, L.O.F. (HB 653), increased the total annual tax credits allowed for contributions made by Florida corporations to non-profit scholarship funding organizations from \$88 million to \$118 million. Chapter 2008-153, L.O.F. (HB 5003), increased from \$10.5 million to \$13 million, for Fiscal Year 2008-09 only, the allowed total credits for the portion of the Community Contribution Tax Credit program dedicated to homeownership for low-income and very-low-income households. Chapter 2008-239, L.O.F. (HB 527), added to the Contaminated Site Rehabilitation Tax Credit (brownfields) new allowances for recovering the cost of solid waste removal and the cost of constructing a health care facility. In addition to various clarifications of renewable energy tax credit provisions, Chapter 2008-227, L.O.F. (HB 7135), allowed for the transferability of the corporate tax credits for renewable energy technologies investment.

The 2009 Legislature also made several changes. Chapters 2009-18 and 2009-192, L.O.F. (SB 1112 and SB 2504), required taxpayers to “add back” to Florida income, deductions allowed for federal income tax purposes under the Economic Stimulus Act of 2008 and the American Recovery and Reinvestment Act of 2009, for increased asset expensing and additional depreciation allowances in the same manner as Chapter 2008-206, L.O.F. (HB 5065). However, the 2009 legislation allowed such taxpayers to decrease their Florida taxable income by an amount equal to one-seventh of this “add back” amount for a seven-year period. The American Recovery and Reinvestment Act of 2009 also allowed taxpayers, for federal income tax purposes, to elect to defer recognition of income for certain debt acquisitions, modifications, and forgiveness. Chapter 2009-192, L.O.F. (SB 2504), required taxpayers making such an election to “add back” to Florida income those amounts deferred for federal income tax purposes. Taxpayers are allowed to subtract such amounts from Florida income when such amounts are ultimately recognized for federal income tax purposes. Chapter 2009-50, L.O.F. (HB 485), created the Florida New Markets Development Program to provide state tax credits for investments in low-income communities. These tax credits may be used to offset corporate income or insurance premium tax liabilities. Credits available are capped at \$20 million annually and \$97.5 million for the life of the program. Chapter 2009-108, L.O.F. (HB 453), renamed the Corporate Income Tax Scholarship Program the Florida Tax Credit Scholarship Program and expanded the program to include insurance premium tax credits as eligible contributions to the scholarship program. Taxpayers claiming the insurance premium tax credit are not eligible for the corporate income tax credit.

Chapter 2010-24, L.O.F. (SB 2126), increased the Florida Tax Credit Scholarship Program cap from \$118 million to \$140 million for Fiscal Year 2010-11. For Fiscal Year 2011-12 and thereafter, the cap will increase by 25 percent whenever tax credits approved in the prior fiscal year are equal to or greater than 90 percent of the tax credit cap amount for that year. The law also expanded the revenue sources against which tax credits may be granted for contributions to the program to include: (1) severance taxes on oil and gas production; (2) self-accrued sales tax liabilities of direct pay permit holders; and (3) alcoholic beverage taxes. Chapter 2010-147, L.O.F. (SB 1752), created the Jobs for the Unemployed Tax Credit. The program provides \$10 million in total corporate income tax credits over Fiscal Years 2010-11 and 2011-12 to any new or existing qualified targeted industry business that hires a new employee who is unemployed. The legislation also created a five-year, \$242 million transferable tax credit incentive program for Florida’s film and entertainment industry. Generally, the credits are 20 percent of qualified

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expenditures, with additional amounts available in certain circumstances. The law provided that credits awarded may be used to offset corporate income tax or sales and use tax liabilities.

Chapter 2011-229, L.O.F. (HB 7185), required taxpayers to “add back” to Florida income, deductions allowed for federal income tax purposes under the Small Business Jobs Act of 2010 and the Tax Relief, Unemployment Insurance Reauthorization, and Job Creation Act of 2010, for increased asset expensing and additional depreciation allowances in the same manner as Chapter 2009-18, L.O.F. (SB 1112), and allowed such taxpayers to decrease their Florida taxable income by an amount equal to one-seventh of this “add back” amount for a seven-year period.

Chapter 2011-76, L.O.F. (HB 143), made several changes. The law allowed qualified corporations to use a single sales factor apportionment formula to calculate their corporate income tax liability, instead of the current three factor formula that uses sales, property, and payroll. To qualify, a business must invest a total of \$250 million in qualifying capital expenditures within Florida over a two-year period beginning no earlier than July 1, 2011. The law provided an annual corporate income tax credit for qualifying research and development expenses in Florida. The credit will be equal to 10 percent of the current year’s expenses that exceed the average expenses over the past four years. The amount of credits available to be awarded under the bill is \$9 million. The law increased from \$2 million to \$5 million the corporate income tax credits that are annually available to partially compensate taxpayers that voluntarily clean up drycleaning-solvent-contaminated or brownfield sites. The law allowed a certified spaceflight business to apply for a credit equal to 50 percent of the business’s corporate income tax liability in a given year. A certified spaceflight business may also convert net operating losses into transferable corporate income tax credits. A business wishing to take advantage of either type of credit created by this program must demonstrate that it engaged in spaceflight projects, created 35 new jobs, and invested \$15 million dollars in the three years prior to being certified for the credits. The total amount of credits that may be approved under the legislation is \$10 million. The law repealed the corporate income emergency excise tax, but allowed taxpayers with unused credits related to the tax to take such credits against corporate income tax. The law increased funding for the film and entertainment tax credit program from \$38 million to \$42 million per year for Fiscal Years 2012-13, 2013-14, and 2014-15. The law also created three new bonus credit programs and made other changes to qualification criteria and reporting requirements.

Chapter 2011-223, L.O.F. (HB 879), allows certain qualifying businesses that do not have sufficient business tax liability to carry forward and use the capital investment tax credit in years 21-30 after the commencement of operations of the qualified project. Chapter 2011-229, L.O.F. (HB 7185), increased the corporate income tax exemption amount from \$5,000 to \$25,000 effective for tax years beginning on or after January 1, 2012. Previously, under the Florida Tax Credit Scholarship Program, corporate income tax credits were limited to 75 percent of the tax due. Chapter 2011-123, L.O.F. (HB 965), removed this limitation.

Chapter 2012-145, L.O.F. (HB 5701), provided that any estimated tax payment originally due on June 30, 2013, must now be made on or before June 28, 2013. The result shifted an estimated \$100 million of revenue from Fiscal Year 2013-14 to 2012-13. Chapter 2012-32, L.O.F. (HB 7087), increased the corporate income tax exemption amount from \$25,000 to \$50,000 effective for tax years beginning on or after January 1, 2013. The legislation provided an additional \$42 million for tax credits for the Entertainment Industry Financial Incentive Program for Fiscal Year 2015-16. The legislation also increased the total amount of tax credits available for the New Markets Development Program from \$97.5 million to \$163.8 million and increased the amount of credits that may be taken in a given fiscal year from \$20 million to \$33.6 million. Chapter 2012-117, L.O.F. (HB 7117), reinstated and modified the Florida Renewable Energy Production Credit for electricity produced and sold on or after January 1, 2013, through June 30, 2016. The legislation also reinstated the Renewable Energy Technologies Investment Tax Credit for 75 percent of all capital costs, operation and maintenance costs, and research

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and development costs in connection with an investment in the production, storage, and distribution of biodiesel and ethanol in Florida incurred between July 1, 2012, and June 30, 2016. The law limited the annual tax credits for all applicants to \$5 million for Fiscal Year 2012-13 and \$10 million for Fiscal Years 2013-14 through 2016-17.

Similar to legislation passed in 2009 and 2011, Chapter 2013-46, L.O.F. (SB 1516), required taxpayers to “add back” to Florida income, deductions allowed for federal income tax purposes under the American Taxpayer Relief Act of 2012 for increased asset expensing and additional depreciation allowances. Additionally, Chapter 2013-42, L.O.F. (SB 406) increased the lifetime cap of New Market Credits from \$163.8 million to \$178.8 million, and the annual cap from \$33.6 million to \$36.6 million.

In addition to the annual “piggybacking” legislation, the 2014 Legislature passed three bills which impact the corporate income tax. First, Chapter 2014-38, L.O.F. (HB 5601), increased the total amount of tax credits available for the New Markets Development Program from \$178.8 million to \$216.34 million. Second, Chapter 2014-38, L.O.F. (HB 5601), delayed the repeal of the Community Contributions Tax Credit program by one year and increased the annual cap for that program from \$14.0 million to \$21.9 million. Third, Chapter 2014-184 L.O.F. (SB 850), revised the Florida Tax Credit Scholarship program by allowing eligible tax credits, once earned, to be taken against the next estimated payment and to be conveyed, transferred, or assigned between members of an affiliated group upon approval of the Department of Revenue.

Chapter 2015-221, L.O.F. (HB 33A), extended the Community Contributions Tax program with a \$21.4 million cap in FYs 2016-17 and 2017-18. Chapter 2015-221, L.O.F., also provided a one-time increased allowance for tax credits of \$21.6 million for FY 2015-16 under the Contaminated Site Rehabilitation (brownfield) program. Chapter 2015-221, L.O.F., also modified the Research and Development tax credit by narrowing the types of businesses that qualify, providing a one-week window for applications, providing for allocation of credits on a pro-rata basis and increasing the amount available to be awarded in calendar year 2016 to \$23 million.

Similar to legislation passed in 2009, 2011, 2013, and 2015, Chapter 2016-220, L.O.F. (HB 7099), required taxpayers to “add back” to Florida income, deductions allowed for federal income tax purposes under the Consolidated Appropriations Act, 2016 for increased asset expensing (bonus depreciation). However, this legislation adopted a permanent increase in the amount of capital costs that may be expensed under 26 U.S.C. § 179 from \$25,000 to \$500,000. The legislation also adjusted several Florida tax return due dates to reflect federal due date changes.

Chapter 2017-36, L.O.F. (HB 7109), increased the tax credits available under the Contaminated Site Rehabilitation (brownfield) program from \$5 to \$10 million per year, increased the amount available for research and development tax credits in calendar year 2018 from \$9 million to \$16.5 million, and made the Community Contribution Tax Credit permanent, with \$14 million in tax credits available each fiscal year beginning in FY 2018-19. The bill also extended the filing deadline applicable to calendar-year corporate income tax payers to 6 months after the original due date and modified the estimated corporate income tax payment deadline at the end of June when the last day of the month is a weekend day to require the payment to be made on or before the last Friday of June.

Chapter 2018-119, L.O.F. (HB 7093), required tax payers to “add back” to Florida income any deductions for increased bonus depreciation allowed for federal tax purposes under the Tax Cuts and Jobs Act of 2017. However, the bill allowed taxpayers to decrease their Florida taxable income by an amount equal to one-seventh of this “add back” amount for a period of seven years.

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The bill also required the Department of Revenue to examine the effects of the Tax Cuts and Jobs Act on state corporate income tax and corporate income taxpayers, conduct public workshops, and to submit a comprehensive report discussing the potential effects of the Act on the state corporate income tax structure and revenues. Further, the bill created an automatic corporate income tax rate adjustment mechanism that will reduce the Florida corporate income tax rate for taxable years beginning on or after January 1, 2019, if net collections exceed forecasted collections by at least seven percent during Fiscal Year (FY) 2018-2019. However, the tax rate adjustment would only be effective for one year. The bill further requires the Department of Revenue to refund any excess collections received during FY 2018-2019 to eligible corporate taxpayers by March 1, 2020. Finally, the bill required the 2019 Legislature to consider the Department of Revenue's report to determine if adjustments to the automatic tax rate mechanism were needed.

Chapter 2018-118, L.O.F. (HB 7087), provided an additional \$8.5 million for tax credits for FY 2018-2019 for voluntary brownfields clean-up. The bill further provided an additional \$5 million for community tax credits to be spread over the next two fiscal years. This credit may also be taken against sales tax.

In addition, Chapter 2018-6, L.O.F. (HB 7055), extended the period in which a corporate income taxpayer may carry forward unused tax credits under the Florida Tax Credit Scholarship Program (FTC) from five years to 10 years and eliminated the requirement to apply for carry forwards. Further, the bill allowed corporate income taxpayers to use tax credits earned from making contributions under the FTC against any of their estimated tax payments due instead of against the estimated payment due immediately following the contribution date. The bill required corporate income taxpayers to make eligible contributions to the SFO on or before the date the taxpayer is required to file a final tax return and prohibits the corporate income taxpayer from using the tax credits to reduce the amount of tax due, after requesting an extension to file a return, for purposes of determining compliance with filing and tentative tax payment requirements.

As a result of Chapter 2018-119, L.O.F., the automatic corporate income tax rate adjustment mechanism reduced the Florida corporate income tax rate for taxable years beginning on or after January 1, 2019, to 4.458%. Chapter 2019-168, L.O.F. (HB 7127), extended this rate change to last through taxable years beginning on or before December 31, 2021 (subject to further downward revision if net collections exceed forecasted collections by at least seven percent during Fiscal Year 2019-2020 or 2020-2021). The rate will return to 5.5% for taxable years beginning on or after January 1, 2022. Chapter 2019-168, L.O.F., further requires the Department of Revenue to refund any excess collections received during Fiscal Years 2019-2020 and 2020-2021 to eligible corporate taxpayers by May 1 of the following year. This distribution date also applies to refunds authorized under Chapter 2018-119, L.O.F., for FY 2018-2019, which originally had a distribution date of March 1, 2020.

In addition to specific language related to rate adjustments and refunds, Chapter 2019-168, L.O.F., also provided for the annual adoption of the Internal Revenue Code for the Florida Income Tax Code, with one notable exception. The bill provides for a new subtraction from federal taxable income for the amount of global intangible low-taxed income (GILTI) included in that amount (net of expenses). The bill also requires any business that filed a Florida Corporate Income/Franchise Tax Return for a taxable year beginning in 2018 or 2019 to submit an informational return. The required submission includes business-specific information about credits, deductions, and base adjustments caused by the federal tax changes.

Chapter 2020-10, L.O.F., made a retroactive amendment to the refund provision in s. 220.1105(4), F.S., to ensure that the calculation of refunds under that section treated the use of credit for contributions to a scholarship-funding organization as tax paid to the state. The annual adoption of the Internal Revenue Code was also adopted in Chapter 2020-184, L.O.F.

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Chapter 2021-242, L.O.F., contained the annual adoption of the Internal Revenue Code, with four exceptions related to federal changes to the Internal Revenue Code made by the Coronavirus Aid, Relief, and Economic Security Act (CARES Act) and the Consolidated Appropriations Act, 2021 (CAA). These exceptions included decoupling from the temporary increase in business interest expense allowable for 2019 and 2020, decoupling from the temporary increase in the allowable deduction for business meal expenses in 2021 and 2022, decoupling from a provision that altered the depreciable life of certain qualified improvement property, and decoupling from the temporary extension through 2025 of certain film, television, and live theatrical production expensing provisions. Other changes made at the federal level were adopted through this bill, including a temporary increase in the allowable Net Operating Loss deduction for 2018, 2019, and 2020; a temporary increase in the limitation on the charitable contribution deduction for contributions in 2020 and 2021; and assorted smaller changes. In addition, the Florida Corporate Income Tax collections were impacted by the Paycheck Protection Program, established by the CARES Act, which essentially granted funds to Florida businesses through a loan forgiveness program, on which no cancellation of debt income was generated, and which was usable for otherwise deductible purposes.

BASE AND RATE:

The Corporate Income Tax is 5.5 percent (for taxable years beginning January 1, 2019 through December 31, 2020, the rate is 4.458 percent, and for taxable years beginning January 1, 2021 through December 31, 2021, the rate is 3.535 percent, pursuant to s. 220.1105, F.S.) of net income minus a \$50,000 exemption. Section 220.15, F.S., defines net income as the share of adjusted federal income which is apportioned to this state for any given year. Apportionment is weighted by factors of sales (50 percent), property (25 percent) and payroll (25 percent). All business income is apportioned. Nonbusiness income is allocated to a single jurisdiction, generally the state of commercial domicile.

DISPOSITION:

General Revenue Fund

OTHER STATES:

All states and the District of Columbia currently impose some form of corporate income or franchise tax, or business gross receipts tax, except for South Dakota and Wyoming. Nevada, Ohio, Texas and Washington do not have a corporate income tax, but do have business gross receipts taxes. Most levying states and the District of Columbia have flat tax rates. These rates range from 2.5 percent to 9.99 percent. Fourteen states use graduated rates. Most of the ranges fall completely between 1.0 and 10.5 percent. New Jersey has an 11.5 percent maximum rate. More comparisons can be found at <http://www.taxfoundation.org/data>.

VALUE OF RATE CHANGE:

2022-23
(millions)

Value of a 1 percent levy on apportioned net income

\$ 595.1

VALUE OF EXEMPTIONS:

Exemptions:

Chapter S Corporations	I.R.C.	\$ 1,200.8
Master Limited Partnerships	I.R.C.	40.6
Standard \$50,000 (*note 1)	s. 220.14(1)	75.7
Limited Liability Companies	s. 220.02(1)	299.4

CORPORATE INCOME AND EMERGENCY EXCISE TAX

Subtractions from Federal Taxable Income:

Foreign Source Income (s.78 I.R.C. Income)	s. 220.13(1)(b)2.b.	\$74.8
Foreign Source Income (s.951 I.R.C. Subpart F Income)	s. 220.13(1)(b)2.b.	95.2
Net Foreign Source Dividends (s. 862 I.R.C.)	s. 220.13(1)(b)2.a.	50.5
Florida Net Operating Loss Carryover	s. 220.13(1)(b)1.a.	823.4
Florida Net Capital Loss Carryover	s. 220.13(1)(b)1.b.	66.2
Florida Excess Charitable or EPB Contribution Carryover	s. 220.13(1)(b)1.c.	2.6
Florida Targeted Jobs Deduction	s. 220.13(1)(b)3.	24.8
Non-Florida Nonbusiness Income	s. 220.13(1)(b)4.	67.6
International Banking Facility Income	s. 220.63(5)	17.9

VALUE OF CREDITS:

Credits Against Florida Tax Liability:

Florida HMO Consumer Assistance Assessment	s. 631.828	\$ 0.0
Capital Investment (*note 2)	s. 220.191	63.4
Enterprise Zone Jobs	s. 220.181	0.0
Community Contribution (\$14.0m cap) (*note 3)	s. 220.183	3.7
Enterprise Zone Ad Valorem	s. 220.182	0.0
Hazardous Waste Facility	s. 220.184	0.0
Alternative Minimum Tax (AMT)	s. 220.186	0.1
Rehabilitation of Contaminated Sites (\$10m cap)(*note 6)	s. 220.1845	10.0
State Housing	s. 220.185	0.0
Scholarship Funding Organizations (\$873.6m cap)(*note 4)	s. 220.1875	225.0
Rural and Urban High-Crime Area Job	s. 220.1895	0.1
Entertainment Industry (\$42.0m cap through 2016)(*note 3)	s. 220.1899	0.0
Research and Development (\$9m cap)(*note 5)	s. 220.196	9.0
Renewable Energy Production (\$10m cap)	s. 220.193	0.2
New Markets (\$163.8m cap, \$20m annually)(*note 2)	s. 288.9916	1.0

Notes:

1. The Florida Constitution states that there shall be exempt not less than \$5,000 (Article VII, Section 5(b)).
2. This credit may be taken against both Corporate Income Tax and Insurance Premiums Tax.
3. This credit may be taken against Corporate Income Tax, Insurance Premiums Tax and Sales and Use Tax.
4. This credit may be taken against Beverage Tax, Corporate Income Tax, Insurance Premiums Tax, certain Sales and Use Taxes and Severance Taxes - Oil and Gas. The cap for 2020-21 was \$873.6m; however, the August 2021 REC estimate is that \$778.6m will be taken as credits in 2022-23. The forecast for the next five years does not anticipate an additional increase in the cap.
5. The total amount of Research and Development credits that could be awarded in the 2016 calendar year was \$23.0 million. The total amount that could be awarded in the 2018 calendar year was \$16.5 million.
6. The total amount of credit available for the Contaminated Site Rehabilitation tax credit was \$18.5 in 2018-19 fiscal year, and \$27.5 in the 2021-22 fiscal year.

VALUE OF DEDUCTIONS:

Deductions from Florida Apportioned Income:

University Research and Development	s. 220.15(2)(c)	\$ 10.2
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CORPORATE INCOME AND EMERGENCY EXCISE TAX

ALTERNATIVE BASES:

Base Reduction Measures:

Exempt Florida Nonbusiness Income	s. 220.16	(14.3)
Delete Florida Alternative minimum Tax	s. 220.11(3)	(0.0)
Exempt Interest Received from Federal Government Notes and Bonds	s. 220.13(1)(a)2	(100.1)

Base Expansion Measures:

Delete the deduction for advertising expenditures		1,362.1
Delete the deduction for interest expenses (include financial institutions)(*note 7)		7,927.0
Delete the deduction for interest expenses (exclude financial institutions)(*note 7)		2,917.1
Create an addition for deductible Florida Credit		Insignificant
Limit net loss carry forward to one year		Indeterminate

Impose a minimum payment requirement of \$200:

On C Corporations Only	43.0
On C and S Corporations	155.7

Require combined reporting of all domestic corporations (waters-edge unitary apportionment)

Positive Indeterminate

Adopt the throwback rule 85.6

Apply the tax to gross receipts rather than net profits:

Status C Corporations (replace CIT)	57,948.7
Partnerships	14,610.8
Status S Corporations	19,442.0
Proprietorships	3,866.9
Total	95,868.5

Apply the tax to Earned Surplus (gross profits plus compensation of officers):

Status C Corporations (replace CIT)	23,668.7
Partnerships	8,285.3
Status S Corporations	7,708.9
Proprietorships	3,346.5
Total	43,009.4

CORPORATION FEES

FLORIDA STATUTES: Sections 15.09, 607.0122, 607.193, 605.0213, 609.02, 617.0122, 620.1109, 620.81055, and 679.525

ADMINISTERED BY: Department of State, Division of Corporations

SUMMARY:

All corporations doing business in Florida must file annually with the Department of State. Business entities must pay various fees for the right to do business in Florida. The major fees are the annual report filing fee, corporate filing fees, and the supplemental corporate fee. A comprehensive list of fees can be found in the Florida Statutes sections detailed above. All funds collected by the Division of Corporations are deposited in the General Revenue Fund (s.15.09 (4), F.S.).

REVENUE:

Fiscal Year	Partnership Fees	Annual Report Fees (a)	Corporate Fees	Supplemental Corporate Fees	Late / Reinstatement Fees	Misc Fees (b)	Total Fees	General Revenue Distribution (c)
2022-23*	598,521	122,368,986	84,408,873	180,049,244	64,782,561	34,062,648	486,270,833	476,200,000
2021-22*	581,427	118,874,198	81,998,204	174,907,140	62,932,408	33,089,838	472,383,216	462,600,000
2020-21**	585,340	119,115,468	94,200,392	195,081,183	80,347,737	45,105,329	534,435,448	535,893,403
2019-20**	462,788	94,618,095	65,266,593	139,217,599	50,091,144	26,337,906	375,994,125	368,207,160
2018-19	581,773	102,252,131	65,750,919	150,890,614	62,664,723	24,385,892	406,526,053	398,788,536
2017-18	599,463	98,020,997	60,433,567	142,307,192	48,205,242	24,227,213	373,793,674	366,950,629
2016-17	656,686	93,394,404	55,749,773	133,590,660	51,770,514	24,123,019	359,285,056	352,896,002

* Estimate

** In response to the Global Pandemic declared by the World Health Organization, Emergency Order 2020-01 from the Florida Department of State delayed the due date from May 1st, 2020 to June 30th, 2020. This pushed a large amount of filings into Fiscal Year 2020-21 from Fiscal Year 2019-20.

- (a) Annual report fees include annual reports for the arts.
- (b) Miscellaneous fees include: trademarks, service of process, liens, fictitious names, federal tax liens, penalties for NSF, certificates, certified copies, and photocopies.
- (c) The General Revenue distribution does not equal total fees collected due to both timing of deposits and miscellaneous fees that are included in "Other" General Revenue categories.

HISTORY:

In 1943, the Uniform Limited Partnership Law was enacted. Fees of not less than \$10 or more than \$500 were adopted; increases were made in 1967, 1971, and 1990. Filing fees for corporations-not-for-profit were first introduced in 1959 and increased by the 1967, 1989, and 1990 Legislatures. In 1965, fees for filing financial statements under chapter 679 of the Uniform Commercial Code were established and increased in 1967, 1971, 1989, 1990, and 1992. In 1987, 1988, and 1990, a number of corporate filing fees for corporations-for-profit were increased.

The 1989 Legislature adopted the Revised Model Business Corporation Act, which went into effect July 1, 1990. In 1990, all fees processed by the Department of State and deposited into the Corporations Trust Fund were increased by 75 percent with 43 percent of all moneys deposited each month into the trust fund to be transferred to the General Revenue Fund. Also in 1990, a supplemental corporate fee of \$138.75 was imposed on each business entity authorized to do business in Florida and required to file an annual report with the Department of State. Revenues from the supplemental fee were for deposit into the General Revenue Fund. The date for filing the annual report was changed from July 1 to May 1 of each year.

CORPORATION FEES

In 1993, the annual report filing fee was increased for limited liability companies. In 1995, the supplemental corporate fee for not-for-profit corporations was reduced from \$138.75 to \$68.75, and the fee for not-for-profit corporations was repealed on January 1, 1996. On January 1, 1997, the supplemental corporate fee for corporations-for-profit was reduced from \$138.75 to \$103.75 and to \$88.75 on January 1, 1998. In addition, the supplemental corporate fee late charge was increased from \$25 to \$385 on January 1, 1997, and increased to \$400 on January 1, 1998. In 2001, the Legislature authorized the Department of State to reduce the annual filing fee by an amount equal to the convenience fee for electronic filings. Also, authorization was granted to the department to waive supplemental corporate late charges for filers who had not received the department's prescribed forms.

In 2003, the Corporations Trust Fund was eliminated with all current balances transferred to the General Revenue Fund. Chapter 2007-5, L.O.F. (HB 7003) corrected a reference in s. 607.193, F.S., to render limited liability companies subject to the supplemental filing fee.

Section 679.527, F.S., authorizes the Department of State to select and contract with a private vendor to populate and maintain the Florida Secured Transaction Registry. The collections of the nonrefundable processing fees from secured transactions under the Uniform Commercial Code cover payment to the vendor, with the remaining amount deposited in the General Revenue Fund. Section 679.525(1)(a), F.S., sets a nonrefundable \$25 processing fee for filing an initial financing statement. In 2009, SB 1780 (Chapter 2009-72, L.O.F.) was enacted to add paragraph (h) to s. 679.525(1), F.S., to authorize an additional nonrefundable \$10 processing fee for the filing of the initial financing statement. The receipts of this fee are deposited into the General Revenue Fund and are not used in the calculation of the private vendor's compensation for performing services regarding the Florida Secured Transaction Registry.

Section 607.193(2) (b), F.S., imposes a late charge of \$400 on entities failing to file the supplemental corporate filing fee by May 1 of each year, unless the entity "did not receive the uniform business report prescribed by the department." In 2010, HB 5505 (Chapter 2010-152, L.O.F.) struck the language allowing an exemption from the late fee and also required that entities seeking reinstatement after dissolution or revocation pay the applicable reinstatement fee.

Chapter 2012-71, L.O.F. (HB 827) allows Limited Agricultural Associations to convert to a not-for-profit corporation for a \$35 fee.

BASE AND RATE:

Specific fees are charged for each type of filing required by law. The current fee schedule for each type of entity is detailed below:

For corporations (s. 607.0122, F.S.):

- (1) Articles of incorporation: \$35.
- (2) Application for registered name: \$87.50.
- (3) Application for renewal of registered name: \$87.50.
- (4) Corporation's statement of change of registered agent or registered office or both if not included on the annual report: \$35.
- (5) Designation of and acceptance by registered agent: \$35.
- (6) Agent's statement of resignation from active corporation: \$87.50.
- (7) Agent's statement of resignation from an inactive corporation: \$35.
- (8) Amendment of articles of incorporation: \$35.
- (9) Restatement of articles of incorporation with amendment of articles: \$35.
- (10) Articles of merger or share exchange for each party thereto: \$35.
- (11) Articles of dissolution: \$35.
- (12) Articles of revocation of dissolution: \$35.

C O R P O R A T I O N F E E S

- (13) Application for reinstatement following administrative dissolution: \$600.
- (14) Application for certificate of authority to transact business in this state by a foreign corporation: \$35.
- (15) Application for amended certificate of authority: \$35.
- (16) Application for certificate of withdrawal by a foreign corporation: \$35.
- (17) Annual report: \$61.25.
- (18) Articles of correction: \$35.
- (19) Application for certificate of status: \$8.75.
- (20) Certificate of domestication of a foreign corporation: \$50.
- (21) Certified copy of document: \$52.50.
- (22) Serving as agent for substitute service of process: \$87.50.
- (23) Supplemental corporate fee: \$88.75 (s. 607.193, F.S.).
- (24) Any other document required or permitted to be filed by this act: \$35.
- (25) Late fee for paying supplemental filing fee after May 1: \$400 (s. 607.193, F.S.).

For limited liability corporations (s. 605.0213, F.S.):

- (1) For furnishing a certified copy, \$30.
- (2) For filing original articles of organization, articles of revocation of dissolution, or a foreign limited liability company's application for a certificate of authority to transact business, \$100.
- (3) For filing a certificate of merger of limited liability companies or other business entities, \$25 per constituent party to the merger, unless a specific fee is required for a party in other applicable law.
- (4) For filing an annual report, \$50.
- (5) For filing an application for reinstatement after an administrative or judicial dissolution or a revocation of authority to transact business, \$100.
- (6) For filing a certificate designating a registered agent or changing a registered agent, \$25.
- (7) For filing a registered agent's statement of resignation from an active limited liability company, \$85.
- (8) For filing a registered agent's statement of resignation from a dissolved limited liability company, \$25.
- (9) For filing a certificate of conversion of a limited liability company, \$25.
- (10) For filing any other limited liability company document, \$25.
- (11) For furnishing a certificate of status, \$5.
- (12) Supplemental corporate fee: \$88.75 (s. 607.193, F.S.).
- (13) Late fee for paying supplemental filing fee after May 1: \$400 (s. 607.193, F.S.).

For corporations not for profit (s. 617.0122, F.S.):

- (1) Articles of incorporation: \$35.
- (2) Application for registered name: \$87.50.
- (3) Application for renewal of registered name: \$87.50.
- (4) Corporation's statement of change of registered agent or registered office or both if not included on the annual report: \$35.
- (5) Designation of and acceptance by registered agent: \$35.
- (6) Agent's statement of resignation from active corporation: \$87.50.
- (7) Agent's statement of resignation from administratively dissolved corporation: \$35.
- (8) Amendment of articles of incorporation: \$35.
- (9) Restatement of articles of incorporation with amendment of articles: \$35.
- (10) Articles of merger for each party thereto: \$35.
- (11) Articles of dissolution: \$35.
- (12) Articles of revocation of dissolution: \$35.
- (13) Application for reinstatement following administrative dissolution: \$175.
- (14) Application for certificate of authority to transact business in this state by a foreign corporation: \$35.
- (15) Application for amended certificate of authority: \$35.
- (16) Application for certificate of withdrawal by a foreign corporation: \$35.

CORPORATION FEES

- (17) Annual report: \$61.25.
- (18) Articles of correction: \$35.
- (19) Application for certificate of status: \$8.75.
- (20) Certified copy of document: \$52.50.
- (21) Serving as agent for substitute service of process: \$87.50.
- (22) Any other document required or permitted to be filed by this chapter: \$35.

For partnerships (s. 620.81055, F.S.):

- (1) Partnership registration statement: \$50.
- (2) Statement of partnership authority: \$25.
- (3) Statement of denial: \$25.
- (4) Statement of dissociation: \$25.
- (5) Statement of dissolution: \$25.
- (6) Statement of qualification: \$25.
- (7) Statement of foreign qualification: \$25.
- (8) Limited liability partnership annual report: \$25.
- (9) Certificate of merger for each party thereto: \$25.
- (10) Amendment to any statement or registration: \$25.
- (11) Cancellation of any statement or registration: \$25.
- (12) Certified copy of any recording or part thereof: \$52.50.
- (13) Certificate of status: \$8.75.
- (14) Certificate of conversion: \$25.
- (15) Any other document required or permitted to be filed by this act: \$25.
- (16) Supplemental corporate fee: \$88.75 (s. 607.193, F.S.).
- (17) Late fee for paying supplemental filing fee after May 1: \$400 (s. 607.193, F.S.).

For limited liability partnerships (s. 620.1109, F.S.):

- (1) For furnishing a certified copy, \$52.50 for the first 15 pages plus \$1.00 for each additional page.
- (2) For filing an original certificate of limited partnership, \$965.
- (3) For filing an original application for registration as a foreign limited partnership, \$965.
- (4) For filing certificate of conversion, \$52.50.
- (5) For filing certificate of merger, \$52.50 for each party thereto.
- (6) For filing a reinstatement, \$500 for each calendar year or part thereof the limited partnership was administratively dissolved or foreign limited partnership was revoked in the records of the Department of State.
- (7) For filing an annual report, \$411.25.
- (8) For filing a certificate:
 - (a) Designating a registered agent, \$35;
 - (b) Changing a registered agent or registered office address, \$35;
 - (c) Resigning as a registered agent, \$87.50; or
 - (d) Of amendment or restatement of the certificate of limited partnership, \$52.50;
- (9) For filing a statement of termination, \$52.50.
- (10) For filing a notice of cancellation for foreign limited partnership, \$52.50.
- (11) For furnishing a certificate of status or authorization, \$8.75.
- (12) For filing a certificate of dissolution, \$52.50.
- (13) For filing a certificate of revocation of dissolution, \$52.50.
- (14) For filing any other domestic or foreign limited partnership document, \$52.50.
- (15) Supplemental corporate fee: \$88.75 (s. 607.193, F.S.).
- (16) Late fee for paying supplemental filing fee after May 1: \$400 (s. 607.193, F.S.).

For common-law declarations of trust (s. 609.02, F.S.):

CORPORATION FEES

For filing a copy of the declaration of trust, \$350.

For first page of initial financing statement (s. 679.525(1)(h), F.S.):

For filing the first page of an initial financing statement, \$10 to General Revenue.

DISPOSITION:

All corporate filing fees collected by the Department of State are deposited into the General Revenue Fund. In addition, the Florida Secured Transaction Registry must deposit the fee specified in s. 679.525(1)(h), F.S., to the General Revenue Fund.

OTHER STATES:

All fifty states and the District of Columbia require corporate filing, annual report, and general fees for doing business in their respective jurisdictions. A comprehensive list of state contacts with links to details on business filing fees can be found at:

<http://www.iaca.org/about-iaca/jurisdictional-information>

COUNTIES' MEDICAID SHARE

FLORIDA STATUTES: Section 409.915

ADMINISTERED BY: Agency for Health Care Administration

SUMMARY:

Counties' Medicaid Share, previously known as Medical Hospital Fees (also known as county contributions to Medicaid) are payments made to the state as reimbursement for a portion of the cost of certain services provided to county residents through Florida's Medicaid program.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	318,217,788	9.28%
2021-22*	291,187,583	-4.20%
2020-21	303,959,493	0.76%
2019-20	301,663,633	0.99%
2018-19	298,713,321	1.14%
2017-18	295,348,174	-2.04%
2016-17	301,504,684	-0.02%

* Estimate

HISTORY:

Chapter 72-225, L.O.F., created s. 409.267, F.S., which required county participation in the cost of the following items provided under Medicaid: 35 percent of the cost of inpatient hospitalization in excess of 12 days and 35 percent of the cost of nursing home or intermediate care facilities in excess of \$170 per month. In 1975, a limitation of \$55 per resident per month on the required reimbursements for services provided by nursing home and intermediate care facilities was enacted. In 1991, s. 409.267, F.S., was repealed and replaced with s. 409.915, F.S. An exemption for county residents in the Medically Needy program component of Medicaid was also enacted at this time. In 1996, required reimbursements were extended to services provided to health maintenance organization members if the services would have been reimbursable in a fee-for-service setting. In 2001, the 12 day exclusion for inpatient hospital services was reduced to 10 days, and an exemption for the cost of adult lung transplant services was established. In 2012, the law was changed to allow payments to be withheld from the distribution of the half-cent sales tax to the counties, rather than having the counties pay directly.

For the period from State Fiscal Year 1994-95 through Fiscal Year 2006-07, county contributions to Medicaid collections were approximately 93 percent of total billings in any fiscal year. For Fiscal Year 2007-08 through Fiscal Year 2011-12, county contributions to Medicaid collections dropped to less than 90 percent of total billings, with only 64.7 percent of billings in Fiscal Year 2010-11 being paid in that year. The decline in collections was caused mainly by the inability of the agency and individual counties to reach agreement on whether certain Medicaid recipients were residents of the county. The decline in the amount of billings collected resulted in a large backlog of past due billings.

In 2012, the Legislature reacted to this situation by enacting Chapter 2012-33, L.O.F. (HB 5301). That law provided specific processes whereby the agency worked with the counties and the Department of Revenue (DOR) to address payment backlog, prospective billings, and an administrative review and appeal for the billing and refund process.

COUNTIES' MEDICAID SHARE

Chapter 2013-48, L.O.F. (SB 1520), amended s. 409.915, F.S., to revise the current process for county Medicaid billings. Instead of the current practice based on certain Medicaid expenditures incurred on behalf of a county's residents, the bill provided for an annual county contribution for Medicaid. The bill established a total contribution of \$269.6 million for State Fiscal Year 2013-14 and \$277.0 million for State Fiscal Year 2014-15. For State Fiscal Years 2015-16 through 2019-20, the total annual amount of the counties' contribution is adjusted by one half of the percentage change in state Medicaid expenditures over the two most recently completed State Fiscal Years. For each State Fiscal Year after 2019-20, the total amount of the counties' annual contribution shall be the total contribution for the prior State Fiscal Year adjusted by the percentage change in the state Medicaid expenditures as determined by the Social Services Estimating Conference.

The agency is responsible for calculating the amount of each county's annual contribution and providing that information to DOR by May 15 of each year.

By June 1 of each year, DOR must notify each county of its annual contribution. Counties must pay, via check or electronic transfer, 1/12th of the total, by the 5th of each month. If a county fails to remit payment by the 5th of the month, DOR is directed to reduce the county's monthly distribution from the Local Government Half-Cent Sales Tax Trust Fund by the amount of the monthly installment. The payments and the amounts by which the distributions are reduced are transferred to the General Revenue Fund.

BASE AND RATE:

The statute establishes a total contribution of \$269.6 million for State Fiscal Year 2013-14 and \$277.0 million for State Fiscal Year 2014-15. For State Fiscal Years 2015-16 through 2019-20, the total annual amount of the counties' contribution is adjusted by one half of the percentage change in state Medicaid expenditures over the two most recently completed State Fiscal Years. For each State Fiscal Year after 2019-20, the total amount of the counties' annual contribution shall be the total contribution for the prior State Fiscal Year adjusted by the percentage change in the state Medicaid expenditures as determined by the Social Services Estimating Conference.

DISPOSITION:

Reimbursements are deposited into the General Revenue Fund.

OTHER STATES:

Research by the National Association of Counties shows that at least sixteen states (including Florida) require counties to contribute to the non-federal share of Medicaid, while others are required to cover administrative and/or program costs. The research did not capture the level of these contributions.

VALUE OF RATE OR TAX BASE CHANGE:

See BASE AND RATE above.

DOCUMENTARY STAMP TAX

FLORIDA STATUTES: Chapter 201

ADMINISTERED BY: Department of Revenue

SUMMARY:

The documentary stamp tax comprises two taxes imposed on different bases at different tax rates. The tax on deeds and other documents related to real property is 70 cents per \$100. The tax on certificates of indebtedness, promissory notes, wage assignments and retail charge account agreements is 35 cents per \$100. Revenue from documentary stamps is divided between the General Revenue Fund and various trust funds. In 2014, Florida voters approved an amendment to the State Constitution that requires 33 percent of documentary stamp tax revenue, net of collection costs, to be transferred to the Land Acquisition Trust Fund and expended for specific environmental purposes, as provided by law.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	3,657,100,000	-4.20%
2021-22*	3,817,400,000	-6.50%
2020-21	4,082,822,038	42.02%
2019-20	2,874,887,658	8.44%
2018-19	2,651,065,627	5.62%
2017-18	2,510,019,381	3.82%
2016-17	2,417,759,937	6.19%

* Estimate

Distributions				
Fiscal Year	General Revenue	General Revenue Service Charge	Preservation 2000 & Florida Forever Outstanding Debt Service **	State Transportation Trust Fund
2022-23*	1,245,600,000	196,300,000	125,000,000	461,740,000
2021-22*	1,319,100,000	204,900,000	135,600,000	466,750,000
2020-21	1,432,489,710	219,050,743	154,996,858	466,750,000
2019-20	983,052,135	154,225,299	156,328,506	351,562,608
2018-19	912,112,468	142,243,345	167,869,063	318,238,300
2017-18	867,186,381	134,655,175	165,547,806	297,134,025
2016-17	762,235,537	129,596,375	168,737,747	283,064,439

* Estimate

** Beginning Fiscal Year 2015-16, Florida Forever debt service is deposited to the Land Acquisition Trust Fund.

DOCUMENTARY STAMP TAX

Distributions			
Fiscal Year	Dept. of Economic Opportunity and Grants and Donations Trust Fund	DACS General Inspection Trust Fund, Oyster Management and Restoration**	Land Acquisition Trust Fund***
2022-23*	3,250,000	300,000	1,203,600,000
2021-22*	3,250,000	300,000	1,256,500,000
2020-21	3,250,000	300,000	1,343,806,439
2019-20	2,568,080	299,844	944,690,000
2018-19	2,367,454	276,420	703,060,000
2017-18	2,240,397	261,585	658,658,156
2016-17	2,155,693	251,695	624,323,514

Distributions					
Fiscal Year	State Housing Trust Fund	Local Government Housing Trust Fund	State Economic Enhancement and Development Trust Fund	Resilient Florida Trust Fund****	Water Protection and Sustainability Program Trust Fund****
2022-23*	65,190,000	152,880,000	75,000,000	121,750,000	121,750,000
2021-22*	68,050,000	159,600,000	75,000,000	127,110,000	127,110,000
2020-21	159,078,030	372,415,802	75,000,000	0	0
2019-20	105,132,322	246,175,948	75,000,000	0	0
2018-19	95,161,314	222,842,516	75,000,000	0	0
2017-18	88,846,676	208,065,456	75,000,000	0	0
2016-17	84,636,900	198,214,042	150,000,000	0	0

* Estimate

** Before Fiscal Year 2015-16, this distribution included additional distributions to the DACS General Inspection Trust Fund

*** Beginning Fiscal Year 2015-16, 33 percent of documentary stamp tax revenue, net of collection costs, must be transferred to the Land Acquisition Trust Fund and expended only for specific environmental purposes. Before Fiscal Year 2015-16 there were distributions to several other trust funds for various environmental purposes.

**** Beginning Fiscal Year 2021-22, these trust funds will each receive 5.42 percent of available funds to be used for specified purposes.

HISTORY:

Tax Rate:

Florida first enacted a documentary stamp tax in 1931, at the rate of 10 cents per \$100 of consideration. In 1957, the tax on documents relating to realty (mainly deeds) was raised to 20 cents per \$100 of consideration, and the tax has been assessed at two separate rates on deeds and notes ever since. Major rate increases occurred in 1957, 1963, 1979, 1981, 1985, 1987, 1990, 1991, and 1992, when the current rates—70 cents per \$100 for documents relating to realty and 35 cents per \$100 for notes of

DOCUMENTARY STAMP TAX

indebtedness—were set. (The tax rate on documents relating to realty is 60 cents in Miami-Dade County, which since 1983 has levied a discretionary surtax on deeds of 45 cents for each \$100 of consideration except for deeds on single family residences.)

Disposition of Tax Proceeds:

Until 1967, all proceeds from documentary stamps were deposited into the General Revenue Fund. In that year, a surtax was imposed on documents relating to realty with the proceeds going to the Land Acquisition Trust Fund. The surtax was repealed in 1979 and replaced with an increase in the documentary stamp tax on deeds and the Land Acquisition Trust Fund was given a distribution from the tax. Since 1979, increases in the documentary stamp tax rate have been used to fund several programs, including the acquisition of environmentally sensitive land, state infrastructure, and affordable housing.

In 1990, the General Revenue Service Charge was extended to the Documentary Stamp Clearing Trust Fund (among other trust funds), which reduced all distributions from this fund by 7 percent. (The General Revenue Service Charge was increased to 8 percent in 2009.) Chapter 90-217, L.O.F., (HBs 1911, 1039, 1815, 3141), authorized a portion of documentary stamp tax proceeds which had been allocated to General Revenue to be used for Preservation 2000 debt services. (By 2000, nine P2000 bond series were authorized by the Legislature.) In 1992, the Legislature reduced the General Revenue distribution by 8.66 percent and redirected funds to the State Housing Trust Fund, effective July 1, 1995 (Chapter 92-317, L.O.F. (SB 94-H). Chapter 98-311, L.O.F. (HB 3427), required that a portion of documentary stamp tax receipts be deposited in the Ecosystem Management and Restoration Trust Fund for the purpose of funding erosion control; beach preservation, restoration, and re-nourishment; and storm and hurricane protection.

In 1999, the Legislature authorized a portion of documentary stamp tax proceeds which had been allocated to General Revenue to be used for Florida Forever debt services (Chapter 99-247, L.O.F. (SB 908). Additional debt service was limited to \$30 million in each fiscal year for ten years, and the total annual debt service was limited to \$300 million. This legislation also reduced the documentary stamp distribution to the Water Management Lands Trust Fund and the Conservation and Recreation Lands Trust Fund and provided for distributions to the State Game Trust Fund, the Aquatic Plant Control Trust Fund, the Department of Environmental Protection Water Quality Assurance Trust Fund, and the Department of Agriculture and Consumer Affairs (DACS) General Inspection Trust Fund. In 2000, the Legislature provided that \$2 million be paid into the Marine Resources Conservation Trust Fund annually from the documentary stamp tax General Revenue distribution (Chapter 2000-197, L.O.F. (SB 186).

Chapter 2002-261, L.O.F., (HB 813), provided for a portion of the documentary stamp tax collections to be used to pay the debt service on Everglades Restoration Bonds.

Chapter 2005-92, L.O.F., (HB 1889), capped the amounts distributed from documentary stamp tax collections to the Land Acquisition Trust Fund, Water Management Lands Trust Fund, Invasive Plant Control Trust Fund, State Game Trust Fund, State Housing Trust Fund, and Local Government Housing Trust Fund. The law included a growth factor which increased the cap for each fund based on growth in documentary stamp collections. Calculated distributions in excess of the limits specified in the bill were credited to the General Revenue Fund. Chapter 2005-290, L.O.F., (SB 360), provided \$750 million annually to fund specified transportation, school, and water projects, effective July 1, 2007. Chapter 2006-185, L.O.F., (HB 1249), repealed the 50 cents per bag surcharge on oysters harvested from the waters of the Apalachicola Bay and replaced the surcharge with a \$300,000 annual documentary stamp tax distribution to the DACS General Inspection Trust Fund to fund oyster management and restoration programs in the bay and other areas of the state. Chapter 2007-60, L.O.F., (SB 1060), eliminated a \$105 million annual distribution to the PECO Trust Fund and directed that amount to the General Revenue

DOCUMENTARY STAMP TAX

Fund. Chapter 2007-72, L.O.F., (SB 2800), authorized the sale of \$300 million in new Florida Forever bonds and \$100 million in new Everglades Restoration bonds.

Chapter 2008-24, L.O.F., (HB 7019), repealed s. 201.022, F.S., which required a return to be filed with the clerk of the circuit court, and provided a commission to the clerks for processing these returns.

Chapter 2008-49, L.O.F., (SB 1552), extended authorization for the sale of Everglades Restoration bonds through Fiscal Year 2019-20 and authorized additional bonds to be sold for four years to fund the Florida Keys Area of Critical State Concern protection program. Chapter 2008-114, L.O.F., (SB 1882), changed the distribution of documentary stamp revenues by calculating trust fund distributions as a percentage of available revenue, capped at a dollar amount, and assessing the cost of administering the tax to all funds that receive revenue from it. Chapter 2008-152, L.O.F., (HB 5001), authorized the sale of \$300 million in new Florida Forever bonds, and Chapter 2008-229, L.O.F., (SB 542), extended the statutory authority for Florida Forever bond sales through Fiscal Year 2019-20.

Chapter 2011-142, L.O.F., (SB 2156), provided that certain documentary stamp distributions to the State Transportation Trust Fund and the State Housing Trust Fund must be transferred to the newly-created State Economic Enhancement and Development Trust Fund within the Department of Economic Opportunity, beginning in the 2012-13 fiscal year. The total amount to be transferred is \$125 million in Fiscal Year 2012-13, \$140 million in Fiscal Year 2013-14, and \$150 million in subsequent years. The Local Government Housing Trust Fund was also affected by this transfer, since the amount available for distribution to it from the State Housing Trust Fund was reduced. This legislation also removed the statutory caps on distributions to the housing trust funds that were enacted in 2005.

In 2014, Florida voters approved an amendment to the State Constitution that requires 33 percent of documentary stamp tax revenue, net of collection costs, to be transferred to the Land Acquisition Trust Fund and expended for specific environmental purposes, as provided by law. The amendment took effect July 1, 2015 and applies for a period of 20 years. Ch. 2015-229, L.O.F. (SB 2516-A), implemented the amendment, and reduced distributions to General Revenue and certain transportation purposes. It also terminated certain environmental trust funds that had received statutory distributions. Going forward, the Land Acquisition Trust Fund will be the source of documentary stamp tax revenue expended for environmental purposes.

Chapter 2016-220, L.O.F. (HB 7099), required specified minimum distributions from the Land Acquisition Trust Fund (LATF) to fund Everglades projects that implement the Comprehensive Everglades Restoration Plan, including the Central Everglades Planning Project, the Long-Term Plan, and the Northern Everglades and Estuaries Protection Program. In addition, the bill required a minimum distribution from the LATF to fund springs restoration, protection, and management projects, an annual amount to be appropriated to the St. Johns Water Management District for projects dedicated to the restoration of Lake Apopka, and an annual amount to be appropriated to the Southwest Florida Water Management District for projects dedicated to the restoration of Kings Bay or Crystal River. The 2016 legislation also provided an adjustment to the calculation of each distribution for the Everglades, Springs, Lake Apopka, and Kings Bay or Crystal River if debt service is paid on bonds issued after July 1, 2016, for the purposes outlined above.

Chapter 2017-233, L.O.F. (HB 1-A), deleted a \$75 million annual transfer from the State Transportation Trust Fund to the State Economic Enhancement and Development Trust Fund and replaced it with a \$75 million transfer to the General Revenue Fund.

Chapter 2021-39, L.O.F. (SB 2512, 2021), made multiple changes to the distribution of Documentary Stamp Tax revenue. These changes reduced transfers to the State Transportation Trust Fund, the State Housing Trust Fund, and the Local Government Housing Trust Fund, and created new distributions of tax revenue to the Water Protection and Sustainability Program Trust Fund (2005-289, SB 332) for funding

DOCUMENTARY STAMP TAX

wastewater grants and to a newly-created Resilient Florida Trust Fund (2021-29, SB 2514) where the funds will be used for statewide flood and sea level rise resiliency plans. In addition, a new earmark was created within the LATF for the Lake Okeechobee Watershed Restoration Project.

Exemptions and Limitations:

In 1997, transactions of real property made pursuant to the dissolution of marriage were exempted from the tax. Chapter 98-187, L.O.F. (HB 4373), allowed promissory notes to be renewed at an increased level of obligation without the borrower having to pay documentary stamp tax on the full amount of the obligation, but only on the amount of the increase. Chapter 2002-218, L.O.F. (SB 426), capped the amount of documentary stamp tax due on unsecured loans at \$2,450. Chapter 2002-218, L.O.F. (SB 426), repealed the tax on original issues of stock certificates. Chapter 2007-198, L.O.F. (HB 1375), provided a documentary stamp tax and intangibles tax exemption for all notes, mortgages, security agreements, letters of credit, or any other instruments connected with financing any housing under Chapter 420, F.S. Chapter 2018-118, L.O.F. (HB 7087), exempted the transfer of homestead property between spouses if the only consideration is the amount of the mortgage or other lien encumbering the homestead property at the time of transfer. The transfer must be recorded within 1 year after the date of marriage.

Chapter 2019-42, L.O.F. (HB 7123), removed the one-year limitation on the exemption for conveyances between spouses created in 2018.

Clarification of Legislative Intent:

In 2009, the Legislature enacted Chapter 2009-131, L.O.F. (SB 2430), which expressed legislative findings and intent related to a 2005 decision of the Florida Supreme Court holding that the transfer of property between a grantor and its wholly owned grantee, absent any exchange of value, is not subject to the documentary stamp tax. Specifically, the law stated that the Supreme Court's decision in *Crescent Miami Center, LLC v. Florida Department of Revenue*, 903 So. 2d 913 (Fla. 2005), was inconsistent with the intent of the Legislature because it permits tax avoidance. Rather, the prior holding of the district court of appeal in this same case prevented tax avoidance and therefore was consistent with the intent of the Legislature at the time the relevant statute – s. 201.02, F.S. – was amended in 1990. Finally, the law expressed the intent of the Legislature to impose documentary stamp tax when the beneficial ownership of real property is transferred to a new owner by the use of techniques applicable in the Supreme Court case in combination with transfers of ownership of, or distributions from, artificial entities. Additionally, the law amended s. 201.02, F.S., to provide for the application of documentary stamp tax on certain conveyances of property involving a conduit entity and to impose documentary stamp tax on the transfer for consideration of a beneficial interest in real property. This legislation also provided for priority distribution of documentary stamp tax revenue for the benefit of Florida Forever bonds, Everglades Restoration bonds, and Preservation 2000 bonds issued prior to July 1, 2009, when required to meet these bond obligations. Chapter 2010-138, L.O.F. (HB 7157), codified existing Department of Revenue policy that the unpaid indebtedness that is forgiven or released by a mortgagee holding a mortgage on the grantor's interest in the property as part of a short sale transfer is not subject to documentary stamp tax. Chapter 2012-145, L.O.F. (HB 5701), extended the priority distribution of documentary stamp tax revenue for the benefit of Florida Forever bonds, Everglades Restoration bonds, and Preservation 2000 bonds issued before January 1, 2013. Chapter 2014-61, L.O.F. (HB 5501), extended the priority distribution to bonds issued before January 1, 2015. Chapter 2016-220, L.O.F. (HB 7099), extended the priority distribution to bonds issued before January 1, 2017.

BASE AND RATE:

Deeds and other documents relating to realty: 70 cents per \$100 or fractional part of \$100 of the consideration. (In Miami-Dade County the rate is 60 cents.) Corporate shares, bonds, certificates of indebtedness, promissory notes, wage assignments, retail charge account agreements: 35 cents per \$100 or fractional part of \$100 of the consideration.

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DISPOSITION:

All taxes collected under this chapter are pledged to make payments when due on bonds issued pursuant to s. 215.618 or s. 215.619, F.S., or any other bonds authorized to be issued on a parity basis with such bonds. All taxes collected under this chapter, except taxes distributed to the Land Acquisition Trust Fund, are subject to the General Revenue service charge imposed in s. 215.20(1), F.S.

Before distribution pursuant to this section, the Department of Revenue shall deduct amounts necessary to pay the costs of the collection and enforcement of the tax levied by this chapter. The costs and service charge may not be levied against any portion of taxes pledged to debt service on bonds to the extent that the costs and service charge are required to pay any amounts relating to the bonds.

All taxes remaining after deduction of costs shall be distributed as follows:

(1) Amounts necessary to make payments on bonds issued pursuant to s. 215.618 or s. 215.619, F.S., or on any other bonds authorized to be issued on a parity basis with such bonds shall be deposited into the Land Acquisition Trust Fund.

(2) If the amounts deposited pursuant to subsection (1) are less than 33 percent of all taxes collected after first deducting the costs of collection, an amount equal to 33 percent of all taxes collected after first deducting the costs of collection, minus the amounts deposited pursuant to subsection (1), shall be deposited into the Land Acquisition Trust Fund.

(3) Amounts on deposit in the Land Acquisition Trust Fund shall be used in the following order:

(a) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts payable with respect to Florida Forever bonds issued pursuant to s. 215.618, F.S. The amount used for such purposes may not exceed \$300 million in each fiscal year.

(b) Payment of debt service or funding of debt service reserve funds, rebate obligations, or other amounts due with respect to Everglades restoration bonds issued pursuant to s. 215.619, F.S. Taxes distributed under paragraph (a) and this paragraph must be collectively distributed on a pro rata basis when the available moneys under this subsection are not sufficient to cover the amounts required under paragraph (a) and this paragraph.

Bonds issued pursuant to s. 215.618 or s. 215.619, F.S., are equally and ratably secured by moneys distributed to the Land Acquisition Trust Fund.

(4) After the required distributions to the Land Acquisition Trust Fund pursuant to subsections (1) and (2) and deduction of the service charge, the remainder shall be distributed as follows:

(a) The lesser of 20.5453 percent of the remainder or \$466.75 million in each fiscal year shall be paid into the State Treasury to the credit of the State Transportation Trust Fund. The amount credited to the State Transportation Trust Fund shall be used for:

1. 10 percent to the Capital funding for the New Starts Transit Program, authorized by Title 49, U.S.C. s. 5309 and specified in s. 341.051, F.S.;

2. 10 percent to the Small County Outreach Program specified in s. 339.2818, F.S.;

3. 75 percent of the funds after deduction of the payments required under 1. and 2. to the Strategic Intermodal System specified in ss. 339.61, 339.62, 339.63, and 339.64, F.S.;

4. The Transportation Regional Incentive Program specified in s. 339.2819, F.S., in the amount of 25 percent of the funds after deduction of the payments required pursuant to subparagraphs 1. and 2. The first \$60 million of the funds allocated pursuant to this subparagraph shall be allocated annually to the Florida Rail Enterprise for the purposes established in s. 341.303(5).

(b) The lesser of 0.1456 percent of the remainder or \$3.25 million in each fiscal year shall be paid into the State Treasury to the credit of the Grants and Donations Trust Fund in the Department of Economic Opportunity to fund technical assistance to local governments.

DOCUMENTARY STAMP TAX

Moneys distributed pursuant to paragraphs (a) and (b) may not be pledged for debt service unless such pledge is approved by referendum of the voters.

(c) An amount equaling 4.5 percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. The funds shall be used as follows:

1. Half of that amount shall be used for the purposes for which the State Housing Trust Fund was created and exists by law.
2. Half of that amount shall be paid into the State Treasury to the credit of the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law.

(d) An amount equaling 5.20254 percent of the remainder in each fiscal year shall be paid into the State Treasury to the credit of the State Housing Trust Fund. Of such funds:

1. Twelve and one-half percent of that amount shall be deposited into the State Housing Trust Fund and expended by the Department of Economic Opportunity and the Florida Housing Finance Corporation for the purposes for which the State Housing Trust Fund was created and exists by law.
2. Eighty-seven and one-half percent of that amount shall be distributed to the Local Government Housing Trust Fund and used for the purposes for which the Local Government Housing Trust Fund was created and exists by law. Funds from this category may also be used to provide for state and local services to assist the homeless.

(e) The lesser of 0.017 percent of the remainder or \$300,000 in each fiscal year shall be paid into the State Treasury to the credit of the General Inspection Trust Fund to be used to fund oyster management and restoration programs as provided in s. 379.362(3), F.S.

(f) A total of \$75 million shall be paid into the State Treasury to the credit of the State Economic Enhancement and Development Trust Fund.

(g) An amount equaling 5.4175 percent of the remainder shall be paid into the Resilient Florida Trust Fund to be used for the purposes for which the Resilient Florida Trust Fund was created and exists by law. Funds may be used for planning and project grants.

(h) An amount equaling 5.4175 percent of the remainder shall be paid into the Water Protection and Sustainability Program Trust Fund to be used to fund wastewater grants as specified in s. 403.0673.

(5) Notwithstanding s. 215.32(2)(b)4.a., funds distributed to the State Housing Trust Fund and the Local Government Housing Trust Fund pursuant to paragraph (4)(c) may not be transferred to the General Revenue Fund in the General Appropriations Act.

(6) After the distributions provided in the preceding subsections, any remaining taxes shall be paid into the State Treasury to the credit of the General Revenue Fund.

OTHER STATES:

Thirty-seven states and the District of Columbia levy taxes on the recording of certain documents or on property transfers. (Alaska, Idaho, Indiana, Louisiana, Mississippi, Missouri, Montana, New Mexico, North Dakota, Texas, Utah, and Wyoming do not levy document or transfer taxes. California authorizes local transfer taxes but does not levy a statewide tax. In Oregon, one county has a real estate transfer tax.) Although some states levy document recording taxes only on documents relating to real estate transfers, others, including Florida, have a more general tax that is also levied on documents relating to indebtedness.

2022-23
(millions)

VALUE OF RATE CHANGE:

Value of 1-cent levy for each \$100 of consideration on deeds \$31.8

Value of 1-cent levy for each \$100 of consideration on corporate shares, bonds, certificates of indebtedness, promissory notes, wage assignments, and retail charge account agreements \$33.7

DOCUMENTARY STAMP TAX

VALUE OF EXEMPTIONS AND DIFFERENTIALS:

Stock transfers (s. 201.05)	\$14.14
Renewal notes (s. 201.09)	\$51.43
Certificates of deposit (s. 201.10)	Indeterminate
Wholesale warehouse mortgage agreements (s. 201.21)	\$54.34
Leases	\$184.52
Uniform Commercial Code documents (s. 201.22)	Indeterminate
Security dealers - 30 days or less (s. 517.32)	\$49.49
Foreign notes (s. 201.23(1))	\$3.60
Obligations of political subdivisions (s. 201.24)	\$4.02
International banking transactions (s. 201.23(4))	\$18.30
Out-of-state notes held by Florida businesses (s. 201.08)	\$3.05
Supplements on utility bond financing (s. 201.08(4))	Indeterminate
10 cent rate differential for Miami-Dade County (s. 201.031)	\$37.4
Dissolution of marriage (s. 201.02(7))	\$8.15
Cross collateralization of loans (s. 201.08(7))	\$2.15
Tax only on increased amount of renewed loans (s. 201.09(1))	\$0.15
Spousal transfer of homestead property (s. 201.02(7))	\$2.09
Spousal transfer no filing deadline (s. 201.02(7))	\$0.27

VALUE OF REFUNDS AND ALLOWANCES:

Agents commission (0.5 percent) (s. 201.11(2))	\$16.86
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DRIVER LICENSES

FLORIDA STATUTES: Chapter 322

ADMINISTERED BY: Department of Highway Safety and Motor Vehicles

SUMMARY:

Driver licenses fees are collected from individuals who apply for the following types of licenses (originals, renewals, and replacements): Learners, Class E operators, Class E with motorcycle endorsement, Class E motorcycle only license, and Class A, B, and C commercial driver licenses with or without endorsements. In addition, fees are collected for delinquent renewals, reinstatements following suspensions, revocations, disqualifications, and cancellations.

REVENUE:

Fiscal Year	Collections	Annual Change %	General Revenue	Highway Safety Operating Trust Fund
2022-23*	337,400,000	-5.96%	181,400,000	156,000,000
2021-22*	358,800,000	-3.16%	205,000,000	153,800,000
2020-21	370,514,188	7.31%	218,633,753	151,880,435
2019-20	345,275,965	-9.44%	201,646,982	143,628,983
2018-19	381,226,628	1.97%	225,779,218	155,447,410
2017-18	373,876,683	11.06%	217,578,470	156,298,213
2016-17	336,633,941	33.68%	188,004,367	148,629,574

* Estimate

HISTORY:

Driver licenses for operators and chauffeurs were established in 1939. Proceeds were earmarked for expenses of the Department of Public Safety. In 1951, earmarking ceased and collections were placed in the General Revenue Fund. In 1955, a 50 cent per year driver's education fee was added to the issuance of driver licenses and earmarked for public school driver education. Driver's license fee increases were adopted in 1941, 1945, 1955, 1971, 1984, 1989, 1991, 2008, and 2009. In 1983, a \$4 fee was authorized in order to operate a motorcycle or motor-driven vehicle. The 1989 Legislature provided for re-classification of driver licenses and increased most chauffeur license fees to \$50, effective April 1, 1991.

In 1986, reinstatement fees following a suspension or revocation of a license were increased, and such increase earmarked for deposit into the Accidents Report Trust Fund. Effective October 1, 1989, in order for a minor to receive a driver license, the minor must be enrolled in an approved educational program or have received a high school diploma, a high school equivalency or special diploma, or a certificate of high school completion. Beginning January 1, 1990, no new driver licenses may be issued until the applicant successfully completes the traffic law and substance abuse education course, as created by the 1989 Legislature. A \$3 assessment fee was charged to participate in the course and deposited into the Drivers' Education Trust Fund. In 1990, the duplicate driver's license fee was raised from \$5 to \$10 and the replacement driver's license fee was raised from \$1 to \$10. The increased revenue was earmarked for deposit into the Accidents Report Trust Fund. On July 1, 1994, the Accidents Report Trust Fund and the Drivers' Education Trust Fund were re-designated as the Highway Safety Operating Trust Fund. During Special Session A of 2003, the Legislature increased reinstatement fees charged for a suspension or revocation by \$10. In addition, identification card renewals were raised from \$3 to \$10 and a new re-exam fee was created. Drivers failing the written exam are charged \$5 for each time they must retake the exam and \$10 for each time they retake the driving exam. The 2006 Legislature imposed additional reinstatement fees for specific types of suspended or revoked licenses. Persons convicted of patient

DRIVER LICENSES

brokering (s. 817.505, F.S.), solicitation (s. 817.234(8), F.S.), or participating in a staged crash (s. 817.234(9), F.S.) are subject to an additional fee of \$180 for each offense. These funds are earmarked for the Highway Safety Operating Trust Fund.

In 2008, Chapter 2008-176, L.O.F. (SB 1992), became effective October 1, 2008 and the term of the driver license and identification card was changed from four or six (safe driver) years to eight years. However, applicants who are at least 80 years old will be issued a license valid for a six-year term. These changes resulted in the fees for driver licenses, identification cards, and license endorsements being raised to reflect the new terms. Duplicate and replacement licenses were combined and are all now labeled “replacements.” This change caused the distribution of the funds to be modified; however, the General Revenue Fund and the Highway Safety Operating Trust Fund were both held harmless in this change.

As a result of the 2009 Regular Legislative Session, Chapter 2009-71, L.O.F. (SB 1778), raised the following fees effective September 1, 2009.

Fee Type	Previous Fee	New Fee	New Distribution
Original Class E License	\$27	\$48	General Revenue
Renewal Class E License	\$20	\$48	General Revenue
Motorcycle Only License (Class E + \$7 Endorsement)	\$34	\$55	General Revenue
Replacement License (Increased revenue distributed to General Revenue)	\$10	\$25	\$18 to General Revenue \$7 to Highway Safety Operating TF
Commercial Driver License (Original / Renewal)	\$67	\$75	General Revenue
School Bus CDL	\$27	\$48	General Revenue
Delinquent Fee	\$1	\$15	General Revenue
Knowledge Re-Exam	\$5	\$10	\$10 to Highway Safety Operating TF or \$10 to Tax Collector
Skills Re-Exam	\$10	\$20	\$20 to Highway Safety Operating TF or \$20 to Tax Collector.
Identification Card - Original	\$10	\$25	General Revenue
Identification Card - Renewal / Replacement	\$10	\$25	\$19 to General Revenue \$6 to Highway Safety Operating TF or \$6 to Tax Collector
D6 Reinstatement Fee (Increased revenue distributed to Highway Safety Operating Trust Fund)	\$47.50	\$60	\$22.50 to Highway Safety Operating TF \$37.50 to Clerk of Court, Tax Collector, or General Revenue
Suspension Reinstatement Fee (Increased revenue distributed to Highway Safety Operating Trust Fund)	\$35	\$45	\$15 to General Revenue \$30 to Highway Safety Operating TF or \$15 to Tax Collector/\$15 to Highway Safety Operating TF
Revocation Reinstatement Fee (Increased revenue distributed to Highway Safety Operating Trust Fund)	\$60	\$75	\$35 to General Revenue \$40 to Highway Safety Operating TF or \$20 to Tax Collector/\$20 to Highway Safety Operating TF
Disqualification Reinstatement Fee (Increased revenue distributed to Highway Safety Operating Trust Fund)	\$60	\$75	\$35 to General Revenue \$40 to Highway Safety Operating TF
Tax Collector Service Fee	\$5.25	\$6.25	\$6.25 to Tax Collector
Administrative Review Filing Fee	\$0	\$25	\$25 to Highway Safety Operating TF
Administrative Hearing Filing Fee	\$0	\$12	\$12 to Highway Safety Operating TF
DUI Administrative Fee	\$115	\$130	\$130 to Highway Safety Operating TF

DRIVER LICENSES

Ignition Interlock Device Assessment Fee	\$0	\$12	\$12 to Highway Safety Operating TF
3-Year Transcript	\$2.10	\$8	\$8 to Highway Safety Operating TF
7-Year Transcript	\$3.10	\$10	\$10 to Highway Safety Operating TF
Certified Transcript	\$3.10	\$10	\$10 to Highway Safety Operating TF

In 2011, Chapter 2011-66, L.O.F, (S.B. 2160), changed the fee split for replacement licenses. Beginning July 1, 2015, or upon completion of the transition to driver license issuance services, if the replacement driver license is issued by the tax collector, the tax collector shall retain the \$7 that would otherwise be deposited into the Highway Safety Operating Trust Fund and the remaining revenues shall be deposited into the General Revenue Fund.

In 2018, Chapter 2018-129, L.O.F, (S.B. 322), changed the collection of the fee for subsequent knowledge and skills tests. Beginning July 1, 2018, an applicant who fails to pass the initial knowledge test incurs a \$10 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund, unless a subsequent test is administered by the tax collector. In this case, the tax collector shall retain the \$10 fee, less the general revenue service charge set forth in s. 215.20(1). Further, an applicant who fails to pass the initial skills test incurs a \$20 fee for each subsequent test, to be deposited into the Highway Safety Operating Trust Fund, unless a subsequent test is administered by the tax collector. In that case, the tax collector shall retain such \$20 fee, less the general revenue service charge set forth in s. 215.20(1).

In 2018, Chapter 2018-129, L.O.F, (S.B. 322), changed the procedure for handling and collecting the \$45 reinstatement fee following a suspension and the \$75 reinstatement fee following a revocation. Of the \$45 fee received from a licensee for reinstatement following a suspension, the department shall deposit \$15 in the General Revenue Fund and \$30 in the Highway Safety Operating Trust Fund if it processes the reinstatement. If the reinstatement is processed by the tax collector, \$15, less the general revenue service charge shall be retained by the tax collector, \$15 shall be deposited into the Highway Safety Operating Trust Fund, and \$15 shall be deposited into the General Revenue Fund. Of the \$75 fee received from a licensee for reinstatement following a revocation or disqualification, if the reinstatement is processed by the department, the department shall deposit \$35 in the General Revenue Fund and \$40 in the Highway Safety Operating Fund. If the reinstatement is processed by the tax collector, \$20, less the general revenue service charge, shall be retained by the tax collector, \$20 shall be deposited into the Highway Safety Operating Trust Fund, and \$35 shall be deposited into the General Revenue Fund.

OTHER STATES:

All states license vehicle operators. Most states issue four-year licenses at costs ranging from \$4.50 to \$60. It is common to require somewhat higher fees for a commercial license than for an operator license.

VALUE OF RATE CHANGE:

2022-23
(millions)

Value of \$1 levy on all driver licenses issued or renewed

\$ 2.8

DRY CLEANING TAX

FLORIDA STATUTES: Sections 376.303, 376.70, and 376.75

ADMINISTERED BY: Department of Environmental Protection and Department of Revenue

SUMMARY:

The dry-cleaning tax is levied in the amount of 2 percent on gross receipts of all dry-cleaning facilities from the dry-cleaning or laundering of clothing or other fabrics at the facility. The dry-cleaning facility may separately state the tax on retail receipts. An additional tax is imposed of \$5 per gallon of perchloroethylene that is sold or imported by a dry-cleaning facility.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	Gross Receipts Tax Collections	Perchloroethylene Tax Collections	Registration Fee Collections
2022-23*	4,697,407	2.25%	4,546,553	72,722	78,132
2021-22*	4,594,206	10.09%	4,443,030	71,066	80,110
2020-21	4,173,217	-32.58%	4,026,673	64,407	82,138
2019-20	6,189,751	-16.96%	6,003,465	102,070	84,217
2018-19	7,453,495	-1.36%	7,219,727	147,420	86,348
2017-18	7,556,269	-5.01%	7,282,187	185,548	88,534
2016-17	7,955,066	-0.63%	7,648,555	215,736	90,775

* Estimate

HISTORY:

Taxation of gross receipts from dry-cleaning and laundry services and the production and importation of perchloroethylene was enacted in 1994, with proceeds used to fund dry-cleaning facility restoration. The 1995 Legislature adopted the following changes to the dry-cleaning tax: exempted uniform rental and linen supply services from the gross receipts tax, retroactive to October 1, 1994; exempted perchloroethylene not used by a dry-cleaning facility from the \$5 per gallon tax; repealed the gross receipts tax sale-for-resale exemption; and increased the gross receipts tax from 1.5 percent to 2 percent effective January 1, 1996. The 1996 Legislature changed the disposition of funds from the Hazardous Waste Management Trust Fund to the Water Quality Assurance Trust Fund. In 1998, the Legislature clarified that the gross receipts tax applies to drop-off facilities, as well as dry-cleaning facilities. The Legislature also authorized a sale-for-resale exemption for services provided where gross receipts are collected for those same services.

BASE AND RATE:

Dry-cleaning Facilities and Wholesale Suppliers Registration Fee:

\$100 annually.

Tax on the Gross Receipts of Dry-cleaning Facilities:

2 percent of the gross receipts from the dry-cleaning or laundering of clothing or other fabrics

Tax on the Sale or Importation of Perchloroethylene:

\$5 per gallon on the sale or importation of perchloroethylene by a dry-cleaning facility

DISPOSITION:

Total collections, less administrative costs and General Revenue Service Charge, are deposited in the Water Quality Assurance Trust Fund.

DRY CLEANING TAX

OTHER STATES:

Dry-cleaning services are taxed under the general sales or gross receipts tax systems in 21 states, at rates ranging from 0.4 percent to 7 percent, plus local sales or gross receipts tax rates. Connecticut, Illinois, Kansas, Minnesota, North Carolina, South Carolina, Oregon, Tennessee, and Wisconsin also levy environmental taxes on dry-cleaning services or materials.

EARNINGS ON INVESTMENTS

FLORIDA STATUTES: Sections 17.57 and 17.61

ADMINISTERED BY: Chief Financial Officer

SUMMARY:

Cash balances not needed for day-to-day transactions are invested.

REVENUE:

Fiscal Year	Collections	Annual Change %	General Revenue	Trust Funds
2022-23*	406,402,428	14.7%	213,812,802	192,589,626
2021-22*	354,437,357	-35.6%	206,482,363	147,954,994
2020-21	550,162,219	-32.5%	342,881,355	207,280,863
2019-20	814,678,898	54.0%	370,564,236	444,114,662
2018-19	528,968,363	37.9%	224,354,196	304,614,167
2017-18	383,597,591	6.7%	136,075,052	247,522,539
2016-17	359,649,282	12.6%	130,987,810	228,661,472

*Estimate

HISTORY:

Within the Department of Financial Services, the Division of Treasury manages a fixed-income investment portfolio for the state that includes General Revenue and trust fund balances. The Treasury Investment Portfolio is made up of internally and externally managed securities. Approximately 70 percent of the portfolio is invested in securities with maturities of three years or less. These short-term fixed-income investments are internally managed by the Treasury. The remainder is composed of intermediate-term fixed-income investments with maturities ranging from five to fifteen years. This portion of the portfolio is externally managed. The portfolio is managed with liquidity and capital preservation as primary goals in order to ensure funds are available to spend when needed. Agencies may request that trust fund balances be invested with earnings accruing to the trust fund. Otherwise, earnings accrue to the General Revenue Fund. Section 17.61, F.S., provides that earnings on specific trust funds accrue to the General Revenue Fund.

BASE AND RATE:

Not applicable.

DISPOSITION:

Earnings on certain trust fund balances accrue to the trust funds. Otherwise, earnings accrue to the General Revenue Fund.

OTHER STATES: All states have policies in place to invest cash balances.

E S T A T E T A X

FLORIDA STATUTES: Chapter 198

ADMINISTERED BY: Department of Revenue

SUMMARY:

The estate tax still exists in law and is imposed on an estate for the privilege of transferring property at death. It is limited to the amount allowable as a credit against federal estate tax for state death taxes paid, and does not increase the total amount of tax paid by the estate. A federal change effectively eliminated Florida's estate tax after December 31, 2004. Previously, federal law allowed a credit for state death taxes on the federal estate tax return. The federal government then changed the credit to a deduction for state estate taxes. Since Florida's estate tax was based solely on the federal credit, estate tax was no longer due on estates of decedents that died on or after January 1, 2005. However, the personal representative of an estate may still need to complete certain forms to remove the automatic Florida estate tax lien.

If the federal estate tax is changed to incorporate a credit for state taxes at some future point, the following amounts would be collected:

Fiscal Year	(in millions)*
2023-24	\$2,548.14
2024-25	\$2,672.39
2025-26	\$2,759.33
2026-27	\$2,848.27
2027-28	\$2,952.85
2028-29	\$3,070.48
2029-30	\$3,199.17
2030-31	\$3,331.49
2031-32	\$3,462.51

*See History

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2023-24*	0	0.00%
2022-23*	0	0.00%
2021-22*	0	0.00%
2020-21	0	0.00%
2019-20	0	0.00%
2018-19	2,771	-99.86%
2017-18	1,927,494	198.47%

HISTORY:

Prior to 1924, there were no restrictions on the imposition of a Florida estate or inheritance tax. In 1924, the Florida electorate adopted an amendment to the constitution to prohibit the imposition of inheritance

ESTATE TAX

and income taxation. In 1930, the electorate adopted a constitutional amendment allowing the imposition of estate or inheritance taxes on residents to the extent such tax was allowed to be credited against a similar tax imposed by the federal government. In 1984, the date for filing and paying the Florida estate tax was changed to coincide with the date for filing and paying the federal estate tax. In 1991, the Legislature imposed a late penalty of 5 percent of any unpaid tax for the first 30 days and 10 percent of any unpaid tax due for more than 30 days. In 1992, this late penalty was increased to 10 percent for the first 30 days and 20 percent for more than 30 days. The federal Economic Growth and Tax Relief Reconciliation Act of 2001 phased out the federal estate tax and repealed the state credit against the federal tax by 2005. This law, which was to expire on January 1, 2011, was modified in December 2010 and extended for two years. Under the revised law, the federal estate tax was set at 35 percent with a \$5 million exemption, with the exemption increasing with inflation. There is, however, no credit for state taxes. As a result, 30 states will resume collecting estate taxes. On January 1, 2013, the American Taxpayer Relief Act of 2012 was passed which permanently established an exemption of \$5 million (with an annual inflation adjustment) per person, with a maximum tax rate of 40% for the year 2013 and beyond. The Tax Cuts and Jobs Act (H.R. 1), which became law on December 22, 2017, doubled the estate tax exclusion amount from \$5.6 million (the then-current inflation adjusted amount) to \$11.2 million for 2018. In 2021, the exclusion amount increased to \$11.7 million. The provision expires December 31, 2025, and will return to the \$5.0 million, adjusted for inflation. Twelve states and the District of Columbia still have an estate tax. For the ones that conform to the federal estate tax, doubling the threshold could mean less revenue.

BASE AND RATE:

An estate tax is imposed on the estate for the privilege of transferring property at death. The tax on estates of resident decedents is equal to the amount allowable as a credit against federal estate tax for state death taxes paid, less any amount paid to other states. Thus, the Florida estate tax on resident decedents will not increase the total tax liability of the estate. The tax on estates of nonresident decedents is equal to the amount allowable as a credit against federal estate tax for state death taxes paid multiplied by the ratio of the value of the property taxable in Florida over the value of the entire gross estate.

DISPOSITION:

General Revenue Fund

OTHER STATES:

Before the enactment of the federal Economic Growth and Tax Relief Reconciliation Act of 2001, which phases out the federal estate tax and repeals the state credit against the federal tax, all 50 states plus the District of Columbia imposed an estate tax at least to the extent of the credit allowed against the federal estate tax, and some imposed additional estate and inheritance taxes. Since the enactment of the federal law, however, many states have amended their estate tax laws. Arkansas repealed its estate tax simultaneous with the phase-out of the state credit. Twelve states plus the District of Columbia have retained their estate tax statutes. Of these, eleven states (Illinois, Maine, Maryland, Massachusetts, Minnesota, New Jersey, New York, Oregon, Rhode Island, Vermont, and Wisconsin) have decoupled from the federal estate tax law and continue to levy an estate tax that is the same or very similar to the estate tax prior to the enactment. Virginia also decoupled from the federal estate tax law but repealed its tax on July 1, 2007. Connecticut, Kansas, and Washington replaced their tax with an estate tax that was similar to what they received from the piggyback tax, but it is not tied to the federal tax. Maryland passed legislation in 2014 that increased its estate tax exemption amount over time. In 2019 it becomes linked with the federal exemption amount. On April 28, 2014, Georgia repealed its estate tax, which had been inactive since the phase-out of the credit for state death taxes. Delaware repealed its estate tax at the beginning of 2018. New Jersey fully phased out its estate tax as of January 2018.

ESTATE TAX

Iowa, Kentucky, Nebraska, and Pennsylvania levy a state inheritance or estate tax that was never tied to the federal tax. Tennessee repealed its inheritance tax as of January 1, 2016. Nebraska repealed the state inheritance tax for deaths occurring on or after January 1, 2007; however, an inheritance tax is still levied at the county level. Under legislation enacted in 2011, the Ohio estate tax was repealed, effective for decedents dying on or after January 1, 2013. Wisconsin repealed its estate tax on January 1, 2008. Kansas and Oklahoma repealed their estate tax on January 1, 2010. Indiana is scheduled to repeal its tax effective January 1, 2022. Iowa formally repealed its estate tax on April 3, 2014, however it still has an inheritance tax. Maryland and New Jersey levy both an estate tax that is similar to the enactment and a separate inheritance tax.

Connecticut continues to phase in an increase in its estate tax exemption. By 2023 it will match the federal exemption amount.

Hawaii was the most recent state to restore its state estate tax, effective May 1, 2010. Although the Hawaii estate tax exemption appears to be set at \$3,500,000, in calculating the tax due, the tax does not take effect until the estate exceeds \$3,600,000. On April 25, 2014, the governor signed a law that amends the definition of Hawaii's applicable exclusion amount to reduce that exclusion by the amount of the decedent's taxable gifts.

On June 27, 2011, S.L. 2011-330 was signed into law in North Carolina. This law clarified that the North Carolina estate tax does not apply to the estates of decedents who died in 2010 but applies to the estates of decedents dying on or after January 1, 2011, with a \$5,000,000 exemption. However, North Carolina repealed its estate tax in July 2013, with repeal retroactive for deaths on January 1, 2013 or later.

In June 2013, Washington state passed new legislation that: (1) increased the top rate by 1 percentage point; (2) indexed the value of the exempt amount to the Seattle MSA CPI; (3) allowed a deduction of up to \$2.5 million for the value of the decedent's "qualified family-owned business interest;" and (4) required a marital QTIP trust to be subject to the estate tax upon the second spouse's death.

GROSS RECEIPTS TAX

FLORIDA STATUTES: Chapter 203; Constitution Article XII Section 9(a)

ADMINISTERED BY: Department of Revenue

SUMMARY:

The gross receipts tax is imposed at the rate of 2.5 percent on the gross receipts of sellers of utility services (electricity, and natural or manufactured gas). In addition, a rate of 2.6 percent is levied on sales of electricity to non-residential customers not otherwise exempt. Finally, a rate of 2.52 percent is levied on the gross receipts of sellers of communications services (CST). This is comprised of a tax rate of 2.37 percent on the cable, wireless, landline and miscellaneous services tax bases, and an additional tax rate of 0.15 percent that is applied to the same tax bases, excluding landlines in residential households. The dollars generated by both of these tax rates, plus 20.7 percent of total direct-to-home satellite collections, comprise total gross receipts CST collections.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	1,148,319,720	1.11%
2021-22*	1,135,713,303	2.37%
2020-21	1,109,420,048	-0.51%
2019-20	1,115,140,779	-2.94%
2018-19	1,148,877,073	-0.42%
2017-18	1,153,724,902	3.79%
2016-17	1,111,599,286	-3.98%

* Estimate

HISTORY:

A tax on gross receipts of public utility firms was enacted in 1931. The rate was set at \$1.50 per \$100 of receipts and remained unchanged until 1990. In 1963, collections were earmarked by constitutional amendment for funding capital outlay needs of the universities and junior colleges and for bonds. A 1974 amendment to the state constitution opened up use of these funds to include public schools and authorized the issuance of general obligation bonds in lieu of the former authorization for revenue bonds only. In 1990, the 1.5 percent tax rate was increased to 2.0 percent, again to 2.25 percent on July 1, 1991, and to 2.5 percent on July 1, 1992. In addition, the tax base was expanded to include electricity produced by most cogeneration or small power producers that is in excess of electricity produced and not taxed during the 12-month period ending June 30, 1990. In 1991, the definition of "electricity" was clarified for the purpose of the tax base, and the exemption from gross receipts tax for separately stated tax for telecommunications was repealed. SJR 2H was placed on the November 1992 ballot by the 1992 Legislature and adopted by the electorate. The amendment removed the July 1, 2025, ending date for the bonding of gross receipts taxes, permanently allowing such bonding of revenues, but with a maturity date on the bonds not to exceed 30 years from date of issuance. In 1998, Internet access fees were exempted from gross receipts and other taxes. Effective October 1, 2001, the definition of telecommunications was changed as part of a communications tax overhaul. The new definition includes cable and direct satellite television, and the rate was decreased from 2.5 percent to 2.37 percent. The gross receipts tax on communications services is remitted as a component of the communications services tax, which includes sales tax and local government tax components as well. Chapter 2003-17, L.O.F. (SB 1430), exempted the sale of manufactured gas to an electric utility from the gross receipts tax and Chapter 2003-254,

GROSS RECEIPTS TAX

L.O.F. (SB 1176), exempted homes for the aged from the gross receipts tax on communications services. Chapter 2010-149, L.O.F. (SB 2024), reduced the sales tax rate imposed on communication services that originate and/or terminate in Florida from 6.80 percent to 6.65 percent. The legislation also amended s. 203.01, F.S., to increase the gross receipts tax rate on communications services from 2.37 percent to 2.52 percent. Chapter 2014-38, L.O.F. (HB 5601), reduced the sales tax rate for charges for electrical power by 2.65 percent and increased the gross receipts tax rate for certain purchases of electricity to 2.6 percent.

BASE AND RATE:

A tax of 2.5 percent is imposed on the gross receipts from the sale of electricity, gas, and cogenerated electrical power transmission, and a tax of 2.52 percent is imposed on the sale of communications services. An additional 2.6 percent tax is levied on commercial electricity. Both privately held and publicly held corporations are required to pay the tax. Firms purchasing services for resale are granted a credit equal to the tax paid by their supplier. Gross receipts from the sale of gas used to generate electricity are exempt from the tax. Tax payments are due monthly. The gross receipts tax on communication services is remitted as a component of the communications services tax. Late penalties range from 10 percent to 50 percent of unpaid taxes.

DISPOSITION:

Public Education Capital Outlay and Debt Service Trust Fund

OTHER STATES:

A few states, such as Georgia and Indiana, tax public utilities the same as other businesses. Most states tax them by special forms of taxation, of which the most common is a gross receipts tax. In some states, gross receipts taxes are combined with other measures. Some special taxes on utilities are for revenue; some are simply sufficient to pay regulatory costs. Gross receipts tax rates vary from less than 1 percent to as much as 10 percent. Frequently, different rates are applied to nearly every type of utility. The Florida rate is low in comparison with states basing their tax on gross receipts; however, utilities are also subject to the Florida corporation income tax.

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
Value of 0.1 percent levy on the current utilities base	\$38.7
VALUE OF EXEMPTIONS:	
Sale of LP Gas – residential (s. 203.012)	\$7.4
Sale of LP Gas – nonresidential (s. 203.012)	\$5.9
Sale of natural or manufactured gas used to generate electricity (s. 203.01(3))	\$124.0
Sale of communications services to governments, tax-exempt religious or educational organizations, and homes for the aged (s. 202.125)	\$54.2
VALUE OF EXEMPTIONS ON SALES TAX BASE OF ELECTRICITY:	
Partial Exemption for production cost of cogenerated energy	\$13.9
Wheeling or transmission of electricity	\$8.9
Purchases of power & heating fuels by residential households	\$576.1
Electricity used in manufacturing	\$39.9
Electricity used or dissipated in the transmission of electricity	\$11.3
ALTERNATIVE BASES:	
Water Services	\$82.5
Sewer Services	\$77.4
Solid Waste Services	\$80.5

HEALTH CARE ASSESSMENTS

FLORIDA STATUTES: Sections 395.701 and 395.7015

ADMINISTERED BY: Agency for Health Care Administration

SUMMARY:

Health care assessments are imposed on net operating revenues of hospitals at the rate of 1.5 percent for inpatient services and 1.0 percent for outpatient services. Assessments are imposed also at the rate of 1.0 percent on net operating revenues of ambulatory surgical centers and clinical laboratories.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	717,047,703	-1.96%
2021-22*	731,388,657	0.00%
2020-21	731,388,657	6.54%
2019-20	686,493,312	5.28%
2018-19	652,034,176	6.33%
2017-18	613,225,065	-3.44%
2016-17	635,099,790	13.81%

* Estimate

HISTORY:

The assessment on hospitals was enacted in 1984 as part of the Health Care Consumer Protection and Awareness Act (Chapter 84-35, L.O.F.). The assessment was imposed on all hospitals other than those operated by the Department of Health and Rehabilitative Services (now, the Department of Children and Families) or the Department of Corrections, at the rate of 1.5 percent of annual net operating revenues. The Act created the Public Medical Assistance Trust Fund and specified its use to reimburse hospitals for uncompensated care provided to indigent patients. In July 1991, the assessment base was expanded to apply to ambulatory surgical centers, clinical laboratories, freestanding radiation therapy centers, and freestanding diagnostic imaging centers. In July 1992, an assessment was imposed on nursing home facilities in the amount of \$1.50 for each patient day provided by the nursing home. The nursing home assessment was repealed on May 1, 1993. In 1998, outpatient radiation therapy services provided by a hospital were exempted from the assessment as well. Effective July 1, 2000, the assessment rate for outpatient services provided by hospitals was reduced from 1.5 percent to 1.0 percent.

The Second Judicial Circuit found the ambulatory assessment to be an unconstitutional income tax. In 2003, on appeal, the parties entered into a court-approved settlement agreement by which the ambulatory portion of the existing monies in the Public Medical Assistance Trust Fund was distributed, and the Agency for Health Care Administration (AHCA) discontinued the assessments. In 2003, a number of hospitals brought separate administrative actions challenging AHCA's implementation of those portions of Chapter 2000-256, L.O.F. (HB 2339), enacting the assessment rate changes currently in effect. A Final Order from the Division of Administrative Hearings supporting the hospitals was issued during calendar year 2006 and was later upheld by the First District Court of Appeals. Assessments subject to the Order were returned to providers during Fiscal Year 2007-08.

HEALTH CARE ASSESSMENTS

BASE AND RATE:

The annual net operating revenue is determined by AHCA based on the health care entity's prior fiscal year financial reports. The assessment is payable in equal quarterly amounts on or before the first day of each calendar quarter of the assessment year.

DISPOSITION:

Public Medical Assistance Trust Fund

OTHER STATES:

As of FY 2017-18, health care provider taxes are levied in 49 states and the District of Columbia (DC); only Alaska does not levy a tax. Such taxes generally are levied as a percentage of net revenue or as a bed tax per patient day. Of the 49 states and DC, 42 levy assessments on hospitals, 44 tax nursing homes, 36 tax intermediate care facilities for the developmentally disabled, and 13 tax managed care organizations.

VALUE OF RATE CHANGE:

	<u>2022-23</u> (millions)
Increase hospital inpatient assessment by 1 percent	\$341.3
Increase hospital outpatient assessment by 1 percent	\$219.4

**HIGHWAY SAFETY FEES
LATE CIVIL PENALTIES**

FLORIDA STATUTES: Section 318.18(8)(a), F.S.

ADMINISTERED BY: Penalties are collected by the various clerks of court and remitted by the 10th of the following month to the Florida Department of Revenue for deposit into the Highway Safety Operating Trust Fund and the General Revenue Fund.

SUMMARY: Section 318.18(8)(a), F.S., provides for an additional \$16 civil penalty for failure to comply with requirements or pay specified penalties within 30 days.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	General Revenue	Highway Safety Operating Trust Fund
2022-23*	14,067,907	0.71%	5,715,087	8,352,820
2021-22*	13,969,374	11.53%	5,675,058	8,294,316
2020-21	12,524,916	-17.55%	4,903,940	7,620,975
2019-20	15,191,684	-12.72%	6,118,226	9,073,458
2018-19	17,406,177	-1.24%	7,021,269	10,384,908
2017-18	17,624,166	-1.16%	7,120,613	10,503,553
2016-17	17,831,589	-4.60%	7,208,563	10,623,026

* Estimate

HISTORY:

The civil penalty was originally established by Chapter 86-154, L.O.F., at a rate of \$10 per violation. Chapter 87-108, L.O.F., increased the amount to \$12. Chapter 2009-14, L.O.F. (SB 40-A), increased the amount to the current \$16.

BASE AND RATE:

\$16 per violation

DISPOSITION:

\$9.50 of additional \$16 civil penalty for failure to comply with court requirements or pay specified penalties within 30 days is deposited in the Highway Safety Operating Trust Fund, and \$6.50 is deposited in the General Revenue Fund.

OTHER STATES: The National Center for State Courts provides comparative information regarding state traffic laws. However, the center does not provide data regarding the mechanism used by states to encourage timely payment of civil traffic penalties. According to the Department of Highway Safety and Motor Vehicles, most, if not all, states provide some mechanism for encouraging the timely payment of civil traffic penalties.

VALUE OF RATE CHANGE:

Value of 10 percent rate change

2022-23
(millions)

\$1.4

**HIGHWAY SAFETY FEES
RED LIGHT CAMERAS**

FLORIDA STATUTES: Sections 316.0083(3) & 318.18(15)(a)2. and 3., F.S.

ADMINISTERED BY: Department of Highway Safety and Motor Vehicles, Department of Revenue, clerks of the court, and counties and municipalities operating traffic infraction detector programs.

SUMMARY:

Sections 316.0083(3) and 318.18(15)(a)2. and 3., F.S., provide for a civil penalty of \$158 to be imposed on the owner of a motor vehicle when a traffic infraction detector has indicated that the driver has failed to stop at a traffic signal and the resulting traffic ticket has been issued by a state or local traffic enforcement officer. Notices of violations are issued by local governments and penalties are collected by those local governments when paid within 60 days of notification. Vehicle owners who do not pay on time or request a local hearing receive a traffic citation which must be paid to the clerk of the court in the county in which the violation occurred. Local governments and the clerks of court remit the state portion of revenues to the Florida Department of Revenue.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	General Revenue	Department of Health Emergency Medical Trust Fund	Brain & Spinal Cord Injury Trust Fund
2022-23*	65,042,993	1.03%	54,850,756	7,840,182	2,352,055
2021-22*	64,378,819	16.00%	54,290,658	7,760,123	2,328,038
2020-21	55,500,550	-8.25%	46,792,630	6,698,399	2,009,521
2019-20	60,492,945	-12.66%	50,993,932	7,329,755	2,169,257
2018-19	69,264,052	-10.23%	58,415,466	8,345,067	2,503,520
2017-18	77,161,478	9.37%	65,077,353	9,304,776	2,779,349
2016-17	70,549,722	0.33%	59,729,347	8,512,459	2,542,682

* Estimate

HISTORY:

Chapter 2010-80, L.O.F. (HB 325), establishing the Mark Wandall Traffic Safety Program and providing for the use of traffic infraction detectors, was approved by the 2010 Legislature and amended by Chapter 2013-160, L.O.F. (HB 7125), approved by the 2013 Legislature.

BASE AND RATE:

The penalty for failure to stop at a traffic signal is \$158 per violation.

DISPOSITION:

When a violation is issued by the Department of Highway Safety and Motor Vehicles, the Department of Revenue deposits \$100 into the General Revenue Fund, \$10 into the Department of Health Emergency Medical Trust Fund, and \$3 into the Brain and Spinal Cord Injury Trust Fund. In addition, the Department of Revenue or clerk of court remits \$45 to the local jurisdiction issuing the violation. To date, the department has not initiated the issuance of red light cameras (RLC) violations.

When a violation is issued by a local government, the Department of Revenue deposits \$70 into the General Revenue Fund, \$10 into the Department of Health Emergency Medical Trust Fund, and \$3 into the Brain and Spinal Cord Injury Trust Fund. In addition, the local government retains, or the clerk of court remits, \$75 to the local jurisdiction issuing the violation.

**HIGHWAY SAFETY FEES
RED LIGHT CAMERAS**

OTHER STATES:

According to the Insurance Institute for Highway Safety, over 340 cities and towns in 22 states across the country currently participate in a red light camera program.

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
The value of a 10 percent increase in the penalty	\$6.5

HOTEL AND RESTAURANT LICENSES AND FEES

FLORIDA STATUTES: Sections 509.251, 509.302, 399.01, 399.03, and 399.07

ADMINISTERED BY: Department of Business and Professional Regulation, Division of Hotels and Restaurants

SUMMARY:

Apartments, hotels, motels, rooming houses, timeshare projects, vacation rentals, and food service establishments must pay an annual license fee to the Department of Business and Professional Regulation to cover the cost of regulation. The Department is authorized by statute to establish rules to implement the fees. The fee is based on the number of units for public lodging or the number of seats or services for food service establishments.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	35,600,224	1.39%
2021-22*	35,112,165	1.46%
2020-21	34,606,904	10.20%
2019-20	31,405,030	-1.59%
2018-19	31,912,581	6.89%
2017-18	29,854,740	-2.05%
2016-17	30,479,443	3.91%

* Estimates

HISTORY:

Beginning in 1899, sanitary inspection of hotels and restaurants was assigned to the Board of Health and a \$2 fee was prescribed. In 1913, hotel and restaurant inspections were taken over by a Hotel and Restaurant Commissioner. Fee changes have been made at frequent intervals by the Division of Hotels and Restaurants. From 1953 to 1975, all collections were deposited into the General Revenue Fund, from which administrative costs were appropriated. In 1975, an increase in fees was enacted and disposition of funds was changed to the Hotel and Restaurant Trust Fund. The \$3 hospitality education fee was increased in 1990 to "no more than \$6" and is to be "included in" instead of "in addition to" each lodging and food service license fee. In 1992, s. 559.925, F.S., providing for the licensure of receptive tour operators, was repealed. In 1993, the caps on various fees were increased. In 1996, the Legislature required that all hospitality education fees be used for the sole purpose of funding the Hospitality Education Program. Chapter 2001-186, L.O.F. (SB 336/190), increased the caps for various fees related to elevator safety. Chapter 2002-299, L.O.F. (SB 1808), increased the Hospitality Education Fee cap from \$6 to \$10, and excluded certain fees from the maximum aggregate license fee for public food service establishments. Chapter 2012-165, L.O.F. (HB 249), deregulated all rooming houses and any apartment buildings inspected by the U.S. Department of Housing and Urban Development that are designated primarily as housing for persons age 62 or older. Chapter 2014-721, L.O.F. (HB 807) created a new public lodging establishment classification for Timeshare Projects which also separated timeshares from vacation rentals.

BASE AND RATE:

Public Lodgings: Apartments - basic fee - transient unit - \$125, non-transient unit - \$95, plus additional amount based on number of units. Single unit (transient only) - \$10; 2 (transient) or 5 (non-transient) to 25 units - \$20; 26 to 50 units - \$35; 51 to 100 units - \$50; 101 to 200 units - \$75; 201 to 300 units - \$105; 301 to 400 units - \$135; 401 to 500 units - \$160; over 500 units - \$190. Hotels & Motels - basic fee \$170,

HOTEL AND RESTAURANT LICENSES AND FEES

plus additional amount based on number of units, same as apartments, ranging from \$10-\$190. Single and Group Vacation Rentals and Timeshare Projects - basic fee \$150, plus additional amount based on number of units, same as hotels, motels, and rooming houses. Collective Vacation Rentals and Timeshare Projects- basic fee \$150, plus \$10 per unit up to \$1,000 maximum fee (175 units).

Food Service: Each permanent seating establishment \$185, plus additional amount according to seats: 1 to 49 seats - \$55; 50 to 149 - \$65; 150 to 249 - \$85; 250 to 349 - \$105; 350 to 499 - \$125; 500 or more seats - \$145. Theme park food carts - base fee \$185, plus additional amount based on number of carts like seating, ranging from \$55 to \$145. Permanent Nonseating Establishments - \$220. Mobile food dispensing vehicle licenses - base fee \$185, plus service type fee \$135. Caterers - base fee \$185, plus service type fee \$55. Vending machines - base fee \$10. Temporary food service licenses - 1 to 3 day events - \$77; 4 to 30 day events - \$90; annual license - \$425. A fee of approximately 5 percent is added to each food service license fee for epidemiological services provided by the Department of Health for food borne illness investigations. Except for annual temporary event licenses, aggregate fees per establishment may not exceed \$400.

Hospitality Education Fee: Imposed on each lodging and food service establishment - \$10.

Elevator Licensing Fees: Basic fee of \$75 per device. Certificate of competency fee for elevator professionals is \$50 per year.

DISPOSITION:

Hotel and Restaurant Trust Fund.

OTHER STATES:

It is common among the states to inspect and regulate hotels, motels, restaurants, and other food service establishments, by either state or local authority. This may be done by the health authorities or by some specially appointed agency.

HUNTING AND FISHING LICENSES

FLORIDA STATUTES: Sections 379.353 - 379.357 and 379.361 - 379.377

ADMINISTERED BY: Fish and Wildlife Conservation Commission

SUMMARY:

Hunting and fishing in Florida generally requires a license unless an exemption applies. Permits are also required to hunt and fish certain species or seasons. Florida licenses and permits are issued by the Fish and Wildlife Conservation Commission (FWC). They may be purchased from tax collectors, or for an additional fee, from retail vendors and via the telephone and Internet. License fees are set by statute and are based on intended activity, duration of the license, location, and residency status. License fees support fish and wildlife resource conservation including species/habitat management, research, and law enforcement, and provide hunting and fishing opportunities.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	State Game Trust Fund	Marine Resources Conservation Trust Fund	Dedicated License Trust Fund	Lifetime Fish and Wildlife Trust Fund
2022-23*	74,648,601	1.39%	30,307,115	47,958,676	2,689,503	4,569,137
2021-22*	73,625,210	1.46%	27,542,371	40,313,061	2,447,320	3,322,459
2020-21	72,565,751	15.60%	25,486,254	40,890,621	2,293,129	3,895,747
2019-20	62,774,473	1.63%	23,483,231	34,371,802	2,086,639	2,832,802
2018-19	61,765,094	2.80%	22,534,440	34,731,291	1,991,584	2,507,780
2017-18	60,084,644	0.00%	21,485,509	33,030,101	2,100,793	3,468,241
2016-17	60,087,118	4.38%	21,778,501	33,654,159	2,206,160	2,448,298

* Estimate

HISTORY:

Florida enacted a law requiring recreational hunting and freshwater fishing licenses in 1929. Recreational license and/or permit fees were increased in 1961, 1963, 1977, 1979, 1985, 1989, 1990, 2007, and 2009. There have been many new types of licenses created over the years, including combination hunting and fishing licenses established in 1985 and a resident sportsman license created in 1987. Beginning in 1989, the Legislature required a saltwater fishing license for the first time. In 1990, persons who operated charter boats (vessels carrying customers who fish for a fee) were required to obtain a saltwater vessel license (customers fishing from a licensed charter boat are exempted from having to obtain a personal recreational saltwater fishing license). Resident lifetime and 5-year hunting and fishing licenses were created in 1991. A special recreational spiny lobster license was created in 1993 (it was repealed during the 2014 Session in Chapter 2014-136, L.O.F. (HB 955)). Chapter 98-333, L.O.F. (HB 3673), eliminated the resident saltwater \$10/10-day license; and reduced the resident 5-year hunting license fee from \$270 to \$55 (and excluded all permits from the license, requiring the licensee to buy permits individually).

In 1999, the Legislature implemented the constitutional amendment that created the Fish and Wildlife Conservation Commission from the former Game and Fresh Water Fish Commission, Marine Fisheries Commission, and marine programs from the Department of Environmental Protection; all hunting, freshwater fishing, and saltwater fishing licenses were transferred to FWC. Chapter 2000-362, L.O.F. (SB 386), created the following annual combination residential licenses: hunting, freshwater, and saltwater fishing; and freshwater and saltwater fishing. Chapter 2005-45, L.O.F. (HB 395), created the Military Gold Sportsman's license with a fee of \$18.50 (for residents who are active or retired members of the U.S. Armed Forces, U.S. Armed Forces Reserves, National Guard, U.S. Coast Guard, or the U.S. Coast Guard Reserves). Chapter 2006-304, L.O.F. (HB 471), created a \$5 crossbow permit and,

HUNTING AND FISHING LICENSES

accordingly, increased the annual fees of the Sportsman's license from \$66 to \$71 and the Gold Sportsman's license from \$82 to \$87. Chapter 2007-223, L.O.F. (HB 7173), established commercial license fees associated with the Blue Crab Effort Management Program, increased licenses fees for most recreational fishing and hunting licenses, created a nonresident recreational 3-day freshwater fishing license, and enabled FWC to solicit donations for youth hunting and fishing programs as a voluntary check-off at the time hunting and fishing licenses are sold. Chapter 2008-106, L.O.F. (SB 1286), provided for hunting and fishing license fees and vessel registration fees to be adjusted by the percentage change in the Consumer Price Index (CPI), starting in 2013 and every five years thereafter, unless otherwise provided by law; these provisions were repealed by Chapter 2013-56, L.O.F. (HB 5503).

Chapter 2009-86, L.O.F. (HB 1423), increased the following annual recreational permit fees, effective July 1, 2010: waterfowl permit from \$3 to \$5; resident turkey permit from \$5 to \$10; non-resident turkey permit from \$100 to \$125; snook permit from \$2 to \$10; and spiny lobster permit from \$2 to \$5. It also authorized an increase for the special use permit (to participate in limited entry hunting or fishing activities authorized by FWC) from \$100 to \$150 per day, or from \$250 to \$300 per week; and authorized an increase, from \$25 to \$30 per year, of the maximum fee for a management area permit to hunt or fish on land owned, leased, or managed by the FWC. The legislation also created a permit with a maximum fee of \$5 per day or \$30 per year for anyone to hike, camp, or otherwise engage in other outdoor recreational activities, except hunting or fishing, on management area lands; it also created a \$5 annual deer permit.

Chapter 2009-65, L.O.F. (SB 1742), repealed the recreational saltwater shoreline exemption authorized for Florida residents; it required residents who saltwater fish from the shoreline or a structure fixed to the land to purchase a shoreline license at a cost of \$7.50; the license is not required if they possess an annual saltwater fishing license or if they fall under an exemption.

Chapter 2010-146, L.O.F. (SB 1514), repealed the fee for the shoreline license created in 2009 (it did not repeal the requirement for the shoreline license).

Chapter 2012-95, L.O.F. (HB 7025), reduced the commercial blue crab/soft shell endorsement annual fee from \$250 to \$125.

Chapter 2013-194, L.O.F. (HB 333), exempted disabled veterans and active military from having to obtain a recreational hunting or fishing license when participating in a hunting or fishing special event whose organizing entity has obtained an FWC permit; this same legislation modified the restricted species criteria for certain veterans who wish to become commercial saltwater fishermen.

BASE AND RATE:

Hunting/Game Licenses/Permits, annual unless otherwise specified: Licenses: Resident Hunting: \$15.50; 5-year \$77.50; Lifetime 4 years or younger \$200, 5 - 12 years \$350, 13 - 63 years \$500. Non-Resident Hunting: \$150; 10-day \$45. Trapping: Resident \$25; Non-Resident \$25. Fur and hide dealers: Resident \$100; Non-Resident \$500. Private hunting preserve: \$70; Commercial \$500. Game farm \$50. Permits, Resident or Non-Resident: Waterfowl \$5; Deer \$5; Management Area, for hunting and fishing, not to exceed \$30; Management Area, for activities other than hunting and fishing, not to exceed \$5/day or \$30/year; Muzzle-loading Gun \$5; Archery \$5; Crossbow \$5. Turkey Permit: Resident \$10; Non-Resident \$125. Special use permits for limited entry hunting or fishing activities, not to exceed \$150/day or \$300/week.

Freshwater Fishing Recreational License, annual unless otherwise specified: Resident: \$15.50; 5-year \$77.50; Lifetime 4 years or younger \$125; 5 - 12 years \$225; 13 years or older \$300. Non-Resident: 3-day \$15.50; 7-day \$28.50; annual \$45.50.

HUNTING AND FISHING LICENSES

Freshwater Fishing Commercial License, annual: Commercial Fishing: Resident \$25; Non-Resident \$100. Freshwater Fish Dealer: Resident (also allows Wholesale activities) \$40; Non-Resident \$100. Wholesale Fish Dealer, Non-Resident, \$50 - \$500. Fish Pond (greater than 20 acres) \$3 per surface acre (allows those fishing to be exempt from freshwater fishing license requirement). Annual Gear license: Trawl Seines \$50; Haul Seines \$100. Lake Okeechobee Permits: Resident Trawl \$50; Resident Haul Seines \$100; Non-Resident or Alien Trawl or Haul Seines \$500; Tag Fee (for sale of game fish commercially harvested from Lake Okeechobee) up to \$.50/each.

Alligator Licenses, annual: Alligator Trapping: Resident \$250; Non-Resident \$1,000. Farming or Processing \$250; Trapper or Farmer Agent \$50.

Saltwater Fishing, Recreational Licenses/Permits, annual unless otherwise specified: Licenses: Resident \$15.50; 5-year: \$77.50; Shoreline: \$0; Lifetime 4 years or younger \$125; 5 - 12 years \$225; 13 years or older \$300. Non-Resident: 3-day \$15.50; 7-day \$28.50; annual \$45.50. Special Recreational Spiny Lobster License \$100. Fishing Pier \$500 (allows those fishing to be exempt from saltwater fishing license requirement). Recreational Vessel \$2,000 (allows those fishing to be exempt from saltwater fishing license requirement). Permits: Snook \$10; Spiny Lobster \$5; Tarpon tag \$50/each.

Combination Recreational Licenses, annual unless otherwise specified: Hunting and freshwater fishing \$31; Freshwater and saltwater fishing \$31; Hunting, freshwater and saltwater fishing \$46.50; Sportsman's \$79; Sportsman's, 64 years and older \$12 (lifetime); Gold Sportsman's \$98.50; Military Gold Sportsman's \$18.50. Resident Lifetime Sportsman: 4 years or younger \$400; 5 - 12 years \$700; 13 years or older \$1,000.^{1, 2}

Saltwater Fishing Licenses/Endorsements, Commercial (Saltwater Products), annual: Licenses: Individual Resident \$50; Non-Resident \$200; Alien \$300. Individual/Vessel and all aboard: Resident \$150; Non-Resident \$600; Alien \$900. Vessel and all aboard: Resident \$100; Non-Resident \$400; Alien \$600. Oyster (Apalachicola Bay) Resident \$100; Non-Resident \$500. Live/dead bait/shrimp production, Tampa Bay, Resident \$250, Non-Resident \$1,000. Endorsements: Marine Life \$75; Stone Crab \$125 (plus trap certificate fees); Blue Crab/hard shell \$125 (plus trap certificate fees); Blue Crab/soft shell \$125 (plus trap certificate fees); Spiny Lobster \$125 (plus trap certificate fees). Trap retrieval fee \$10. St. Johns Seine Net permit \$250. Gear License: purse seines \$25.

Wholesale and Retail Saltwater Products Dealer Licenses, annual: Wholesale/County: Resident \$400; Non-Resident \$600; Alien \$1,100. Wholesale/State: Resident \$550; Non-Resident \$1,100; Alien \$1,600. Retail: Resident \$75 (\$25 per additional location); Non-Resident \$250 (\$40 per additional location); Alien \$300 (\$65 per additional location).

Saltwater Charter Boat Licenses, annual: To carry more than 10 customers \$800; to carry no more than 10 customers \$400; to carry 6 or fewer customers \$200.

Possessing, Selling, Exhibiting Captive Wildlife Licenses, annual: Personal Possession \$0-140; Exhibition or Sale \$50-\$250; Venomous Reptile/Reptile of Concern \$100.

¹ Executive Order Number 14-295, issued by Governor Rick Scott, authorized FWC to temporarily reduce the Lifetime Sportsman's License fee to \$500 for residents aged 5 to 21 from November 24, 2014 through December 31, 2014.

² In December 2017, Governor Scott signed a proclamation that offered the Lifetime Sportsman's Licenses for Florida residents 17 years of age and younger at a 25% discount. The discount was available December 1, 2017 through December 31, 2017.

HUNTING AND FISHING LICENSES

DISPOSITION (into trust funds administered by FWC, unless otherwise noted):

Hunting, Freshwater Fishing, and Captive Wildlife Licenses, Fines, Forfeitures, and Administrative Fees: State Game Trust Fund.

Saltwater Fishing Licenses, Fines, Forfeitures, and Administrative Fees: Marine Resources Conservation Trust Fund; General Inspection Trust Fund and Florida Saltwater Products Promotion Trust Fund (administered by the Department of Agriculture and Consumer Services).

Lifetime Fishing and Hunting License Fees: Lifetime Fish and Wildlife Trust Fund.

5-Year Fishing and Hunting License Fees: Dedicated License Trust Fund.

OTHER STATES:

All states collect hunting and fishing license fees.

INDIAN GAMING REVENUES

FLORIDA STATUTES: Chapter 285

ADMINISTERED BY: Currently, the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering. As of July 1, 2022, the State Compliance Agency will become the Florida Gaming Control Commission.

SUMMARY:

Chapter 285 ratifies and approves the Compact between the Seminole Tribe of Florida and the State of Florida. The Compact recognizes the Tribe's right to offer certain Class III gaming and provides substantial exclusivity for such activities in exchange for a revenue sharing arrangement. The Compact allows the play of covered games in seven Seminole tribal facilities, which may be relocated, expanded or replaced on Indian Lands as provided for in the compact.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	Distributions to Local Governments	Annual Change %
2022-23*	450,700,000	41.89%	**	100.00%
2021-22*	317,640,000	100.00%	0	0
2020-21	0	0.00%	0	-100.00%
2019-20	0	-100.00%	7,200,000	-29.78%
2018-19	257,994,274	-22.29%	10,254,103	190.40%
2017-18	332,003,426	171.47%	3,531,000	-43.95%
2016-17	122,300,000	-43.21%	6,300,000	-18.18%

* Estimate

** Future Local Government distributions will be addressed through budget amendments related to the General Revenue Fund.

HISTORY:

On November 14, 2007, the Governor and the Seminole Tribe of Florida executed a gaming agreement which was subsequently invalidated by the Florida Supreme Court. On August 28, 2009, and August 31, 2009, the Governor and the Tribe executed another agreement which was sent to the President of the Senate and the Speaker of the House of Representatives, but it was neither ratified nor approved by the Legislature. On April 7, 2010, the Governor and the Tribe executed a third agreement that was ratified by the Legislature in Chapter 2010-29, L.O.F. (SB 622), and approved by the United States Secretary of the Interior.

The first ratified Compact (referred to as the 2010 Compact) had a term of 20 years, which began the first day of the month following the publication of the notice of approval in the Federal Register (July 6, 2010), making it effective August 1, 2010. Based on this, the expiration date would have been July 31, 2030. An exception was made to the general expiration for certain named banking or banked card games (including baccarat, chemin de fer, and blackjack, but excluding roulette, craps, roulette-styled games, and craps-styled games); this specific authorization was set to expire after five years.

The 2010 Compact authorized play of covered games at seven Seminole tribal gaming facilities. The games included slot machines at all seven facilities and banked card games at five of the seven facilities. As part of this authorization, the Tribe was granted partial but substantial exclusivity for both the play of banked card games and the operation of slots in counties other than Broward and Miami-Dade. In exchange, the Tribe agreed to a revenue sharing arrangement with the State. The Compact provided that once the authorization for banked card games expired, revenue share payments from all banked card

INDIAN GAMING REVENUES

games and all Broward activity would cease. It also provided that the Tribe had 90 days, referred to as a grace period, to cease the operation of banked card games. The authorization for banked card games expired on July 31, 2015, and the grace period ended October 31, 2015. Beginning in November 2015 and running through July 2017, revenue sharing associated with banked card games was not included in the state's official revenue forecasts. The Revenue Estimating Conference met in August 2017 where it took two actions that affected the treatment of past and future receipts. First, based on the Settlement Agreement and Stipulation entered into between the Seminole Tribe of Florida and the State of Florida in July 2017, the payments associated with banked card games that the state had held in reserve (\$233.8 million) since November 2015 were released. Of the total, \$226.8 million belonged exclusively to the State; the remainder was distributed to local governments pursuant to s. 285.710, Florida Statutes. Second, all future revenue share payments, including those formerly placed in reserve, were treated as nonrecurring revenues because continuation of these payments depended on actions by the State and the Seminole Tribe that could not be anticipated with sufficient certainty. In this regard, the Settlement Agreement and Stipulation required that "...the state takes aggressive enforcement action against the continued operation of banked card games, including Designated Player Games that are operated in a banked game manner..." during a specified Forbearance Period. The original Forbearance Period ended March 31, 2018; however, an amendment to the Settlement Agreement was signed on April 18, 2018, effectively extending the Forbearance Period to May 31, 2019. After making its April 2019 payment, the Tribe ceased all revenue sharing with the State. The Revenue Estimating Conference met in July 2019 where it zeroed out the revenue forecast and projected a remaining \$7.2 million dollar local distribution in March of 2020, which was related to a prior State liability.

Florida voters approved a constitutional amendment at the 2018 General Election (Amendment 3) which created Article X, s. 30 of the Florida Constitution. This amendment made citizen's initiatives the exclusive method of authorizing casino gambling (as defined in the amendment), with an exception made for gaming compacts for the conduct of casino gambling on tribal lands.

The Governor and the Seminole Tribe of Florida signed a new Compact on April 23, 2021, with an amendment on May 17, 2021. It was subsequently ratified in Special Session by CS/SB 2-A, which was approved by the Governor on May 25, 2021. The first part of the amendment removed a reference to online casino gambling (or other casino-style gaming) of all types of covered games. The original provision was dependent on the results of future good faith negotiations that were to occur within 36 months after the effective date of the Compact. The second part of the amendment addressed the initiation of sports betting no earlier than October 15, 2021.

The legislation required that, "Upon receipt of an act ratifying a tribal-state compact, the Secretary of State shall coordinate with the parties to the compact to formally submit a copy of the executed compact and the ratifying act to the United States Secretary of the Interior for his or her review and approval, in accordance with 25 U.S.C. s. 2710(d)(8)." On August 11, 2021, the Department of Interior, Bureau of Indian Affairs, published a notice entitled "Indian Gaming; Approval by Operation of Law of Tribal-State Class III Gaming Compact in the State of Florida" in the Federal Register. This notice officially triggered the first revenue sharing cycle to begin on September 1, 2021. The 2010 Compact has now been superseded.

In addition to the previously authorized games, the new Compact authorizes craps & roulette, sports betting, and fantasy sports contests. It also establishes a new bracket structure based on the different components of Net Win: Slot Machines, Raffles and Drawings + New Games; Table Games (including craps & roulette); Sports Betting – Tribe (direct); and Sports Betting – Qualified Pari-mutuel Permitholders. The new Compact also includes a schedule of guaranteed minimum payments that apply to the first five revenue sharing cycles. The guarantees are:

INDIAN GAMING REVENUES

- At least \$400 million for any revenue sharing cycle during the first five years of the Compact, however, this portion of the guarantee is not projected to be applicable;
- At least \$1.5 billion by the end of the third revenue sharing cycle with the payment due within 30 calendar days after the end of the third cycle; and
- At least \$2.5 billion by the end of the fifth revenue sharing cycle with the payment due within 30 calendar days after the end of the fifth cycle.

BASE AND RATE:

The revenue sharing bracket structure is based on the different components of net win as follows:

2021 Compact for Slot Machines, Raffles and Drawings + New Games

0.120	12% of net win up to \$2 billion (including \$2B)
0.175	17.5% of net win between \$2 billion and \$2.5 billion (above \$2B and including \$2.5B)
0.200	20% of net win between \$2.5 billion and \$3.0 billion (above \$2.5B and including \$3.0 B)
0.225	22.5% of net win between \$3.0 billion and \$3.5 billion (above \$3.0 and including \$3.5B)
0.250	25% of net win over \$3.5 billion

2021 Compact for Table Games (including craps & roulette)

0.150	15% of net win up to \$1 billion (including \$1B)
0.175	17.5% of net win between \$1 billion and \$1.5 billion (above \$1B and including \$1.5B)
0.225	22.5% of net win between \$1.5 billion and \$2.0 billion (above \$1.5B and including \$2.0 B)
0.250	25% of net win over \$2.0 billion

2021 Compact for Sports Betting – Tribe (direct)

0.1375	13.75% for all amounts of net win
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2021 Compact for Sports Betting – Qualified Pari-mutuel Permitholders

0.1000	10% for all amounts of net win
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Note: If the negotiations fail to produce at least three contracts, the payments due to the State from Tribe's direct sports-betting activity increase by two percent once the Tribe's operations commence.

DISPOSITION:

The General Revenue Fund receives 100 percent of the revenue share; however, 3 percent is later distributed to the affected local governments.

OTHER STATES:

According to the U.S. Department of Interior, Bureau of Indian Affairs, 26 states currently have compacts in place.

INSPECTION LICENSES AND FEES

FLORIDA STATUTES: Chapter 472; sections 487.041, 487.045, 500.90, 500.459, 501.605, 525.09, 526.51, 531.60-531.66, 576.041, 578.08, 580.0365, 580.041, 601.28, 601.59, 603.12, 604.19, and 616.242

ADMINISTERED BY: Department of Agriculture and Consumer Services

SUMMARY:

The Department of Agriculture and Consumer Services is responsible for the regulation and inspection of a wide range of agriculture and consumer commodities. Inspection fees are imposed on the commodities in order to cover the cost of regulation and inspection.

REVENUE:

Fiscal Year	Total Collections	Biennial Change %
2022-23*	81,447,000	1.14%
2021-22*	69,349,000	-1.42%
2020-21	80,528,439	-0.87%
2019-20	70,349,561	7.21%
2018-19	81,237,743	-2.65%
2017-18	65,619,910	-7.54%
2016-17	83,445,136	-2.97%

* Estimate

HISTORY:

The following table provides a listing of the various types of fees and the date of their implementation:

Type of Fee	Base and Rate	Date of Creation	Last Increase	Disposition
Citrus Inspection	Fees for inspection of citrus grade and maturity in continuous inspection packing houses, inspection for pounds solid and brix acid levels at processing plants, inspection of imported fruit at terminal markets.	1949	2008	Citrus Inspection Trust Fund
Citrus Licenses	Each applicant that qualifies for a citrus fruit dealer's license must pay a \$25 per shipping season license fee. A \$10 per shipping season registration fee is required for each agent of the licensed citrus fruit dealer.	1949		Citrus Inspection Trust Fund
Gas and Kerosene Inspection	An inspection fee of one-eighth cent per gallon is assessed on all gasoline, kerosene (except when used as aviation turbine fuel), and #1	1919		General Inspection Trust Fund

INSPECTION LICENSES AND FEES

	fuel oil for sale or use in this state.			
Produce Dealers Licenses	A license is required before conducting business as a dealer in agricultural products. The license fee may not exceed \$500.	1941	2006	General Inspection Trust Fund
Pesticide Licenses	A license is required for a pesticide applicator that uses or supervises the use of restricted use pesticides. The license fee varies by type of applicant.	1975	2009	General Inspection Trust Fund
Professional Surveyors and Mappers Licenses	A license is required from the department for a professional to practice surveying and mapping in the state. The initial license fee shall not exceed \$200.	1994		General Inspection Trust Fund
Fairs and Expos Permits	Fees are established by rule to cover the costs and expenditures associated with the Bureau of Fair and Rides Inspection.	1986	2005	General Inspection Trust Fund
Weights & Measures Instruments and Devices Commercial Use Permits	Fees are established to administer permits for the use of various weights & measures instruments and devices. The permit fee is based on the manufacturer's rated capacity, device design, or use and whether measuring by an inch, pound, or the metric equivalent.	2009		General Inspection Trust Fund
Fruit and Vegetable Inspection	When requested by the shipper, the department will furnish car lot inspections of fruits, vegetables, nuts, grains, and other agricultural products at shipping point. The expense of the inspection is paid by the shipper in the form of inspection fees.		2008	General Inspection Trust Fund
Feed Registration	Each distributor of commercial feed must annually obtain a master registration for each brand that will be distributed in the state. The registration fee is determined by the number of	1905	2008	General Inspection Trust Fund

INSPECTION LICENSES AND FEES

	tons of feed distributed in this state by the distributor during the previous year.			
Fertilizer Inspection	\$1 per ton for fertilizer sold in the state.	1966	2008	General Inspection Trust Fund
Seed Registration	A seed dealer must obtain a license prior to selling seed in the state. The license fee is determined by the gross receipts from the sale of such seed for the preceding license year.	1945	1992 2009	General Inspection Trust Fund
Brake Fluid Permit	A permit fee of \$50 for 12 months or \$100 for 24 months is required for the registration of each brand of brake fluid sold in the state. Renewal fees are \$50 per year, or \$100 for two years.	1961		General Inspection Trust Fund
Phosphate and Lime Nitrogen	30 cents per ton for phosphate and lime sold or used for agricultural purposes in the state.	2003		General Inspection Trust Fund
Telecommunication List Solicitor	A license fee of \$1,500 is required for businesses to engage in commercial telephone solicitation in the state.	1991		General Inspection Trust Fund
Water Vending Permits	A water vending machine permit is required of any person who establishes, maintains, or operates a water vending machine in the state. The permit fee is \$35 per machine.	1984		General Inspection Trust Fund
Plant Industry	The department regulates nurseries and the movement of nursery stock as may be necessary for the eradication, control, or prevention of the dissemination of plant pests or noxious weeds.	1999	2016	Plant Industry Trust Fund
Substance Abuse Marketing Services	A license fee of \$1,500 is required for businesses to provide substance abuse marketing services in the state.	2017		General Inspection Trust Fund

In 2009, Chapter 2009-66, L.O.F. (SB 1744), transferred the regulation and licensing of the surveyors and mappers profession from the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services (DACS). In that same law, effective retroactively to January 1, 2009,

INSPECTION LICENSES AND FEES

a supplemental biennial registration fee for each registered brand of pesticide was added to defray the expenses of the department for testing pesticides for food safety. Each registration issued to a registrant in an odd numbered year is assessed a supplemental fee of \$630 per brand and in an even numbered year is assessed a supplemental fee of \$315 per brand. Also, ss. 531.60-531.66, F.S., were established to permit requirements and fees for weighing and measuring devices used for commercial purposes. The various fees for instruments and devices range from \$60-\$300 for weighing devices of up to and including 100- pound capacity, \$200-\$1,000 for devices weighing greater than 100-pound capacity including wheel load weighers, static railroad track scales, and in-motion railroad track scales, and \$50-\$500 for mass flow meters, volumetric flow meters, tanks used as measuring containers, taximeters, grain moisture meters, and multiple-dimension measuring devices. Additionally, the annual fee for specialty fertilizer was revised to \$200 for each specialty fertilizer brand registration by an applicant. Also, the annual registration fee for seed dealers was doubled, now ranging from \$100-\$4,600 based on various levels of gross receipts from the sale of seeds per place of business.

In 2013, Chapter 2013-251, L.O.F. (HB 7023), transferred the collection of motor fuel inspection fees to the Department of Revenue and eliminated the fees on kerosene and #1 oil. The funds continue to be deposited into the General Inspection Trust Fund.

In 2014, Chapter 2014-150, L.O.F. (HB 7091) created two new tiers of annual registration fees for seed dealers with prior year seed sales of less than \$2,500. For dealers with receipts of less than \$2,500 but greater than or equal to \$1,000, the fee remains at \$100. For dealers with receipts less than \$1,000 but greater than or equal to \$500, the new fee is \$25. If receipts are less than \$500 the new fee is \$10.

In 2016, Chapter 2016-61, L.O.F. (HB 7007) made numerous changes to the fees regulated by DACS, including the following:

- Created s. 500.90, F.S., to preempt to DACS the regulation of the use or sale of polystyrene products (i.e., Styrofoam) by entities regulated by ch. 500, F.S., the Florida Food Safety Act. Currently, there are no fees associated with this law change.
- Created s. 580.0365, F.S., to preempt to DACS the regulatory authority for commercial feed and feedstuff. Currently, there are no fees impacted by this law change.
- Created new penalties and administrative fines for anyone who releases a plant pest without a special permit. The fees are associated with reasonable costs and expenses for a plant pest control or eradication program.

In 2016, Chapter 2016-166, L.O.F. (SB 772) made modifications to several licensing and consumer service activities under the jurisdiction of DACS, including the following:

- Provided for the waiver of certain application, license, and registration fees for honorably discharged veterans and in some cases their spouses.
- Removed the permit fee for facilities operating as a charitable entity that have amusement rides that are not open to the general public and do not allow for day rates.
- Clarified several fees and standards related to weights and measures in chs. 527 & 531, F.S.
- Removed “personal trainers,” “tour guides,” and “tour guide services” from regulation.

In 2017, Chapter 2017-85, L.O.F. (HB 467) made modifications to several licensing and consumer service activities under the jurisdiction of DACS, including the following:

- Removed the requirement to obtain multiple licenses for private investigative agency managers that manage multiple locations.
- Removed the requirement to register a cattle mark or brand.
- Exempted dealers in agricultural products who pay by credit card from certain regulations.
- Excluded taximeters from permitting requirements.

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- Reduced the licensing fee for certain concealed weapon license applicants.

In 2017, the Legislature also passed legislation to eliminate the supplemental fee for each registered brand of pesticide that contains an active ingredient for which the United States Environmental Protection Agency has established a food tolerance limit (Ch. 2017-158, L.O.F. (HB 5401)). In addition, the Legislature created the requirement for entities providing substance abuse marketing services to be licensed by the Department of Agriculture and Consumer Services under the Florida Telemarketing Act (Ch. 2017-173, L.O.F. (HB 807)).

In 2018, the Legislature passed CS/CS/SB 740 (Chapter 2018-84, L.O.F.), which extended the repeal date for the weights and measures program which is funded through permit fees from July 1, 2020, to July 1, 2025. The Legislature also passed CS/HB 29 (Chapter 2018-7, L.O.F.), which eased professional licensing fees and requirements for certain military members, veterans, and their spouses by creating or expanding fee waivers for certain DACS licensees and applicants.

In 2020, the Legislature passed CS/HB 1275 (Chapter 2020-141, L.O.F.). The bill clarified DACS authority to establish by rule fees to cover the costs and expenditures associated with the fair rides inspection program, and the requirement that the industry pay the remaining cost of the program if there is not sufficient General Revenue appropriated by the Legislature. The bill also broadened DACS's rulemaking authority to establish certain exemptions. Further, the bill removed the exemption for museums and other exhibition related institutions, thereby requiring these institutions to comply with applicable licensing and permitting requirements, including being subject to fees and fines.

OTHER STATES:

All states engage in some form of regulation and inspection of agricultural commodities.

INSURANCE LICENSE FEES

FLORIDA STATUTES: Sections 624.501 - 624.506, 624.521, and 624.523

ADMINISTERED BY: Department of Financial Services

SUMMARY:

Each insurance company and insurance agent must be licensed to sell insurance in Florida. Insurance companies pay an annual license fee of \$1,000, while resident insurance agents pay a biennial state license fee of \$12, an appointment fee of \$42, and a county license fee of \$6.

REVENUE:

Fiscal Year	Collections	Annual Change %	Insurance Fees	Agents County Tax Trust Fund
2022-23*	96,025,620	4.00%	88,511,715	7,513,905
2021-22*	92,332,327	4.00%	85,107,418	7,224,909
2020-21	88,781,084	16.09%	81,834,056	6,947,028
2019-20	76,475,831	6.18%	70,453,595	6,022,236
2018-19	72,024,596	3.50%	66,356,948	5,667,648
2017-18	69,585,818	7.80%	64,116,622	5,469,196
2016-17	64,551,807	-0.39%	59,227,818	5,323,989

* Estimate

HISTORY:

As far back as 1887, most insurers were required to be licensed in Florida. In 1903, a \$5 state license tax was imposed on agents and was increased in 1925 and 1982. In 1959, an additional county license tax of \$3 for each agent or solicitor was created and increased to \$6 in 1982. Additional state and county license fees for title insurance agents and limited surety agents were imposed in 1985. In 1989, an annual administrative surcharge of \$200 was imposed on all licensed title insurance agents. The \$7.50 service fee was increased to \$15. In 1992, the fee for filing application for original or modified certificate of authority of insurer was increased from \$25 to \$1,500 and the annual license tax of each insurer was increased from \$200 to \$1,000. All appointment fees were increased by \$20.

BASE AND RATE:

Each insurer company: \$1,000 annually.

Each resident property, casualty, marine, surety, life, health, title, and limited lines insurance agent pays a \$60 biennial license fee (\$42 appointment fee, \$12 state license fee, and \$6 county license tax). Each non-resident insurance agent and all adjusters, whether resident or non-resident, pay a \$60 biennial appointment fee. Non-resident agents pay a \$6 biennial county license tax for each county in which he or she transacts insurance. Each title insurer and title insurance agency pays an annual \$200 administrative surcharge to be deposited in the Insurance Regulatory Trust Fund.

DISPOSITION:

Insurance Regulatory Trust Fund: All "state tax" portions (\$12) of the agents' licenses are collected to fund the administrative costs of the Division of Insurance Fraud. The \$42 appointment fee is also deposited in the Insurance Regulatory Trust Fund.

General Revenue Fund: Residual of all "state tax" portions of agents' license fee collections remaining after the administrative distribution to the Insurance Regulatory Trust Fund. There has been no residual to the General Revenue Fund since 1992-93.

INSURANCE LICENSE FEES

Agents County Tax Trust Fund: "County tax" portion of license fees.

OTHER STATES:

All states regulate insurance companies and agents. Fees or taxes imposed vary considerably from state to state. In some instances, they may be credited against premium taxes.

INSURANCE PREMIUM TAX

FLORIDA STATUTES: Sections 624.509 - 624.519, 624.4625, and 252.372

ADMINISTERED BY: Department of Revenue and Department of Financial Services

SUMMARY:

Taxes are imposed on insurance premiums and paid by insurance companies at the following rates: 1.75 percent on gross premiums minus reinsurance and return premiums; 1 percent on annuity premiums; and 1.6 percent on self-insurers.

REVENUE:

Receipts			Distributions**			
Fiscal Year	Collections	Annual Change %	General Revenue	Insurance Regulatory Trust Fund	Police & Firefighters Premium Tax Trust Fund	Emergency Mangement Preparedness & Assitance Trust Fund
2022-23*	1,069,900,000	2.52%	785,300,000	43,400,000	221,900,000	15,000,000
2021-22*	1,043,600,000	-5.41%	773,300,000	41,800,000	213,200,000	15,000,000
2020-21	1,103,304,287	23.45%	750,300,000	38,000,000	206,000,000	15,300,000
2019-20	893,724,244	1.67%	676,500,000	38,600,000	196,500,000	15,000,000
2018-19	879,030,383	7.14%	626,400,000	37,000,000	188,300,000	15,000,000
2017-18	820,424,645	14.08%	561,300,000	36,500,000	179,600,000	14,600,000
2016-17	719,147,973	2.16%	497,000,000	36,500,000	172,300,000	15,000,000

* Estimate

** Distributions do not equal collections due to beginning and ending cash balances and refunds.

HISTORY:

Adoption of a revised insurance code in 1959 carried forward previous tax arrangements which fully exempted domestic companies and partially exempted foreign companies maintaining regional home offices in Florida. In 1982, a credit was authorized against the premium tax on the emergency excise tax paid to Florida. The 1986 Legislature created the "Tort Reform and Insurance Act," which provided significant reform to the insurance law. In 1988, legislation removed statutory distinctions between domestic, regional home office, and foreign insurance companies, subjecting all insurance companies to a 2 percent premium tax. A new salary tax credit equal to 15 percent of the amount paid by the insurer in salaries to non-licensed employees was authorized with a cap on the combined sum of the salary credit and the corporate income tax credit of 75 percent of total premium tax liability. In 1989, the premium tax rate was reduced from 2 percent to 1.75 percent and the cap on the combined salary and corporate income tax credit from 75 percent to 65 percent. The 100 percent exclusion from considering the salary credit when calculating retaliatory taxes was reduced to 80 percent exclusion. Also, the distribution of retaliatory taxes was changed with not more than 10 percent going to the Insurance Commissioner's Regulatory Trust Fund and the remainder into the General Revenue Fund. Annual tax credits for the Florida Insurance Guaranty Association (FIGA) and Florida Life and Health Insurance Guaranty Association (FLAHIGA) assessments were reduced from 5 percent to 0.1 percent and totally eliminated after three years. Insurance premium taxes levied on "multiple-employer welfare arrangement" benefit plans were repealed. In 1991, refund payments were authorized to be made in the year following over-payment of premium taxes, and such payments must be made out of the General Revenue Fund.

After Hurricane Andrew in 1992, the 1993 Legislature imposed an annual \$2 surcharge on every homeowner's, mobile homeowner's, tenant homeowner's, and condominium unit owner's policy and an

INSURANCE PREMIUM TAX

annual \$4 surcharge on every commercial fire, commercial multiple peril, and business owner's property insurance policy. All proceeds from this surcharge are deposited into the Emergency Management, Preparedness, and Assistance Trust Fund. In 1994, the community contribution tax credit was extended from June 30, 1994, to June 30, 2005, but was restricted to projects within enterprise zones or benefiting low-income housing. The allowable annual contribution amount was reduced from a total of \$3 million annually to \$2 million annually. Beginning with the 1995 tax year, municipal pension assessments were transferred to the Department of Management Services (now the Department of Financial Services) for distribution to local governments. The 1996 Legislature once again allowed the FLAHIGA assessment credit against premium taxes paid.

Beginning with the 1997 tax year, companies are allowed to take a credit of 0.1 percent of their FLAHIGA assessments paid prior to the 1997 tax year plus a credit of 5.0 percent of assessments paid after the 1996 tax year. These percentage credits may be taken in each year following the payment of the assessment until the full assessment amount has been credited. In 1998, the community contribution tax credit cap was raised to \$5 million and raised to \$10 million in 1999. The 2000 tax year introduced many changes in available tax credits. Insurance companies became exempt from the recurring intangibles tax, which meant intangibles tax credit was no longer available. An investment in Capital Companies (CAPCO'S) provided a tax credit limited to \$15 million for all companies per year. Investments in approved projects under s. 220.19(2) F.S., the Capital Investment Tax Credit, became available against the insurance premium tax. The Child Care Credit under s. 624.5107, F.S., also became available to insurance companies to take against their premium taxes or corporate income taxes.

The 2004 Legislature passed four laws which impacted the insurance premium tax. Chapter 2004-27, L.O.F. (SB 2488), increased the potential one-year Florida Hurricane Catastrophe Fund (FHCF) assessment from 4 percent to 6 percent. The FHCF multiple years' aggregate assessment limit was also raised from 6 percent to 10 percent. This law also provided for an emergency assessment exemption from the insurance premium tax. Chapter 2004-370, L.O.F. (SB 2038), eliminated a \$10 fee required under s. 627.849, F.S., to file forms with the Department of Financial Services regarding insurance premium finance companies. This law and Chapter 2004-390, L.O.F. (SB 2994), provided that any local government workers' compensation self-insurance fund created after October 1, 2004, is subject to the requirements placed on a commercial fund for five years and must pay insurance premium tax. Chapter 2004-266, L.O.F. (HB 1251), exempted the Florida Workers' Compensation Joint Underwriting Association from the premium tax and from paying assessments under ss. 440.49 and 440.51, F.S.

The 2005 Legislature passed Chapter 2005-280, L.O.F. (HB 1813) allowing foreign insurers to exclude the fraction of their salary tax credit when calculating retaliatory tax. This law also allows for mutual insurance holding companies meeting certain criteria to allocate the salaries of employees of a service company subsidiary among the insurance companies within the group that the employee services, although funding was vetoed. This law also provided that community contributions tax credits will not increase retaliatory tax owed by an insurer. Chapter 2005-94, L.O.F. (HB 105), exempted insurers domiciled outside the U.S. from the requirement that the insurer obtain a certificate of authority to operate from offices within Florida for transactions involving life and annuity contracts sold to non-residents of the United States. Chapter 2005-205, L.O.F. (HB 1159), provided that any municipality that has entered into an inter-local agreement to provide fire protection services to any other incorporated municipality may be eligible to receive the 1.85 percent excise tax reported for such other municipality. In order to be eligible to receive the premium taxes, the municipality providing the fire services must notify the Division of Retirement that it has entered into an inter-local agreement with another municipality. The municipality receiving the fire services is authorized to enact an ordinance levying the tax. Chapter 2006-55, L.O.F. (SB 2728), allowed certain salary credits to be transferred to a member of an affiliated group. Chapter 2009-97, L.O.F. (SB 538), adjusted the boundaries of a special fire district to include an area that has been annexed until the completion of the four-year period provided in s.171.093(4), F.S., or when a

INSURANCE PREMIUM TAX

special fire district is providing services pursuant to an inter-local agreement. It also allowed any participating municipality that provides police protection services to other incorporated municipalities for 12 months or more, pursuant to an inter-local agreement, to receive 0.85 percent excise tax in the other incorporated municipality. Chapter 2009-108, L.O.F. (HB 453), permitted the scholarship tax credit to be taken from the insurance tax, and this credit does not impact on the retaliatory tax under the insurance premium tax. Chapter 2009-50, L.O.F. (HB 485), created a credit for long-term debt security in low-income communities. The credit is capped at \$20 million per year. No credits are provided for the initial investment or the first anniversary of the initial investment. On the second anniversary of the investment, there is a 7 percent credit, and an 8 percent credit for each of the third, fourth, fifth, and sixth anniversaries. If a taxpayer's state tax liability is below the available tax credit, then the unused tax credit may be carried forward for future taxable years; however, all tax credits expire December 31, 2022. The tax credits are allocated on a first-come, first-serve basis. Chapter 2010-49, L.O.F. (HB 159), amended s. 631.57, F.S., such that neither emergency assessments nor regular assessments of the FIGA will be part of premiums subject to the insurance premium tax. Chapter 2012-32, L.O.F. (HB 7087), increased the lifetime cap of New Market Credits from \$97.5 million to \$163.8 million, and the annual cap from \$20 million to \$33.6 million. Chapter 2013-42, L.O.F. (SB 406) increased the lifetime cap of New Market Credits from \$163.8 million to \$178.8 million, and the annual cap from \$33.6 million to \$36.6 million. Chapter 2014-38, L.O.F. (HB 5601) increased the lifetime cap of New Market Credits from \$178.8 million to \$216.34 million. Chapter 2021-193, L.O.F. (HB3) establishes the Home Book Delivery credit that can be taken against the Insurance Premium Tax. Chapter 2021-31, L.O.F. (HB 7061) establishes the Strong Families Tax Credit that can be taken against the Insurance Premium Tax

BASE AND RATE:

Premium Tax: Premium tax is applied to insurance premiums written in Florida at the following rates: gross property and casualty premiums less reinsurance and returned premiums, life premiums, accident and health premiums, and prepaid limited health premiums, 1.75 percent; commercial self-insurance, group self-insurance, medical malpractice self-insurance, and assessable mutual insurance, 1.6 percent; and annuities, 1 percent. Corporate income tax and the emergency excise tax paid to Florida are credited against premium tax liability. Exemptions are allowed on annuity premiums paid by annuity policy or contract holders in this state if the savings are passed on to the consumer. A credit is allowed against the premium tax equal to 15 percent of the amount paid by the insurer in salaries to employees located or based in Florida who are covered by unemployment compensation. This credit in combination with the corporate income tax credit may not exceed 65 percent of the tax due for the calendar year.

Credits are also allowed for the municipal pension fund taxes, certain community contributions, certain exempt finance corporate investments, and workers' compensation assessments.

Surcharge: \$2 surcharge imposed on every homeowner's, mobile homeowner's, tenant homeowner's, and condominium unit owner's policy; \$4 surcharge imposed on every commercial unit fire, commercial multiple perils, and business owner's property insurance policy, issued on or after May 1, 1993, pursuant to s. 252.372, F.S.

DISPOSITION:

Premium Tax: Assessments for Police and Firefighter pension funds are sent to the Department of Financial Services for distribution to local governments. Fire Marshal assessments, filing fees and \$125,000 annually, adjusted by the lesser of 20 percent or the growth in total retaliatory taxes, are deposited into the Insurance Regulatory Trust Fund. The remainder of the premium tax is deposited into General Revenue.

Surcharge: Emergency Management, Preparedness, and Assistance Trust Fund, which is administered by the Division of Emergency Management.

INSURANCE PREMIUM TAX

OTHER STATES:

Premium taxes are imposed in most states and in the District of Columbia on one or more types of insurance companies, usually in the form of excise or privilege taxes. In many states, premium taxes are in lieu of other taxes, except local property taxes. Rates for domestic companies range from 0.4 percent to 4.265 percent, with the average rate for all states being around 2 percent. All insurance taxes are complicated by retaliatory taxes which nearly every state levies under some circumstances.

	<u>FY 2022-23</u> (millions)
VALUE OF RATE CHANGE:	
0.5 percent increase	\$474.9
VALUE OF CREDITS:	
Home Book Delivery (s.624.510 (6))	\$5.8
Corporate Income Credits Claimed (s. 624.509(4))	\$202.1
Florida Employee's Salary (s. 624.509(5))	\$484.1
Strong Families Credit (s. 624.5105(5))	\$1.0
Municipal Firefighter's Pension Fund (s. 175.141)	\$110.2
Municipal Police Officer's Retirement Fund (s. 185.12)	\$111.7
Capital Investment Tax Credit (s. 220.191 (2))	\$0.0
This credit may also be taken against Corporate Income Tax	
Scholarship Funding Organizations (\$873.6m cap)	
This credit may be taken against the Beverage Tax,	
Corporate Income Tax, Insurance Premium Tax,	
certain Sales and Use Taxes and Severance Taxes - Oil and Gas (s. 624.51055)	\$63.2
New Markets Credit (s. 288.9916)	\$1.4
Workers' Compensation Assessments Credit (s. 440.51)	\$27.5
VALUE OF DEDUCTIONS:	
Florida Life and Health Insurance Guarantee Association Assessment (s. 631.711)	\$21.0
VALUE OF EXEMPTIONS:	
Annuity premiums (s. 624.509(8)) – exempt from 1 percent tax when savings are passed on to policy holders	\$123.4

**INSURANCE SURPLUS LINES AND INDEPENDENTLY
PROCURED INSURANCE TAX**

FLORIDA STATUTES: Sections 626.932 and 626.938

ADMINISTERED BY: Department of Financial Services

SUMMARY:

Taxes are imposed on surplus lines premiums and independently procured coverage at 4.94 percent and paid by surplus lines companies.

REVENUE:

Fiscal Year	Receipts		Distributions	
	Total Collections	Annual Change %	General Revenue	Insurance Regulatory Trust Fund
2022-23*	438,700,000	5.51%	400,100,000	38,600,000
2021-22*	415,800,000	9.96%	379,200,000	36,600,000
2020-21	378,133,221	16.50%	344,833,221	33,300,000
2019-20	324,568,967	18.67%	296,006,859	28,562,108
2018-19	273,500,000	4.68%	250,702,418	22,797,582
2017-18	261,274,037	12.70%	238,281,922	22,992,115
2016-17	231,825,003	0.07%	211,424,403	20,400,600

* Estimate

HISTORY:

Before 1990, the tax on surplus lines and independently procured insurance was levied at 3 percent. In 1990, this tax was raised to 5 percent. In 2020, the surplus lines tax was reduced to 4.94 percent.

Chapter 2003-395, L.O.F. (HB 1059), changed the distribution of the tax on surplus lines and independently procured coverage from 55 percent to the Insurance Regulatory Trust Fund and 45 percent to the General Revenue Fund to 24.3 percent to the Insurance Regulatory Trust Fund and 75.7 percent to General Revenue. Chapter 2004-27, L.O.F. (SB 2488), made surplus lines insurance policies subject to Florida Hurricane Catastrophe Fund assessments. Chapter 2008-132, L.O.F. (HB 5043), changed the distribution of the Surplus Lines Tax between the General Revenue Fund and the Insurance Regulatory Trust Fund by increasing the percentage deposited into the General Revenue Fund, from 75.7 percent to 84.26 percent. The remainder is deposited into the Insurance Regulatory Trust Fund. Chapter 2009-70, L.O.F. (SB 1758), redirected 100 percent of the Surplus Lines Tax, Independent Procured Coverage Tax, and Risk Retention Group Tax to the General Revenue Fund. The redistribution of 100 percent of tax proceeds to General Revenue expired July 1, 2014, and in Fiscal Year 2014-15, the distribution of tax proceeds changed to the distribution mechanism specified in Chapter 2014-60, L.O.F. (HB 5403), (i.e., 8.8 percent to the Insurance Regulatory Trust Fund and 91.2 percent to the General Revenue Fund).

Chapter 2011-46, L.O.F. (SB 1816), authorized the Department of Financial Services and the Office of Insurance Regulation to enter into a cooperative reciprocal agreement with other states to collect and allocate non-admitted insurance taxes for multistate policies pursuant to the NRRA. It also changed the tax base from the portion of the premium that is properly allocable to risks located in Florida to the entire gross premium if Florida is the insured's "home state" as defined in the Nonadmitted and Reinsurance Reform Act (NRRA) of 2010 (passed by the 111th U.S. Congress).

INSURANCE SURPLUS LINES AND INDEPENDENTLY PROCURED INSURANCE TAX

Chapter 2020-10, L.O.F. (HB 7097), modifies the existing 5.0 percent rate to 4.94 percent. Additionally, surplus line policies with partial exposure in this state and Florida as the home state will be taxed in accordance with F.S. 626.932(1) – eliminating the variable rate set by where the risk exposure is. Requires the agent to report the total premium for the risk that is located in this state and the total premium for the risk that is outside this state to the Florida Surplus Lines Service Office in the manner and form directed by the Office.

BASE AND RATE:

Surplus lines and independently procured insurance: 4.94 percent.

DISPOSITION:

From Fiscal Year 2009-10 through Fiscal Year 2013-14, the tax on surplus lines and independently procured coverage was distributed 100 percent to the General Revenue Fund. Starting July 1, 2014, the tax proceeds are distributed 8.8 percent to the Insurance Regulatory Trust Fund and 91.2 percent to the General Revenue Fund.

OTHER STATES:

Surplus lines premium and independently procured coverage taxes are imposed in most states. Taxes imposed vary considerably from state to state, with a range from 1 percent to 6 percent.

INTANGIBLES TAX

FLORIDA STATUTES: Chapter 199, Section 196.199(2)

ADMINISTERED BY: Department of Revenue

SUMMARY:

The Florida Constitution prohibits the state from levying property tax on real estate or tangible personal property but allows a state tax on intangible personal property. The maximum rate allowed is 2 mills (1 mill = .1 cent or \$.001; also expressed as \$1 per \$1,000 or .1 percent). All other taxes based on property value are reserved for local governments. Obligations secured by liens on Florida realty are taxed at 2 mills at the time they are recorded, and revenue from this source goes to the General Revenue Fund. Leasehold interests in property owned by certain governmental units but used by nongovernmental lessees are taxed as intangible personal property if the lessee does not serve or perform a governmental or municipal function or public purpose. Revenue from the tax on leasehold interests is distributed directly to local school boards.

REVENUE:

Fiscal Year	Total Collections*	Annual Change %	Obligations Secured by Liens on Florida Realty	General Revenue Distribution*
2022-23*	533,400,000	-5.14%	533,400,000	533,400,000
2021-22*	562,300,000	-19.85%	562,300,000	562,300,000
2020-21	701,556,369	42.32%	701,556,369	701,556,369
2019-20	492,958,050	27.98%	492,958,050	492,958,050
2018-19	385,180,376	3.77%	385,180,376	385,180,376
2017-18	371,203,663	-0.45%	371,203,663	371,203,663
2016-17	372,867,430	10.08%	372,867,430	372,867,430

* Estimate

HISTORY:

Prior to 1924, there was no constitutional distinction between intangible property and other property, and all property was subject to ad valorem taxation. The Florida Constitution was amended in 1924 to allow a special tax rate for intangible property, and in 1931 this provision was enacted into law. The 2 mill tax was assessed and collected at the county level, and was deposited in the state's General Revenue Fund. In 1941 intangibles tax revenue was used to fund county tax assessors and collectors, and revenue not needed for these purposes was divided between General Revenue (75 percent) and the county where collected (25 percent). Tax rates were changed to 1 mill on stocks and bonds, 3 mills on mortgages, and 1/20 mill on money.

In 1951, the tax rate on mortgages was reduced to 2 mills and in 1955 the disposition of intangibles tax revenue was changed to pay for retirement of state and county officers and employees, with the balance going to General Revenue. In 1957, the tax on stocks and bonds was raised to 2 mills. In 1961, the Legislature passed a two-year phased reduction to 1 mill.

In 1967, 55 percent of net collections was shared with counties where the revenues were collected. The Department of Revenue began assessing and collecting the tax in 1971 and the tax on money was repealed. The Revenue Sharing Act of 1972 (Chapter 72-360, L.O.F., (SB 2-F)) channeled the counties' 55 percent share through a revenue-sharing formula. In 1974, a \$20,000 exemption against the annual tax was created for each taxpayer and spouse.

INTANGIBLES TAX

Several changes were made to the intangibles tax in 1990. The annual tax rate was increased from 1 mill to 1.5 mills. An additional exemption entitled natural persons to exempt the first \$100,000 from the 0.5 mill increase. The tax base was broadened to include interests in limited partnerships registered with the SEC. Charitable trusts that distribute 95 percent of their income to organizations exempt from federal income tax under s. 501(c)(3) of the I.R.C. were made exempt from the additional 0.5 mill levy. The credit that banks can take against the corporate income tax for intangible taxes paid was raised from 40 percent to 65 percent of corporate taxes due and banks were guaranteed the higher of this credit or a credit equal to 33 percent of their intangible tax liability. The distribution was changed in 1990 from 55 percent to 41.3 percent to the Revenue Sharing Trust Fund for Counties and from 45 percent to 58.7 percent to the General Revenue Fund.

In 1992, the tax on intangible personal property was increased from 1.5 mills to 2 mills. Banks and savings associations were made exempt from 0.5 mill. The exemption of the first \$100,000 for individuals and \$200,000 per couple and the exemption for charitable trusts applied to the additional 0.5 mill increase. The intangibles tax distribution was changed from 41.3 percent to 33.5 percent to the Revenue Sharing Trust Fund for Counties and from 58.7 percent to 66.5 percent to the General Revenue Fund.

In 1998, the Legislature made several significant changes to the intangibles tax: the minimum amount of tax due before a return and payment is required was raised from \$5 to \$60 dollars; one-third of accounts receivable was exempted from the intangibles tax beginning January 1, 1999, and the act expressed the intent of the Legislature to increase the exempt amount to two-thirds on January 1, 2000, and to completely exempt accounts receivable on January 1, 2001. The penalties for late payment and late filing were limited to a total of 10 percent per month and 50 percent of the total tax due. The penalty for under reporting and undervaluation was reduced from 30 percent to 10 percent; and banks, savings associations, as defined in s. 220.62, F.S., and insurers, as defined in s. 624.03, F.S., were exempted from intangibles tax. The distribution rate was changed to 35.3 percent for the Revenue Sharing Trust Fund for Counties for Fiscal Year 1998-1999 and to 37.7 percent for Fiscal Year 1999-00. (Chapter 98-132, L.O.F. (HB 1450)).

In 1999, the Legislature reduced the annual tax on intangible assets to a 1.5 mill tax rate and increased the exemption for accounts receivable to two-thirds. The law also provided that limited liability companies may file consolidated intangibles tax returns. Certain charitable trusts were fully exempted from the annual tax, the calculation of tax on future advances was changed, and an exemption for unit investment trusts was provided (Chapter 99-242 (SB 318) and Chapter 99-274, L.O. F. (SB 2496)). The next year, Chapter 2000-173, L.O.F. (HB 67/187), reduced the annual tax rate to 1 mill and fully exempted accounts receivable from the tax. It revised the treatment of Florida trusts, relieving Florida trustees of paying intangibles tax on trust assets and provided that a Florida resident with a beneficial interest in a trust is responsible for reporting his or her share of trust assets and paying intangibles tax on it. The law also repealed the distribution of intangibles tax to counties and replaced the revenue with a sales tax distribution.

Chapter 2001-225, L.O.F. (HB 21), increased the exemption against the annual tax to \$250,000 for each natural taxpayer or \$500,000 for husband and wife filing jointly, and created a \$250,000 exemption for all other taxpayers, mainly businesses. However, these changes were postponed until the 2004 tax year during Special Session C in December 2001. Chapter 2004-234, L.O.F. (SB 2644), provided that all proceeds of the intangibles tax are deposited in the General Revenue Fund, except for revenue collected pursuant to the tax on governmental leaseholds, which is returned to the local school boards in the counties where the leasehold property is located. In 2005, the Legislature reduced the annual tax on intangible assets from 1 mill to 0.5 mill. Chapter 2006-312, L.O.F. (HB 209), repealed the annual tax on intangible personal property, effective January 1, 2007. The non-recurring tax imposed upon obligations secured by liens on Florida property and the 0.5 mill annual tax imposed on government leaseholds were not affected by this repeal.

I N T A N G I B L E S T A X

Chapter 2012-32, L.O.F. (HB 7087), exempted governmental leaseholds from intangibles tax when the lessee serves or performs a governmental, municipal, or public purpose or function.

BASE AND RATE:

A 2 mill one-time tax is imposed on obligations for the payment of money secured by liens on Florida real property. An annual 0.5 mill tax is imposed on non-exempt governmental leaseholds.

DISPOSITION:

All intangibles tax revenue is deposited into the General Revenue Fund, except for revenue collected pursuant to the tax on governmental leaseholds, which is returned to the local school boards in the counties where the leasehold property is located.

OTHER STATES:

Mississippi, Pennsylvania, Tennessee, and Texas impose limited state or local taxes on certain intangible assets or dealers of intangible assets.

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
Value of .5 mill levy on stocks, bonds, notes, etc.*	\$566.0
Value of 1 mill levy on liens secured by Florida realty*	\$266.7
VALUE OF EXEMPTIONS:	
Exemption for credit unions from state and local taxes (s. 213.12(2), F.S.)	Indeterminate
Exemption for property owned by the state or by religious, educational, or charitable institutions (s. 199.183, F.S.)	Indeterminate
VALUE OF REFUNDS AND ALLOWANCES:	
Clerk of Circuit Court Commission (0.5 percent) (s. 199.135(3), F.S.)	\$2.7
<u>DISTRIBUTION TO SCHOOL BOARDS</u>	
Government leasehold collections (s. 199.292(1), F.S.)	\$ 0.7

* Article VII, section 2 of the Florida Constitution states that the tax rate for both the recurring and non-recurring tax on intangible personal property cannot exceed 2 mills.

INTERGOVERNMENTAL AID

FLORIDA STATUTES: 215.32(2)(b)

ADMINISTERED BY: Various agencies

SUMMARY:

Approximately 42.6 percent of total direct revenue received by the state in Fiscal Year 2020-21 was federally funded. Health and Human Services grants make up the majority of this funding and are located in the following agencies/departments: Children and Families, Health, Agency for Health Care Administration, and the Agency for Persons with Disabilities.

REVENUE:

Fiscal Year	Collections	Annual Change %	Federal Grants	County and City Grants	Other Assistance and Donations Grants
2022-23*	33,759,069,698	-1.98%	33,552,816,805	99,261,141	106,991,753
2021-22*	34,441,226,155	-38.15%	34,237,844,031	97,879,556	105,502,568
2020-21	55,685,247,899	54.15%	54,435,217,827	129,359,235	1,120,670,837
2019-20	36,123,444,188	28.26%	35,919,165,690	100,300,604	103,977,894
2018-19	28,164,696,270	3.97%	27,939,355,554	94,556,956	130,783,760
2017-18	27,090,152,088	5.63%	26,931,529,899	80,698,194	77,923,995
2016-17	25,645,603,048	1.93%	25,420,436,220	80,758,262	144,408,566

* Estimate

Note: Fiscal Year 2019-20 and Fiscal Year 2020-21 includes Federal Grants funding for various Corona Virus Acts.

HISTORY:

Intergovernmental Aid is a combination of three types of grant funding: County and city grants, federal government grants, and other assistance and donations grants. In FY 2020-21, Intergovernmental Aid made up 42.6 percent of total direct revenue to the state. From FY 1970-71 through FY 2020-21 this funding category averaged 26.0 percent of total direct revenue to the state with a 10.4 percent average annual growth rate.

The state receives county and city grant funds from Boards of County Commissioners, County Health Care Taxing Districts, County School Boards, and various other levels of county or city governments. These funds are generally provided to fund activities appropriate to the services being provided. In addition, the local governments may request that the state provide specific services and enter into agreements related to these specific services.

Federal government grant funds are received from many different federal agencies for the purpose of providing support services to a variety of department clients, supporting regulatory activities of the state's various departments, and for other such purposes as may be appropriate. The state's various agencies receive the funds through the federal government grant award process, either directly from the awarding federal agency or transfers from another state agency. The grants are used for specific purposes in accordance with the directives of the grant.

Other assistance and donations grants are received from various foundations and non-profit organizations for the purpose of providing specific services as directed by the grant or donation, and as matching funds for various services.

INTERGOVERNMENTAL AID

BASE AND RATE:

Various matching formulas or maintenance of effort requirements are program-specific. Matching funds required for federal aid may vary from zero to 100 percent.

DISPOSITION:

Various Agency Trust Funds (earmarked accounts appropriate to the purpose of each type of aid received).

OTHER STATES:

All states receive similar types of grant funding at a variety of levels. Federal government grant funding levels are generally guided by population, program, and need based on economic indicators.

LOTTERY

FLORIDA STATUTES: Chapter 24

ADMINISTERED BY: Department of Lottery

SUMMARY:

The Department of Lottery operates both instant ticket games and terminal games. In addition to ticket sales, a relatively small portion of Lottery proceeds is generated from securities lending, interest earnings, terminal fees, retailer fees, and unclaimed prize money. After prizes and administrative expenses are paid from total collections, the remainder is deposited into the Educational Enhancement Trust Fund (EETF).

REVENUE:

Fiscal Year	Ticket Sales/Other Income	Annual Change %	DOL Distributions to Educational Enhancement Trust Fund**
2022-23*	8,405,100,000	-0.20%	2,034,000,000
2021-22*	8,422,200,000	-7.36%	2,032,600,000
2020-21	9,091,000,000	20.80%	2,246,000,000
2019-20	7,525,900,000	5.00%	1,851,500,000
2018-19	7,167,200,000	6.74%	1,917,600,000
2017-18	6,714,495,120	8.84%	1,760,000,000
2016-17	6,169,400,000	1.55%	1,724,700,000

* Estimate

**Beginning in Fiscal Year 2012-13, estimates reflect actual cash transfers to the EETF, rather than weekly sales as previously estimated, because there is a delay in the transfer of weekly sales receipts to the EETF of up to two weeks.

HISTORY:

In November 1986, voters approved an amendment to the Florida Constitution (Article X, Section 1) providing for a state-operated lottery. The Department of Lottery was created during the 1987 Regular Legislative Session, and the state lottery officially began selling tickets on January 12, 1988. Beginning July 1989, the allocation for education was increased from the original 35 percent to 37.5 percent and increased again to 38 percent in July 1990. During the 2002 Regular Session, the Legislature authorized the Department of Lottery to determine a variable percentage of revenue from instant tickets to return to players as prizes, removing the requirement that 38 percent of instant game sales be transferred to the EETF. In the following year, the Legislature increased the allocation for education from 38 percent to 39 percent for terminal games. However, in 2005, the terminal game prize and education allocations were made variable as well. The Lottery determines prize percentages that maximize education funding.

In 2003, the Legislature eliminated the \$180 million cap on money used from the EETF for bonding, and removed designated transfers going to the Classroom First program. During Special Session E, Chapter 2003-426, L.O.F. (HB 43-E), transferred \$30,147,947 of unclaimed lottery prize money to the EETF.

During the 2005 Regular Session, Chapter 2005-84, L.O.F. (HB 840) required 80 percent of unclaimed lottery prize money to be deposited in the EETF and the remaining 20 percent to be added to the pool for future prizes or special prize promotions. The bill also authorized the department to establish variable percentages for terminal games prize payouts and transfers to the EETF, as noted above.

Two bills related to the Lottery were passed during the 2006 and 2007 sessions. Chapter 2006-278, L.O.F. (HB 755), narrowed the standard of review for administrative law judges when considering protests of the Lottery's competitive procurement actions. The Lottery expected this legislation to reduce agency costs

LOTTERY

over the long term. Chapter 2007-128, L.O.F. (SB 1376), added the authority to obtain patents to the Lottery's existing ability to hold copyrights, trademarks, and service marks.

The Legislature appropriated funds for Instant Ticket Vending Machines (ITVMs) during the 2009 and 2010 Legislative Sessions. Funds appropriated for the first year were sufficient to lease and install 1,000 ITVMs, primarily in the largest grocery chains in the state. Locations with ITVMs showed net gains in sales exceeding forecasted impacts in Fiscal Year 2009-10. During the 2010 Legislative Session, the Lottery was given a specific appropriation allowing the department to lease and install an additional 500 machines. Installation of these machines in additional grocery chain stores and selected, high-volume convenience stores was completed by January 2011.

Initially, lottery vending machines in Florida could dispense only instant tickets. However, in 2012, Chapter 2012-130, L.O.F. (HB 843), authorized the use of Full Service Vending Machines (FSVMs) in Florida. Tickets for both instant and terminal games can be purchased at these machines. In Fiscal Year 2012-13 the Lottery was able to activate and place 500 FSVMs and to redeploy the ITVMs to new locations. As of July 2020, all of the machines in the department's inventory were FSVM's. In total, 2,500 of those machines are now available, with virtually all actively selling.

BASE AND RATE:

In Fiscal Year 2014-15, monthly surveys conducted by the Lottery found that 64 percent of adult Florida respondents reported playing at least one Florida Lottery game during the preceding 12 months and 51 percent reported playing at least one game during the past month. During that same fiscal year, funds generated for the EETF equaled 25.8 percent of the total Lottery ticket sales. By Fiscal Year 2020-21, this percentage had dropped to 23.8 percent.

DISPOSITION:

Total collections are distributed as follows: variable percentages, as determined by the department, of the gross revenue from the sale of terminal and instant lottery tickets are returned to Lottery players as prizes. The next portion of the proceeds is used to compensate the 13,405 Lottery retailers around the state that sold the tickets. A third portion of the proceeds is used for operational costs including payments to vendors, advertising and promotional expenses, and administrative expenses of the department. The spending authority for operating costs is appropriated through the legislative budget process. Revenues from ticket sales remaining after payment of prizes, retailer fees and department operating expenses are transferred to the EETF. Following an annual financial audit, any unencumbered balance which remains in the Operating Trust Fund at the end of each fiscal year is transferred to the EETF. In Fiscal Year 2020-21, approximately 68.3 percent of Lottery ticket sales were spent on prizes, 5.6 percent on retailer compensation, 1.4 percent on vendor fees, and 1 percent on operational costs, leaving 23.8 percent for transfer to the EETF.

OTHER STATES:

Currently, 45 states and the District of Columbia are authorized to operate state lotteries. Forty-three of these states and the District of Columbia operate both instant ticket games and terminal games. North Dakota and Wyoming only operate terminal games. According to La Fleur's 2021 World Lottery Almanac, Florida ranked second in total traditional sales and tenth in per capita sales among U.S. lotteries. In regard to transfers to government, the Florida Lottery ranked second. For instant ticket sales, Florida was number one.

VALUE OF RATE CHANGE:

The Lottery has had the authority to vary the prize payout and EETF transfer rates since 2002 for instant games and since 2005 for terminal games. Prize payout and EETF transfer rates have been at or near their optimal levels for maximizing EETF since then, and further gains solely from rate changes are likely to be limited.

LOTTERY

VALUE OF REFUNDS AND ALLOWANCES:

The Lottery has a statewide network of 13,405 retailers selling lottery games and cashing winning tickets. These retailers are compensated for providing these services and for marketing lottery games through point-of-sale materials and special promotions. Retailers receive a 5 percent commission on ticket sales and a 1 percent cashing bonus on the value of prizes redeemed at that retailer location; total commission is represented by 5.6 percent of lottery sales. In Fiscal Year 2020-21, these commissions and cashing bonuses totaled \$509.2 million, which is consistent with 5.6 percent of ticket sales. The forecast for FY 2021-22 is (ticket sales \$8,408.0 * 5.61%) = \$471.7 million, and the forecast for FY 2022-23 is (ticket sales \$8,390.8 * 5.61%) = \$470.7 million.

In addition, the Lottery is authorized to spend money on retailer incentives aimed at encouraging greater sales. Typically, the launch of a new or especially important game or promotion is accompanied by a retailer incentive, for example, paying a higher sales commission for the new product for a limited time. The Lottery is appropriated a fixed amount of \$2.325 million to spend on such incentive programs.

MOTOR FUEL & DIESEL FUEL TAXES

FLORIDA STATUTES: Chapter 206, Section 212.0501, F.S.

ADMINISTERED BY: Department of Revenue

SUMMARY:

Motor fuel and diesel fuel are subject to state taxation pursuant to Chapter 206, and s. 212.0501, F.S. For 2017, the combined state tax rate is 24.8 cents per gallon.

State taxes include:

Fuel Sales Tax (14.3 cents per gallon, indexed annually by the Consumer Price Index)

State Comprehensive Enhanced Transportation System (SCETS) Tax (7.9 cents per gallon, indexed annually by the Consumer Price Index)

Constitutional Fuel Tax (2 cents per gallon)

County Fuel Tax (1 cent per gallon)

Municipal Fuel Tax (1 cent per gallon)

Non-Highway Fuels (6 percent of the retail price)

Aviation Fuel (6.9 cents per gallon, certain carriers are eligible for a credit or refund of the tax)

(Federal and local option taxes are also levied on motor fuel and diesel fuel. Local option fuel taxes are described in section III, Major Local Government Revenue Sources)

FUEL TAX REVENUE:

Fiscal Year	Total Collections**	Annual Change %	Chapter 206 & s. 212.0501	SCETS Tax
2022-23*	3,304,899,803	2.92	2,350,499,803	954,400,000
2021-22*	3,211,047,104	14.21	2,304,347,104	906,700,000
2020-21	2,811,495,907	-0.21	2,125,602,095	685,893,812
2019-20	2,817,274,216	-5.52	1,986,977,072	831,843,151
2018-19	2,981,972,232	4.26	2,119,650,183	862,322,049
2017-18	2,860,189,663	2.76	2,037,460,433	822,729,230
2016-17	2,783,364,923	2.89	1,982,541,953	801,022,425

Fiscal Year	Fuel Use Tax	Constitutional Fuel Tax	County Fuel Tax	Municipal Fuel Tax	Aviation Fuel Tax
2022-23*	1,759,099,889	195,147,513	136,366,048	559,263,397	61,182,478
2021-22*	1,726,130,791	191,490,053	133,810,272	548,781,667	58,525,424
2020-21	1,603,912,647	177,931,660	124,335,878	509,925,355	41,084,889
2019-20	1,561,883,907	215,143,484	110,233,463	110,350,573	49,368,255
2018-19	1,586,048,211	226,624,347	113,161,484	113,301,207	56,834,294
2017-18	1,516,440,526	222,599,869	111,155,513	111,290,714	53,967,016
2016-17	1,470,382,607	219,131,238	109,417,783	109,553,538	51,508,935

* Estimate

MOTOR FUEL & DIESEL FUEL TAXES

DISTRIBUTION OF STATE TAXES ON MOTOR FUELS AND AVIATION FUEL

Fiscal Year	State Transportation Trust Fund	DOR Admin. Costs	Service Charges	Agriculture Emergency Eradication Trust Fund	Marine Resources Conservation Trust Fund
2022-23*	1,377,699,101	17,052,347	1,226,038	13,463,356	13,400,000
2021-22*	1,351,878,227	16,732,752	1,203,060	13,211,025	13,400,000
2020-21	1,256,158,917	15,547,995	1,117,878	12,275,623	13,400,000
2019-20	1,411,769,897	15,457,871	2,229,647	12,761,859	13,400,000
2018-19	1,517,850,041	15,321,100	3,493,374	12,948,562	13,400,000
2017-18	1,440,460,332	15,233,094	3,024,381	12,535,292	13,400,000
2016-17	1,326,971,900	15,255,547	2,692,858	12,237,779	13,400,000

Fiscal Year	SBA	Counties	Revenue Sharing Trust Fund for Municipalities
2022-23*	233,476,800	86,256,486	101,125,133
2021-22*	229,089,841	84,639,864	99,229,843
2020-21	212,857,629	78,646,965	92,203,905
2019-20	212,912,517	91,460,968	92,724,191
2018-19	225,182,568	99,319,306	100,459,322
2017-18	220,675,218	97,112,028	98,527,973
2016-17	217,266,696	95,928,287	97,119,978

* Estimate

Allocation by Type of Fuel**				
Fiscal Year	Motor Fuel	Diesel Fuel	Off-Highway Fuel	Aviation
2022-23*	1,931,611,403	346,406,120	11,299,802	61,182,478
2021-22*	1,892,623,362	342,298,538	10,899,780	58,525,424
2020-21	1,744,514,114	330,531,612	9,471,481	41,084,889
2019-20	1,600,678,236	321,284,573	14,100,000	49,368,255
2018-19	1,706,017,731	344,471,398	17,271,559	56,834,294
2017-18	1,647,451,144	325,884,039	13,339,890	53,967,016
2016-17	1,605,726,058	314,261,721	11,045,239	51,508,935

* Estimate

** These figures represent gross collections and include refunds, service charges, administrative costs, and collection allowances. The totals by fuel type will not equal Total Collections due to penalties, interest, and other adjustments.

HISTORY:

Florida began taxing gasoline in 1921. Starting with a rate of 1 cent per gallon, Florida had a series of rate increases until it was set at 7 cents in 1931. In 1939, similar taxation of special motor fuels was provided

MOTOR FUEL & DIESEL FUEL TAXES

(Chapter 206, Part II, F.S.). The rate was increased to 8 cents per gallon in 1971. With enactment of Revenue Sharing in 1972, all 8th cent proceeds were allocated to cities through the Revenue Sharing Trust Fund. In 1980, a five-year exemption was granted from the first gas tax for gasohol and beginning July 1, 1980, to July 1983, gasohol was granted an exemption from the 7th cent tax. The legislation provided that the exemption would be reduced to only 2 cents of the first gas tax in 1985 and then would be totally removed in 1987. The Special Fuel Use Tax was created in 1980.

In 1983, the Legislature repealed the sales tax exemption on motor and special fuels and repealed the "First Gas Tax" of 4 cents per gallon. The 4 cents per gallon tax was replaced with a 5 percent sales tax on all motor and special fuels and aviation fuel sold in Florida. In 1984, the term "alternative fuels" was created to include fuels previously defined as "special fuels." Instead of being subject to the special fuels tax, these "alternative fuels" were made subject to fees as outlined in s. 206.87(7), F.S. The fees collected pursuant to s. 206.87(7), F.S., were deposited into the newly created State Alternative Fuel User Fee Clearing Trust Fund and the Local Alternative Fuel User Fee Clearing Trust Fund.

Aviation fuel was exempt from the state sales tax in 1985. Part III of Chapter 206, F.S., was created, which imposed an excise tax of 5.7 cents per gallon on aviation fuel and which exempted aviation fuel from the County Voted 1-cent Gas Tax, the County 1-6 cents Local Option Gas Tax, and the County 1-5 cents Local Option Motor Fuel Tax. All proceeds were deposited in the General Revenue Fund. In 1986, the proceeds from the aviation fuel tax, less service charges and refunds, were redirected for distribution to the State Transportation Trust Fund from the General Revenue Fund. Certain air carriers making an election pursuant to s. 212.0598, F.S., were authorized to use the apportionment formula in s. 212.0598, F.S., for their aviation fuel tax in 1988. The authorization was set to expire July 1, 1989, but was extended by the 1989 and 1990 Legislatures and was scheduled to expire July 1, 1991. In 1990, the sales tax on motor and special fuel was increased from 5 percent to 6 percent and annually adjusted by the change in the average of the Consumer Price Index. The excise tax on aviation fuel was increased from 5.7 cents per gallon to 6.9 cents per gallon. Effective January 1, 1991, the SCETS tax was enacted. The SCETS tax was levied on gasoline in each county levying a local option gas tax at a rate equal to two-thirds of the sum of the county's local option gas taxes, not to exceed 4 cents per gallon. The SCETS tax is annually adjusted by the average of the Consumer Price Index. The equalization of local option fuel taxes on diesel fuel was also adopted. Effective calendar year 1991, the local option tax rate on diesel cannot be lower than 4 cents per gallon; in 1992, 5 cents per gallon; and in 1993, 6 cents per gallon. Effective calendar year 1994, the local option tax rate on diesel fuel was 7 cents per gallon.

Chapter 94-146, L.O.F. (HB 1317), provided that beginning in Fiscal Year 1997-98, all fuel tax administrative costs incurred by the Department of Revenue would begin to be phased-in over a three-year period, so that by Fiscal Year 1999-00, administrative costs would be deducted proportionally from all fuel taxes, except the Constitutional gas tax.

In 1996, the motor and special fuel tax statutes were rewritten to conform to the federal diesel fuel dyed program. All of the motor and special fuel tax provisions found in Chapters 206, 212, and 336, F.S., were combined into Chapter 206, F.S. The major changes, which took effect July 1, 1996, were as follows: (1) changed the point of collection for state motor fuel and state and local diesel fuel tax from the wholesaler, special fuel dealer, importer, or retailer, to the terminal supplier; (2) changed the point of collection for local option motor fuel tax from the retailer to the wholesaler; (3) provided for the tax-free purchase of dyed diesel fuel by exempt users; and (4) imposed a 6 percent use tax on diesel fuel used for business purposes, upon which Chapter 206, F.S., fuel taxes have not been paid.

Chapter 96-323, L.O.F. (SB 330), provided for a five-year aviation fuel tax credit for air carriers offering transcontinental jet service who meet certain employment criteria. Also, kerosene was defined as aviation fuel and made subject to the 6.9 cents aviation fuel tax. Chapter 97-54, L.O.F. (HB 81), allowed owners of noncommercial vessels to purchase tax-exempt (dyed) diesel fuel provided that such fuel purchases were subject to the 6 percent general sales and use tax. Effective July 1, 1999, 0.65 percent of the fuel sales tax and the SCETS tax revenues on motor fuel are to be deposited into the Agricultural Emergency Eradication Trust Fund.

MOTOR FUEL & DIESEL FUEL TAXES

Effective July 1, 1998, the \$1.5 million distribution of fuel tax revenues to the Board of Regents for the Center for Urban Transportation Research was repealed. Effective July 1, 1999, the distribution to the Invasive Plant Control Trust Fund was decreased from \$7.55 million to \$6.3 million; and the distribution to the Fish and Wildlife Conservation Commission was increased from \$1.25 million to \$2.5 million.

Effective July 1, 2000, the 7.3 percent General Revenue Service Charge was eliminated on the Fuel Tax Collection Trust Fund. The July 1, 2000, date affected motor fuel and special fuel taxes, fuel use taxes, and off-highway fuel taxes. Effective July 1, 2001, the 7.3 percent General Revenue Service Charge was eliminated on SCETS tax collections. Chapter 2000-266, L.O.F. (SB 772), provided that taxes paid on diesel fuel purchased in Florida and consumed by a qualified motor coach during idle time for the purpose of running climate control systems and maintaining electrical systems is subject to a refund. In 2002, the Legislature reinstated the aviation fuel tax exemption for certain air carriers, which expired July 1, 2001. The 2003 Legislature authorized that a portion of the moneys attributable to the sale of motor fuel and diesel fuel at marinas shall be transferred to the Marine Resources Conservation Trust Fund in the Fish and Wildlife Conservation Commission as follows: \$2.5 million in 2003-04; \$5.0 million in 2004-05; \$8.5 million in 2005-06; \$10.9 million in 2006-07; and \$13.4 million in 2007-08 and each fiscal year thereafter. The 2004 Legislature enacted the "Florida Motor Fuel Tax Relief Act of 2004." For the month of August 2004, the "Fuel Sales Tax" on motor fuel was reduced by 8 cents a gallon. It was the intent of the Legislature that the 8 cent reduction be passed on to the consumer.

Effective July 1, 2007, a refund of the local option fuel tax, the SCETS tax, and the fuel sales tax was granted for any person who used motor fuel in the operation of aviation ground support vehicles or equipment that were not driven or operated on the public highways of Florida.

BASE, RATE and DISPOSITION

Tax on Highway Fuels*	Statutory Authorization	Rate (2021)	Indexed	Disposition***
Fuel Sales Tax	ss. 206.41(1)(g), 206.87(1)(e), 206.606, 206.9955(2)(e), and 212.0501, F.S.	14.5 cents per gallon	yes	State Transportation Trust Fund
SCETS** Tax	206.41(1)(f), 206.608, 206.87(1)(d), and 206.9955(2)(d), F.S.	8.0 cents per gallon	yes	State Transportation Trust Fund, to be spent in the district where generated
Constitutional Fuel Tax	Art. XII, Sec. 9(c), Florida Constitution, ss. 206.41(1)(a), 206.45, 206.47, 336.023, and 336.024, F.S.	2 cents per gallon	no	Distributed by a formula to meet debt service requirements of local transportation bonds of each county; any surplus funds are distributed to the county.
County Fuel Tax	ss. 206.41(1) and 206.60, F.S.	1 cent per gallon	no	Distributed by a formula to each county.
Municipal Fuel Tax	ss. 206.605(1) and 206.997, F.S.	1 cent per gallon	no	Municipal Revenue Sharing Trust Fund

*Non-highway fuels are taxed at 6% of the retail fuel price

**State Comprehensive Enhanced Transportation System

***Detailed information on the disposition of state fuel taxes is available in *Florida's Transportation Tax Sources, A Primer*, published by the Florida Department of Transportation and located at: (<https://www.fdot.gov/workprogram>)

MOTOR FUEL & DIESEL FUEL TAXES

Large privately-owned vehicles that engage in interstate operations are taxed on fuel use pursuant to the International Fuel Tax Agreement. The tax is calculated by multiplying the number of gallons consumed in this state by the prevailing statewide fuel tax rate of 37.0¢/gallon. Each vehicle must also pay \$4 for an identifying decal.

Aviation fuel is taxed at 6.9¢/gallon, pursuant to s. 206.9825, F.S. Certain carriers are eligible for a credit or refund of the tax. As of July 1, 2019, the tax rate is 4.27¢/gallon and the credit or refund is eliminated. (Federal and local option taxes are also levied on motor fuel and diesel fuel. Local option fuel taxes are described in section III, Major Local Government Revenue Sources.)

ALLOCATION FORMULAS:

Constitutional and county gas tax: area 25 percent; population 25 percent; collections 50 percent (see Article XII, Sec. 9(c)(4), Florida Constitution). Foregoing subject to debt service requirements established under earlier formula. (see Article IX, Sec. 16(a), Florida Constitution of 1885.)

OTHER STATES:

All states tax motor fuel and diesel fuel. Both motor fuel and diesel fuel state tax rates vary from a low of 9.0 cents per motor fuel gallon (Alaska) to a high of 77.1 cents per diesel gallon (Pennsylvania).

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
Value of 1 cent levy per gallon of motor and diesel fuel (excludes off-highway use)	\$105.80
Value of 1 cent levy per gallon on aviation fuel	\$8.72
(Note: Gross proceeds before deductions, transfers and refunds)	
VALUE OF EXEMPTIONS:	
Sales to U.S. Government (s.206.62, F.S.)	\$2.3
Farmers and Fishermen (s. 206.874(3)(a) and (e), F.S.)	\$3.4
VALUE OF REFUNDS AND CREDITS:	
Aviation Fuel Employment Refund (s. 206.9855, F.S.)	\$18.6
Refunds to Counties (ss. 206.41(4)(d), 206.625(1), 206.874(4), F.S.)	\$3.0
Refunds to Municipalities (ss. 206.41(4)(d), 206.625(1), 206.874(4), F.S.)	\$1.4
Refunds to School Districts (ss. 206.41(4)(e), 206.625(2), 206.874(4), F.S.)	\$2.0
Refunds for Farmers and Fishermen (ss. 206.41(4)(c), 206.64, F.S.)	\$0.5
Refunds to Local Transit Systems (ss. 206.41(b), 206.874(5)(d), F.S.)	\$0.5
Dealer Collection Allowances (ss. 206.43 and 206.91, F.S.)	\$5.4
VALUE OF DISTRIBUTIONS:	
Aquatic Weed Control and Other Boating Related Activities (s. 206.606(1)(a) and (b), F.S.)	\$8.5
Agricultural Emergency Eradication Trust Fund (ss. 206.606(1)(c) and 206.608(1), F.S.)	\$8.4
Marine Resources Conservation Trust Fund (s. 206.606(1)(d), F.S.)	\$13.4

DISTRIBUTION OF MOTOR FUEL AND DIESEL FUEL TAXES

(Thousands of Dollars)

	2017-18		2018-19		2019-20		2020-21	
	Motor	Diesel Fuel						
STATE SHARE OF SALES TAX ON FUEL								
Dept. of Transportation	1,204,668	235,792	1,263,977	253,873	1,206,175	205,595	1,218,849	37,310
Dept. of Env. Protection - Aquatic Weed Control	5,300	1,000	5,269	1,031	5,244	41,673	5,242	876
Fish and Wildlife Conservation Commission	13,375	2,525	13,297	2,603	13,236	40,163	13,230	296,806
Agr. Emergency Eradication Trust Fund	8,080	0	8,468	0	8,012	0	8,095	0
Refunds - Agr. and Commercial Fish	208	0	150	0	169	271	100	420
Refunds - City Transit	158	519	103	683	85	398	118	0
Refunds - Municipal, County & School District	2,549	2,931	2,063	2,407	2,473	2,357	2,315	1,638
Refunds as Result of 1996 Fuel Tax Rewrite	21,003	8,777	14,331	8,183	12,792	13,733	9,739	0
Administrative Trust Fund	8,038	1,517	8,037	1,573	8,086	1,423	8,117	1,058
General Revenue Service Charge (8.0%)								
TOTAL	1,263,379	253,061	1,315,695	270,353	1,256,272	305,611	1,265,804	338,108

CONSTITUTIONAL FUEL TAX (2 Cents)

Counties and County Road Debt	184,919	35,757	188,668	36,514	176,700	31,282	175,547	735
Refunds as Result of 1996 Fuel Tax Rewrite	1,145	780	464	978	583	6,579	479	1,170
TOTAL	186,064	36,537	189,132	37,492	177,283	37,861	176,027	1,905

COUNTY FUEL TAX (1 Cent)

Administrative Trust Fund	559	97	549	99	538	2,931	529	1,170
Refunds - Municipalities, Counties and School Boards	189	213	149	171	175	181	161	19,058
Refunds as Result of 1996 Fuel Tax Rewrite	1,525	441	1,018	483	868	1,030	648	15,544
County Aid	82,327	14,785	84,173	15,146	78,573	12,888	78,211	436
General Revenue Service Charge (8.0%)	7,207	1,294	7,367	1,326	6,879	3,446	6,847	0
TOTAL	91,807	16,830	93,257	17,225	87,034	20,477	86,397	36,208

MUNICIPAL FUEL TAX (1 Cent)

Administrative Trust Fund	563	101	554	103	542	2,938	533	373,177
Revenue Sharing Trust Fund	83,033	15,495	84,756	15,703	79,277	13,447	78,757	13,447
Refunds - Farmers and Fishermen	3	0	2	0	2	17	3	19,126
Refunds as Result of 1996 Fuel Tax Rewrite	566	387	227	483	291	645	239	16,013
General Revenue Service Charge (8.0%)	7,269	1,356	7,418	1,374	6,941	3,542	6,895	0
TOTAL	91,434	17,339	92,958	17,664	87,053	20,589	86,426	421,763

TOTAL - Motor & Diesel Fuel	1,632,684	323,767	1,691,042	342,734	1,607,642	384,538	1,614,654	797,984
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TOTAL: Fuel Tax Distribution	1,956,451	2,033,776	1,992,180	2,412,638
Annual Change	2.77%	3.95%	-2.05%	21.11%

MOTOR VEHICLE AND MOBILE HOME LICENSES

FLORIDA STATUTES: Chapter 320

ADMINISTERED BY: Department of Highway Safety and Motor Vehicles

SUMMARY:

Motor vehicles and mobile homes must register annually in Florida. License fees for private autos and light trucks range from \$14.50 to \$32.50 according to vehicle weight. License fees for truck tractors are based on gross vehicle weight and range from \$60.75 to \$1,322. Mobile home license fees range from \$20 to \$80 according to length and recreational vehicle license fees are \$27 to \$47.25 depending on vehicle type and weight.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	General Revenue	State Trust Fund	Other
2022-23*	1,471,610,356	1.32%	5,500,000	1,297,700,000	168,410,356
2021-22*	1,452,465,449	1.08%	13,100,000	1,273,200,000	166,165,449
2020-21	1,436,963,103	9.23%	45,334,826	1,217,895,122	173,733,155
2019-20	1,315,514,920	3.12%	80,914,386	1,077,191,519	157,409,015
2018-19	1,346,233,165	3.08%	133,083,995	1,042,818,532	170,330,638
2017-18	1,306,039,508	4.96%	127,164,568	1,017,877,511	160,997,429
2016-17	1,244,276,059	4.65%	118,742,456	975,598,096	149,935,507

* Estimate

HISTORY:

Motor vehicle licensing began in 1905, with one-time registration. In 1917, annual registrations began. By constitutional amendment adopted in 1930, motor vehicles as property were exempted from personal property assessments. Major revisions to the law occurred in 1927, 1931, 1947, and 1975. Re-classification of vehicles was made in 1953, 1959, 1961, 1972, and 1975. In 1963, rates were increased substantially and a transition to fiscal year licensing rather than calendar year was begun. Constitutional earmarking of the amount required to meet fixed capital outlay allocations under the Minimum Foundation Program ("school tag fees") was approved in November 1952, and amended in 1964 and 1972. In 1965, by constitutional amendment, the following were added to the constitutional categories of motor vehicles: mobile homes, house trailers, camper-type mobile homes, and similar equipment. However, if these are permanently attached to the land, they are taxable as real estate. All mobile home license fees above \$2.00 went to the school district (50 percent) and county or city (50 percent) in which they were registered. Rates for truck-tractors and semi-trailers were revised in 1973 and 1983. The disposition of revenues was amended in 1977 to distribute, for the first time, 36.5 percent to the State Transportation Trust Fund. By 1985, all revenues remaining after school districts receive first proceeds were transferred into the State Transportation Trust Fund.

A three-tier tag schedule for passenger cars and light trucks was created in 1977, and license fees for those motor vehicles were increased by \$2.00 per tag in 1983. In 1984, provisions were made for the issuance of apportioned motor vehicle licenses in accordance with the International Registration Plan. In 1989, a \$30 "new-wheels-on-the-road" fee was imposed upon the initial registration of certain automobiles for private use, trucks weighing less than 5,000 pounds, and recreational vehicles, for deposit into the Law Enforcement Trust Fund. In 1990, the \$30 "new-wheels-on-the-road" fee was increased to \$100, with the additional \$70 for deposit into the State Transportation Trust Fund. In 1991, two changes were made. First, the \$30 portion of the fee was redirected to the General Revenue Fund in lieu of the Law Enforcement Trust Fund. Second, as an offset to a loan repayment, the entire proceeds of the \$100

MOTOR VEHICLE AND MOBILE HOME LICENSES

fee were deposited into the State Transportation Trust Fund for a two-year period between July 1, 1992, and June 30, 1994. In addition, a \$295 motor vehicle impact fee on the initial application for registration of certain automobiles for private use, trucks weighing less than 5,000 pounds, and recreational vehicles, was enacted effective July 1, 1990. The revenues from the impact fee were for deposit into the General Revenue Fund. The imposition of the \$295 motor vehicle impact fee was changed in 1991 to require payment at the time of original titling of a motor vehicle previously titled outside the state. In 1991, all motor vehicle license tag fees, except mobile homes, included a \$2.00 surcharge for deposit into the State Transportation Trust Fund. Also in 1991, a \$2.00 motor vehicle license replacement fee was levied on each annual motor vehicle registration, except mobile homes, for deposit into the Motor Vehicle License Replacement Trust Fund.

In 1992, a \$0.50 surcharge was levied on all motor vehicle license taxes imposed under s. 320.08, F.S., except for mobile homes, to be deposited into the Florida Motor Vehicle Theft Prevention Trust Fund. During the 1994 legislative session, the \$0.50 motor vehicle license fee for deposit into the Transportation Disadvantaged Trust Fund was increased to \$1.50, and the temporary tag fee was increased from \$1.00 to \$2.00. The 1995 Legislature increased the \$0.50 motor vehicle theft prevention surcharge to \$1.00. Chapter 95-140, L.O.F. (SB 588), repealed s. 319.231, F.S., the \$295 vehicle impact fee. Chapter 96-413, L.O.F. (HB 1329), made the following changes to Chapter 320: provided for a \$50 semi trailer permanent license plate; provided an exemption from the \$100 “new-wheels-on-the-road” tax for ancient or antique cars or trucks for private use and required that a transfer of title between households must be between family members living in the same house in order for such transactions to be exempt from the “new-wheels-on-the-road” tax; increased mobile home sticker fees based on length; and reduced the number of motor vehicles from 1,000 to 250 for a permanent fleet license plate.

Chapter 97-300, L.O.F. (SB 1002), provided the following exemptions from the \$100 “new-wheels-on-the-road” tax: for any member of the U.S. Armed Forces, or his or her spouse or dependent child, who was a resident of Florida at the time of enlistment, who purchased a motor vehicle while stationed outside of Florida and who continues to be stationed outside Florida; and for a motor vehicle registration that is being transferred from a vehicle that is not operational, in storage, or will not be operated in Florida. The legislation also provided for a \$10 sample license plate and provided for a wrecker license plate, with fees ranging from \$87 to \$979, according to gross vehicle weight. Chapter 98-324, L.O.F. (HB 3345), required that a wrecker used to tow a vessel must register and pay a license tax based on gross vehicle weight. Chapter 98-202, L.O.F. (SB 1498), allowed disabled persons to apply for a disabled license plate at no fee beyond the regular license tax. The disabled license plate would replace the \$13.50 long-term disabled parking placard.

Chapter 99-248, L.O.F. (SB 1270), created an annual \$12.50 manufacturer license plate, increased the Challenger license plate use fee from \$15 to \$25, and reduced the annual fleet license fee from \$6.00 to \$2.00. Effective July 1, 2001, Chapter 2000-257, L.O.F. (SB 862), eliminated the 7.3 percent General Revenue Service Charge on the \$100 “new-wheels-on-the-road” fee. Also, effective July 1, 2005, the entire \$100 “new-wheels-on-the-road” fee was deposited into the State Transportation Trust Fund. Chapter 2002-235, L.O.F. (SB 522), required all taxes and fees collected under Chapter 320, F.S., by county officials to be submitted by electronic funds transfer to the State Treasury no later than five working days, instead of seven working days as provided for in Chapter 116, F.S., after the close of the business day in which the funds were received. Chapter 2002-20, L.O.F. (HB 261), eliminated the \$13.50 state portion paid for a long term disabled parking placard. Chapter 2003-179, L.O.F. (SB 954), changed the distribution of the \$1.00 surcharge imposed per motor vehicle license registration pursuant to s. 320.08046, F.S., by eliminating the 18 percent distribution to the Florida Motor Vehicle Theft Prevention Trust Fund and increasing the General Revenue distribution from 40 percent to 58 percent. Chapter 2004-337, L.O.F. (SB 2020), amended the requirements for requests to establish specialty license plates by requiring a sample license plate that conforms to specifications and increasing from 15,000 to 30,000,

MOTOR VEHICLE AND MOBILE HOME LICENSES

the results of a scientific sample survey of Florida motor vehicle owners that intend to purchase the proposed specialty license plate.

Chapter 2007-242, L.O.F. (HB 275), created the biennial vehicle registration option. Vehicle owners are permitted to pay the vehicle registration taxes in advance for two years and are then issued the appropriate decal for their license plate. The fees for a two-year registration are double that of an annual registration; however, the distribution of the revenue does not actually occur until the year in which it would have normally been collected.

Chapter 2009-71, L.O.F. (SB 1778), changed all fees related to the registration of all motor vehicles. The increased revenues were primarily directed to General Revenue; however, a small portion of the fees are deposited into the Highway Safety Operating Trust Fund.

Chapter 2014-06, L.O.F. (SB 156), lowered registration tax and some ancillary fees for private vehicles and trucks. The decreased revenues were largely limited to portion of the fees directed to General Revenue.

Chapter 2019-43, L.O.F. (SB 7068), redirected the remaining General Revenue portion of base tax fees to the State Transportation Trust Fund. For the 2019-20 fiscal year, \$45 million was retained in the State Transportation Trust Fund, with the remaining funds transferred to the General Revenue Fund. For the 2020-21 fiscal year, \$90 million was retained in the State Transportation Trust Fund, with the remaining funds transferred to the General Revenue Fund. For the 2021-22 fiscal year and each fiscal year thereafter, all of the funds shall be retained in the State Transportation Trust Fund.

BASE TAX AND RATE:

Passenger cars: \$14.50 to \$32.50 in three weight classes.

Trucks: \$14.50 to \$32.50 in three weight classes.

Truck Tractors: \$60.25 to \$1,322 per vehicle, according to gross vehicle weight: 5001-72,000 lbs.

Semi-Trailers: drawn by a GVW truck tractor by means of a 5th wheel: \$13.50 annual or \$68 permanent registration.

Trailers for private use: less than 501 lbs, \$6.75; 501 lbs or more, \$3.50 plus \$1.00 per CWT; for hire: less than 2,000 lbs, \$3.50 plus \$1.50 per CWT; 2000 lbs or more, \$13.50 plus \$1.50 per CWT.

Wrecker License Plates: \$41 flat or \$118 to \$1,322 according to gross vehicle weight: 10,000-72,000 lbs.

Antique Cars & Trucks: \$7.50 flat.

Recreational Vehicles: \$27 to \$47.25 depending on vehicle type and weight.

Mobile Homes: \$20 to \$80 in eight groups according to length.

Motorcycles: \$10.00 + \$2.50 motorcycle safety education fee.

Mopeds: \$5.00 + \$2.50 motorcycle safety education fee.

Motor Vehicles "for hire": under nine passengers, \$17.00 flat plus \$1.50 per 100 lbs; nine passengers and over, \$17.00 flat plus \$2.00 per 100 lbs.

Dealer and Manufacturer License Plates: \$17.00 flat.

School Buses: \$41 flat.

Temporary Tags: \$2.00.

Transporter Tags: \$101.25 flat.

Permanent Fleet Tags: \$1.50 manufacturing fee, in addition to applicable license tax pursuant to s. 320.08, F.S.

Sample License Plates: \$28.00 flat.

Annual Fleet Management Fee: \$2.00 flat.

In addition to the license taxes stated above, the following taxes are imposed:

MOTOR VEHICLE AND MOBILE HOME LICENSES

- \$1.20 registration surcharge on each annual motor vehicle registration except for mobile homes (see s. 320.0804, F.S.);
- \$2.80 motor vehicle license plate replacement fee on each annual motor vehicle registration except for mobile homes (see s. 320.06, F.S.);
- \$0.10 on each motor vehicle as defined in s. 320.01, F.S., and on each moped, as defined in s. 316.003(2), F.S. (see s. 320.0801, F.S.) for Emergency Medical Trust Fund;
- \$1.00 surcharge on each annual motor vehicle registration except for mobile homes (see s. 320.08046, F.S.) for Grants and Donation Trust Fund in the Department of Juvenile Justice;
- \$1.00 surcharge on each annual motor vehicle registration except mobile homes (see s. 320.0802, F.S.) for Law Enforcement Radio Systems Trust Fund;
- \$.50 fee on every license registration (see s. 320.03, F.S.) for Florida Real Time Vehicle Information System;
- \$1.00 air pollution surcharge (see s. 320.03, F.S.) for Air Pollution Control Trust Fund;
- \$1.00 decal fee (see s. 320.04, F.S.);
- \$2.50 service fee (see s. 320.04, F.S.);
- \$0.50 retro-reflection materials fee (see s. 320.06, F.S.);
- \$1.00 mobile home surcharge to be collected only on mobile home registrations (see s. 320.08015, F.S.);
- \$1.50 surcharge for transportation disadvantaged;
- \$225 on the initial registration of private automobiles and light trucks, except when the person registering the vehicle is replacing a vehicle already registered in Florida.

DISPOSITION:

The first proceeds of motor vehicle base tax are distributed into the District Capital Outlay and Debt Service Trust Fund (Article XII, Sec. 9(d), Florida Constitution) with the remaining distributed to the State Transportation Trust Fund and General Revenue (through the 2020-2021 fiscal year); mobile home licenses to local governments except for \$1.50 per tag which goes into the General Revenue Fund; \$0.50 to repay costs of the retro-reflective tag feature (deposited into the Highway Safety Operating Trust Fund (HSOTF)); \$0.50 into the HSOTF to cover the costs of the Florida Real Time Vehicle Information System; \$1.00 into the HSOTF to cover the cost of decals; \$1.00 for the Air Pollution Control Trust Fund; \$1.50 for the Transportation Disadvantaged Trust Fund; \$2.50 motorcycle safety education fee for deposit into the HSOTF; \$0.10 per motor vehicle and moped registration for deposit into the Emergency Medical Service Trust Fund; \$1.00 surcharge on each annual motor vehicle registration (except mobile homes) for deposit into the State Agency Law Enforcement Radio System Trust Fund; \$1.20 motor vehicle license surcharge on each annual motor vehicle registration except mobile homes (\$1 is deposited into the State Transportation Trust Fund and \$0.20 is deposited in HSOTF); \$2.80 motor vehicle license replacement fee on each annual motor vehicle registration except mobile homes for deposit into the HSOTF; \$1.00 surcharge on each annual motor vehicle registration except mobile homes deposited into the Grants and Donations Trust Fund in the Department of Juvenile Justice to fund the community juvenile justice partnership grants program; and \$1.00 to the Mobile Home Relocation Trust Fund and only charged on mobile home registrations.

Effective July 1, 2005, 100 percent of the “new-wheels-on-the-road” fee is deposited into the State Transportation Trust Fund. Prior to Fiscal Year 2005-06, \$30 of the “new-wheels-on-the-road” fee was deposited into the General Revenue Fund and the remaining \$70, less the General Revenue Service Charge, was deposited into the State Transportation Trust Fund. (Effective July 1, 2001, the 7.3 percent General Revenue Service Charge was eliminated on the \$100 “new-wheels-on-the-road” fee.) Effective September 1, 2009, the “new-wheels-on-the-road” fee was raised to \$225 with 44.5 percent deposited into the State Transportation Trust Fund and 55.5 percent deposited into General Revenue. Effective

MOTOR VEHICLE AND MOBILE HOME LICENSES

September 1, 2014, 44.5 percent of the “new-wheels-on-the-road” fee is deposited into the State Transportation Trust Fund, 41.2 percent is deposited into General Revenue and 14.3 percent is deposited in the Highway Safety Operating Trust Fund.

OTHER STATES:

Motor vehicles are licensed in all states. In some states, motor vehicles are subject to personal property taxes in addition to licenses. Most states base fees for private vehicles on weight, some employ a combination of horsepower and weight, and a few relate the fee to the original value of the car. Fees for commercial vehicles are based on weight, capacity, or both. Farm vehicles are commonly exempted or subjected to lower fees.

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
Value of \$1 levy on all licenses sold	
Passenger Cars	\$ 11.5
Light Trucks	\$ 1.5
Heavy Truck/Truck Tractors	\$ 1.7
All Other	\$ 3.1
For-Hire	\$ 1.9
Total	\$ 19.7

PARI-MUTUEL TAX

FLORIDA STATUTES: Sections 550.0951(1)(a); 550.0951(2)(a); 550.0951(2)(b) and (c); 550.0951(3)(b)1; 550.0951(3)(d); 550.09515(2)(a); 550.0951(3)(a); 550.3551(4); 550.3551(3) through 550.3551(3)(c); 550.0951(3)(b)1; 550.0951(3)(c)2; 550.0951(3)(b)2; 550.09511(3)(a); 550.09515(5); 550.1645(2); 550.09514(1); 550.0951(1)(a) and (b); 550.1647; 550.09511(1)(b); 550.1646; 550.09511(2)(a)1; 550.09511(4); 550.09515(6); 550.0351(1), (5), and (6); 849.086(5)(d); and 849.086(13)(a) through (c)

ADMINISTERED BY: Currently, the Department of Business and Professional Regulation; Division of Pari-Mutuel Wagering. As of July 1, 2022, the Florida Gaming Control Commission will assume oversight.

SUMMARY:

Taxes and fees are imposed on pari-mutuel facilities in Florida that conduct greyhound, harness, thoroughbred, and quarter horse races, and jai alai games. Taxes are imposed at each pari-mutuel facility that operates a cardroom at 10 percent of the total cardroom gross receipts. Also imposed is an annual cardroom license fee of \$1,000 for each table operated at the cardroom facility. A series of occupational license fees for employees and associated businesses is also imposed.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	General Revenue	Trust Funds
2022-23*	22,600,000	1.35%	8,000,000	14,600,000
2021-22*	22,300,000	2.41%	7,700,000	14,600,000
2020-21	21,775,348	4.09%	7,219,261	14,556,087
2019-20	20,919,544	-22.29%	7,865,636	13,053,908
2018-19	26,921,640	0.51%	10,616,111	16,305,529
2017-18	26,784,683	2.76%	17,351,801	9,432,882
2016-17	26,065,257	-0.98%	10,799,704	15,265,553

* Estimate

HISTORY:

Pari-mutuel betting was first authorized in 1931 with the handle taxed at 3 percent plus an admissions tax. Jai alai frontons were authorized in 1935 with the same tax provisions. In 1941, a tax on "breaks" was enacted. Daily license fees were authorized in 1963. Legislation in 1971 placed a ceiling of \$446,500 on the amount of racing revenues distributed annually to each county. The pari-mutuel laws were substantially revised during the 1980 legislative session.

In 1984, all permitholders were authorized to withhold an additional 1 percent commission from exotic wagers to be used for capital improvements, with a 50 percent surtax on the additional commission. In 1987, the Legislature authorized the Florida Pari-mutuel Commission to make recommendations annually to the Legislature for additional operating days. Additional taxes on handle for additional racing days were provided. Jai alai and dog racing permitholders were authorized to withhold in Fiscal Year 1989-90, up to an additional 2 percent from exotic wagers. The additional 2 percent was subject to a 17.5 percent surtax per percentage point. In 1990, intertrack wagering was authorized, with a 3 percent tax rate on handle for horses and a 6 percent tax rate on handle for greyhound racing and jai alai. The additional 2 percent takeout on exotic wagering authorized for Fiscal Year 1989-90 to greyhound and jai alai permitholders was allowed to continue. The Legislature adopted a provision that any increase in future years over the amount of taxes paid from all types of pari-mutuel wagering in Fiscal Year 1989-90 will be redistributed as tax credits to greyhound and jai alai permitholders.

PARI-MUTUEL TAX

The 1991 Legislature passed CS/SB 1342, which repealed effective July 1, 1992, most of the pari-mutuel statutes, including tax credits and exemptions. Basic provisions relating to taxes and wagering were not repealed. The lower tax rate for intertrack wagering (ITW) was repealed, subjecting ITW to the higher tax rates.

The 1992 Legislature failed to reenact the pari-mutuel statutes. During Special Session A, the 1993 Legislature reenacted the regulatory authority of the Division of Pari-mutuel Wagering and the former permitting and licensing provisions, with some modifications. Tax credits and exemptions and the lower ITW tax rate were not reenacted. In 1993, new tax structures for jai alai games, live harness races, and thoroughbred races were established. Another statutory change adopted in 1993 provided that if a jai alai or horseracing permit holder does not pay state taxes for two consecutive years and incurs no tax liability for failure to operate a full schedule of live races, the permit escheats to the state. The state may reissue the permit to a qualified applicant. Also, the Breeders' Cup Meet was reestablished, but without tax credits. In 1994, the daily license fee for jai alai was reduced from \$80 to \$40 per game, and the tax on handle for live jai alai performances was reduced from 7.1 percent to 5 percent of handle. However, when the live handle during the preceding state fiscal year is less than \$15 million, the tax shall be paid on handle in excess of \$30,000 per performance per day. Chapter 94-328, L.O.F. (HB 2813), created s. 550.2704, F.S., and authorized the licensing of one special Jai Alai Tournament of Champions Meet. The meet consists of four performances at different locations each year. During the 1995 legislative session, no legislation was passed that impacted fees or taxes. The only major legislation that was enacted was in reference to various technical matters in Chapter 550, F.S.

The 1996 Legislature enacted major pari-mutuel tax law changes. The significant changes were as follows: capped daily license fees on simulcast racing at \$500 per day; reduced tax rate on horse racing intertrack simulcast handle from 3.3 percent to 2.4 percent; reduced tax rate on greyhound intertrack handle from 7.6 percent to 6 percent; reduced the tax rate on jai alai intertrack handle from 7.1 percent to 6.1 percent; reduced the tax rate on live jai alai handle from 5 percent to 4.25 percent; eliminated the breaks on live greyhound handle, permitting such breaks to be retained by the permit holder instead of the state; greyhound permit holders were entitled to a tax exemption on their first \$100,000 of live handle with a total tax credit of either \$500,000 or \$360,000 per fiscal year and an \$80 per race tax credit multiplied by the number of live races conducted in the previous fiscal year; and full-card simulcasting was permitted for all thoroughbred, harness, and jai alai permit holders.

In 1996, the Legislature passed Chapter 1996-364, L.O.F. (HB 337), as a general act covering the entire state. In September 2007, the Florida Supreme Court ruled s. 550.615(6), F.S., to be unconstitutional because of the way it was adopted. The justices found the act should have been a local bill because it only affects South Florida tracks. The high court upheld two lower court decisions that also found the law unconstitutionally restricted the tracks. Section 550.615(6), F.S., limited the ability of South Florida horse racing tracks to simulcast events from other pari-mutuel facilities. As a result of the ruling, effective September 21, 2007, all pari-mutuel facilities in Miami-Dade and Broward counties, were permitted to enter into contractual agreements that allow the host facility to send its live and import simulcast signals to other facilities in the two counties; the tax rate for simulcast handle for the two affected Broward County greyhound facilities increased from 3.9 percent to 5.5 percent.

In addition, the 1996 Legislature permitted the operation of card rooms at pari-mutuel facilities if such activity is approved by ordinance by the county commission where the pari-mutuel facility is located. The fee to operate a card room is \$1,000 for the first card table and \$500 for each additional card table. A card room can only be operated in conjunction with live pari-mutuel wagering. The gross receipts of a card room are taxed at a rate of 10 percent. One-quarter of the revenues deposited into the Pari-Mutuel

PARI-MUTUEL TAX

Trust Fund from card room operations is to be distributed to the counties where the card rooms are located.

The 1997 Legislature transferred the daily operation of the PMW Laboratory to the University of Florida, College of Veterinary Medicine, for Fiscal Year 1997-98, during which time a feasibility study of the operations of the laboratory was conducted. Greyhound racing purse requirements became effective October 1, 1996, and during the 1996-97 fiscal year; the division completed its comprehensive review of greyhound purse payments and established the minimum purse percentages to be used for compliance purposes. The 1998 Legislature passed into law three bills. Two of the bills, CS/SB 440 and HB 1747, became effective on May 24 and contained continued tax breaks for the pari-mutuel industry by repealing the sunset language enacted in 1996. CS/SB 440 provided for the removal of the admission tax on free passes and complimentary cards issued by all permitholders. The bill allowed simulcasting beyond 10:00 P.M., reduced various tax rates on all wager types, and provided for a feasibility study of the Hialeah Race Track to be performed to address state or municipal ownership. The 1999 Legislature allotted an additional \$700,000 to facilitate the relocation of the PMW Racing Laboratory from Tallahassee to Gainesville.

In 2000, the Legislature passed a 76-page amendment affecting pari-mutuel wagering, which included \$20 million in tax reductions for permitholders and an assortment of other revisions to Chapter 550, F.S. The following is a brief synopsis of what is contained in the amendment, which became effective, July 1, 2000:

- Reduced taxes for greyhound permitholders to an estimated amount of \$14.4 million annually
- Reduced taxes for thoroughbred permitholders to an estimated amount of \$4.5 million annually
- Reduced taxes for jai alai permitholders to an estimated amount of \$430,000 annually
- Reduced taxes for harness permitholders to an estimated amount of \$600,000 annually
- Designated the \$29.9 million paid annually to the counties be disbursed directly from the General Revenue Fund rather than the Pari-Mutuel Wagering Trust Fund
- Increased tax credits associated with the Breeders' Cup Championship Meet for certain eligible permitholders
- Reduced the frequency of tax and fee payments made by the permitholder to the division from twice a week to once a week
- Provided jai alai permitholders the option of conducting one additional Charity Day performance
- Provided the authority for the department to enter into an Interstate Compact that will reduce the administrative burden of issuing duplicative licenses to applicants from states that choose to participate
- Eliminated the licensing requirement for all restricted licensees

Section 10 of Chapter 2000-354, L.O.F. (SB 770/286), reenacted and amended paragraph (2) (a) of s. 550.09515, F.S., as amended by s. 4, Chapter 98-190, L.O.F. (SB 440). Effective July 1, 2001, the tax on live handle for thoroughbred horseracing was set at 0.5 percent. In 2003, s. 849.086, F.S., was amended to allow permitholders who operate a cardroom to raise the pot limits from a \$10 pot to a bet limit of \$2 for up to three raises per round of play. Additionally, horseracing permitholders would be permitted to conduct simulcast racing after 7:00 PM and simultaneously operate a cardroom. Sections 550.26165 and 550.2625, F.S., modified the criteria for breeders' awards and the payment of special racing awards to owners of winning Florida-bred thoroughbred horses.

Chapter 2005-288, L.O.F. (HB 181), reduced the number of live performances constituting a full schedule from 100 to 40 for certain jai alai permitholders. Permitholders taking advantage of this reduction are required to pay the same amount of tax as they paid during the last year in which they conducted at least 100 live performances. Additionally, any quarter horse permitholder wanting to substitute thoroughbred

PARI-MUTUEL TAX

racers or take intertrack wagering signals would have to have approval from other permitholders in its proximity. Finally, transfer of cardroom licenses was permitted, with no referendum required if the permitholder relocates its permit within the same county as its existing pari-mutuel facility.

Chapter 2007-163, L.O.F. (SB 134), increased the wagering limits from \$2 to \$5 and authorized new wagering options such as dominoes and games of Texas Hold-em without betting limits as long as the buy-in did not exceed \$100; and poker tournaments as long as the entry fee does not exceed the maximum amount that could be wagered in 10-like kind non-tournament games. Additionally, the per table fee paid by each cardroom operator was increased from \$1,000 for the first table and \$500 for each additional table to \$1,000 for all tables. Finally, the requirement to conduct live performances in conjunction with operating a cardroom was amended, authorizing cardroom operators to operate a cardroom year round without having to conduct a live performance. These amendments to s. 849.086, F.S., had a positive impact on tax revenue to the state.

Chapter 2010-29, L.O.F. (SB 622), gave an effective date for the pari-mutuel provision in Chapter 2009-170, which extended cardroom hours from 12 hours per day to 18 hours per day and 24 hours on the weekends and holidays. Additionally, all wagering limits for cardrooms were removed. Quarter horse permit application requirements were amended, subjecting them to the same mileage restrictions that are applicable to other permit applications. Live performances consisting of a full schedule for quarter horse permitholders were reduced from 40 to 20 in 2010-11, increased to 30 in 2011-12 and 2012-13, and then to 40 every fiscal year thereafter. A quarter horse permitholder may have an agreement with either the Florida Quarter Horse Racing Association or the horsemen's association representing the majority of the quarter horse owner and trainers at their facility authorizing them to run an alternative schedule of at least 20 live performances. Additionally, quarter horse permitholders may substitute 50 percent of their races with thoroughbred races, and were no longer required to have approval from other permitholders within their proximity. Finally, a jai alai permitholder that meets certain conditions may apply to have the permit converted to a greyhound permit.

In November 2018, Constitution Revision Commission proposal #13 to end greyhound racing was approved by 69.1% of voters. This initiative phases out commercial dog racing in connection with wagering by 2020. Other gaming activities were not affected. Live greyhound racing ended effective December 31, 2020.

During the 2021 Legislative Special Session, Chapter 2021-271, L.O.F. (SB 8-A) passed both the House and Senate chambers and was approved by the Governor. The bill did not become effective until August 11, 2021 when the approved 2021 Gaming Compact between the State of Florida and the Seminole Tribe of Florida was published in the Federal Register. Chapter 2021-271, L.O.F., provided for the following changes: (1) The Division shall revoke permits of any permitholder, other than a permit issued pursuant to s. 550.3345, F.S., who did not hold an operating license for the conduct of pari-mutuel wagering for Fiscal Year 2020-2021. A permit revoked is void and may not be reissued; (2) Greyhound permitholders are no longer authorized to conduct live racing, and jai alai permitholders, harness permitholders, and quarter horse permitholders may elect to not conduct live races or games; (3) Those that elect not to conduct live races or games are eligible but not required to be a guest track for the purchase of intertrack and simulcast wagering; and if a harness permitholder, to be a host track for the purpose of intertrack wagering and simulcasting pursuant to ss. 550.3551, 550.615, 550.623, and 550.6305, F.S.; (4) Removes the requirement that a jai alai permitholder conducting fewer than 100 live performances in any calendar year shall pay to the state the same aggregate amount of live daily license, admission tax, and tax on live handle as such permitholder paid to the state during the most recent prior calendar year in which the jai alai permitholder conducted at least 100 performances; (5) Cardrooms are authorized to be open 24 hours a day throughout the year.

PARI-MUTUEL TAX

BASE AND RATE:

	Thoroughbreds	Harness	Quarter Horse	Greyhounds	Jai Alai
Daily License Fee					
Live Simulcast	\$100 per race \$500 per day	\$100 per race \$500 per day	\$100 per race \$500 per day	N/A \$500 per day	\$40 per game \$500 per day
Admissions Tax	15% or 10 cents, whichever is greater No tax applies to free or complimentary passes	15% or 10 cents, whichever is greater No tax applies to free or complimentary passes	15% or 10 cents, whichever is greater No tax applies to free or complimentary passes	15% or 10 cents, whichever is greater No tax applies to free or complimentary passes	15% or 10 cents, whichever is greater No tax applies to free or complimentary passes
Tax on Handle					
Live	0.5% of handle	0.5% of handle	1.0% of handle		2.0% of handle
ITW	2.0% of handle 0.5% of handle (I)	3.3% of handle 0.5% of handle (I)	2.0% of handle 0.5% of handle (I)	N/A	7.1% of handle 6.1% of handle (III) 3.3% of handle (IV) 2.3% of handle (III) 0.5% of handle (I)
Simulcast	0.5% of handle	0.5% of handle	1.0% of handle	5.5% of handle	2.0% of handle
ITW of Simulcast	2.4% of handle 0.5% of handle (I and V)	1.5% of handle 0.5% of handle (I)	2.4% of handle 0.5% of handle (I)	5.5% of handle 3.9% of handle (II) 0.5% of handle (I)	Same as intertrack 0.5% of handle (I)
Tax on Cardroom	10% of gross receipts				
Cardroom License Fee	\$1,000 per table				

DISPOSITION:

Pari-Mutuel Taxes and Fees

Of the total collections, 8 percent are deducted as service charges to the General Revenue Fund, with the remainder being deposited into the Pari-Mutuel Wagering Trust Fund.

Cardroom Taxes

One-half of total collections are distributed to the General Revenue Fund. The other half of the collections is deposited into the Pari-Mutuel Wagering Trust Fund. Of the one-half deposited into the Pari-Mutuel Wagering Trust Fund, 8 percent is deducted as service charges to the General Revenue Fund. One-fourth of the collections deposited into the Pari-Mutuel Wagering Trust Fund is distributed the following October to the counties or municipalities where the cardroom was approved.

PARI-MUTUEL TAX

Cardroom Table Fees

The General Revenue Fund deducts 8 percent as service charges with the remainder being deposited into the Pari-Mutuel Wagering Trust Fund.

Pari-Mutuel, and Cardroom, Occupational Licenses

The General Revenue Fund deducts 8 percent as service charges with the remainder being deposited into the Pari-Mutuel Wagering Trust Fund.

OTHER STATES:

There are many other states that permit some type of pari-mutuel and/or cardroom operations. Those operations are sometimes regulated by the state, commissions, or boards. Historically, pari-mutuel and cardroom statutes relating to taxes and fees are very complex and vary greatly from state to state. Most states have some sort of pari-mutuel wagering, except Alaska, Georgia, Hawaii, Mississippi, Missouri, North Carolina, South Carolina, Tennessee, Utah, Vermont, and Washington, DC.

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
Value of 1 percent levy on pari-mutuel handle (Assuming no additional track allowance)	
Greyhound (simulcast)*	\$0.04
Jai Alai (live and simulcast)	insig.
Harness (live and simulcast)**	\$0.06
Thoroughbred (live and simulcast)	\$0.45
Quarter Horse (live and simulcast)	insig.
Intertrack Wagering (ITW and ITWS)	<u>\$2.50</u>
Total	\$3.05

*No live greyhound racing effective December 31, 2020.

**Fiscal Year 2022-2023 estimates adopted at the August 2021 GR conference, did not include any Greyhound or Harness Live/Intertrack Handle or associated tax, due to the passage of Chapter 2021-271 (ENR SB 8-A).

Value of 1 percent levy on cardroom gross receipts	\$1.7
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POLLUTANT TAXES AND FEES

FLORIDA STATUTES: Chapter 206 Part IV, F.S. (Coastal Protection Tax, Water Quality Tax, and Inland Protection Tax), s. 376.75, F.S. (Perchloroethylene Tax), s. 403.718, F.S. (Waste Tire Fees) and s. 403.7185, F.S. (Lead-acid Battery Fees).

ADMINISTERED BY: Department of Revenue

SUMMARY:

Every barrel of pollutant produced in or imported into Florida is subject to the pollutant tax. Taxable pollutants include petroleum products including gasoline and diesel fuel, pesticides, ammonia, chlorine, solvents, and motor oil and other lubricants. In addition, each new tire sold at retail is subject to a \$1 waste tire fee and each new or remanufactured lead-acid battery is subject to a \$1.50 lead-acid battery fee.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	Coastal Protection	Water Quality**	Inland Protection
2022-23*	294,237,008	1.91%	6,874,878	32,733,660	254,628,470
2021-22*	288,722,410	7.62%	6,746,028	32,120,165	249,856,217
2020-21	268,279,511	-3.56%	6,268,378	29,845,907	232,165,226
2019-20	278,170,947	-6.89%	6,522,173	30,648,761	241,000,014
2018-19	298,753,802	5.97%	7,053,082	30,637,259	261,063,461
2017-18	281,931,110	4.51%	6,762,868	30,304,526	244,863,716
2016-17	269,754,138	2.03%	6,464,683	28,890,446	234,399,009

* Estimate

** The Water Quality numbers include the following revenues for the \$1.50 lead-acid battery fee: 2016-17 - \$11.2 million; 2017-18 - \$11.6 million; 2018-19 - \$10.3 million; 2019-20 - \$12.2 million; 2020-21 - \$11.8 million.

HISTORY:

The Coastal Protection Tax, Water Quality Tax, and Inland Protection Tax are deposited into the Pollutant Tax Clearing Trust Fund, from which distributions to other trust funds and to the General Revenue Fund (service charges) are made. The Perchloroethylene Tax is deposited into the Water Quality Assurance Trust Fund. The Lead-acid Battery Fees and the Waste Tire Fees are deposited into the Solid Waste Management Clearing Trust Fund.

In 1974, under s. 376.11, F.S., a pollutant tax of 2 cents per barrel of pollutant was levied and revenues deposited into the Florida Coastal Protection Trust Fund. As part of the "State Underground Petroleum Environmental Response Act of 1986", the 1986 Legislature replaced the pollutant tax provisions of Chapter 376, F.S., with Part IV of Chapter 206, F.S., which provided for the taxation of each barrel of pollutant produced in or imported into the state. The definition of "pollutant" included specified petroleum products as well as pesticides, ammonia, and chlorine. In addition to the Coastal Protection Trust Fund and the Water Quality Assurance Trust Fund, the Inland Protection Trust Fund was created and a tax imposed.

In 1988, the Legislature expanded the list of products subject to the Water Quality Assurance Tax to include solvents, lead-acid batteries, and motor oil or other lubricants; provided a two-tiered tax rate; and adopted waste newsprint disposal fees. Solvent mixtures were added to the list of taxable pollutants under the Water Quality Assurance Tax in 1989 and tax rates were adjusted. The lead-acid battery tax was transferred to Chapter 403, F.S. In 1990, provisions were adopted to increase the cap on the Coastal Protection Trust Fund if the U.S. Department of the Interior approves offshore oil drilling, excluding

POLLUTANT TAXES AND FEES

natural gas drilling activities, in waters off Florida's coast; and if a discharge of catastrophic proportions occurs, the Governor and Cabinet may, by rule, increase the levy of the pollutant tax to an amount not to exceed 10 cents per gallon for a period of time necessary to pay any proven claims against the fund and to restore the balance to \$50 million.

In 1992, the tax for inland protection was increased from 10 cents to 30 cents per barrel of taxable pollutant if the unobligated balance of the trust fund falls between \$100 million and \$150 million, increased from 20 cents to 60 cents if the unobligated balance of the trust fund is above \$50 million, but below \$100 million; and increased from 30 cents to 80 cents if the unobligated balance of the trust fund is \$50 million or less.

The 1-cent Advance Disposal Fee, which was originally enacted in 1988 to take effect in 1992, was substantially amended and took effect October 1, 1993. The fee was scheduled to increase to 2 cents per container on January 1, 1995. Pursuant to ss. 71 and 72 of Chapter 88-130, L.O.F., waste newsprint disposal fees and the advance disposal fee were repealed effective October 1, 1995.

In 1996, the Legislature eliminated solvent mixtures from the definition of taxable pollutants, thus exempting them from the Water Quality Tax. Chapter 2006-16, L.O.F. (SB 818), changed the fuel tax distribution by decreasing the transfer of funds to the Inland Protection Trust Fund and increasing the distribution to the Florida Coastal Protection Trust Funds. Chapter 2007-81, L.O.F. (HB 7063), prescribed a transfer of the greater of \$5 million or 2.5 percent of the Inland Protection Trust Fund to the Coastal Protection Trust Fund.

BASE AND RATE:

Tax for Coastal Protection: 2 cents per barrel of pollutant produced in or imported into the state until the balance in the Coastal Protection Trust Fund equals or exceeds \$50 million. For the fiscal year immediately following the year in which the balance equals or exceeds \$50 million, the excise tax will be discontinued until it is necessary to reinstate the tax. If off-shore oil drilling is approved off Florida's coast the cap on the trust fund is raised to \$100 million, and if a catastrophic discharge of pollutants occurs the tax can be increased up to 10 cents a barrel (see s. 206.9935(1), F.S., for details).

Tax for Water Quality: \$1.50 per new or remanufactured lead-acid battery; 2.36 cents per gallon of solvents; 1 cent per gallon of motor oil or other lubricants; and 2 cents per barrel of petroleum products, ammonia, and chlorine produced in or imported into the state, until the unobligated balance of the Water Quality Assurance Trust Fund equals or exceeds a balance of \$12 million, at which time the tax will be discontinued until it is necessary to reinstate the tax. If the unobligated balance of the fund is or falls below \$3 million, the tax will be \$1.50 per new or remanufactured lead-acid battery; 5.9 cents per gallon of solvent; 2.5 cents per gallon of motor oil or other lubricants; 2 cents per barrel of ammonia; and 5 cents per barrel of petroleum products, pesticides, and chlorine, until the unobligated fund balance exceeds \$5 million, at which time the tax shall revert to the lower rate (see ss. 206.9935(2) (b) and 403.7185(1), F.S., for details).

Tax for Inland Protection: 30 cents per barrel of pollutant, produced in or imported into the state if the unobligated balance of the Inland Protection Trust Fund is between \$100 million and \$150 million; 60 cents if the unobligated balance of the fund is above \$50 million, but below \$100 million; and 80 cents if the unobligated balance of the fund is \$50 million or less. If the unobligated balance in the fund exceeds \$150 million, the tax shall be discontinued until such time as the unobligated balance reaches \$100 million (see s. 206.9935(3)(b), F.S., for details).

Waste Tire Fee: There is a \$1 per tire fee imposed on each new motor vehicle tire sold at retail. The fee is imposed on tires sold separately or as component parts of a new motor vehicle. The fee is not imposed

POLLUTANT TAXES AND FEES

on recapped tires. The proceeds from the waste tire fee are deposited into the Solid Waste Management Trust Fund. Waste tire fee revenues are as follow: 2016-17 - \$21.9 million; 2017-18 - \$22.6 million; 2018-19 - \$23.5 million; 2019-20 - \$21.3 million; and 2020-21 – \$23.6 million. Estimated revenues for 2021-22 are \$25.4 million and 2022-23 are \$25.9 million for each fiscal year.

Hazardous Waste Taxes and Fees: Local governments within Florida may assess a 3 percent gross receipts tax on facilities within their jurisdictions that store or dispose hazardous waste, with the proceeds being used for facility inspection, security, and road construction costs related to the facility, and environmental protection purposes. The revenues are as follows: 2016-17 - \$0.22 million; 2017-18 - \$0.19 million; 2018-19 - \$0.15 million; 2019-20 - \$0.10 million; and 2020-21 – \$0.06 million. Estimated revenues for 2021-22 are \$0.07 million and for 2022-23 are \$0.07 million.

DISPOSITION:

Florida Coastal Protection Trust Fund: Tax for Coastal Protection

Water Quality Assurance Trust Fund: Tax for Water Quality

Inland Protection Trust Fund: Tax for Inland Protection

Solid Waste Management Trust Fund: Waste Tire Fee

OTHER STATES:

A number of states besides Florida impose some form of pollutants, environmental protection, or oil contingency tax. The Federation of Tax Administrators shows some pollutant-related taxes in its summary of Motor Fuel Excise Tax Rates at <http://www.taxadmin.org/assets/docs/Research/Rates/mf.pdf>.

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
Value of 1 cent levy per barrel of petroleum product:	
Coastal Protection	\$3.36
Water Quality	\$3.30
Inland Protection	\$2.24
Value of 10 cent levy per lead-acid battery:	\$0.70
Value of 1 cent levy per gallon of motor oil or other lubricant:	\$0.87
Value of 1 cent levy per gallon of solvent:	\$0.25

VALUE OF EXEMPTIONS:

In 1996, the Legislature eliminated solvent mixtures from the definition of taxable pollutants [Chapter 1996-352, L.O.F. (SB 1148)]. “Solvent mixtures” were defined as “a blend or mixture in liquid form containing one or more organic compounds [listed in then subsection (6)], but the term excludes ethanol when used as a motor gas blending agent.” Compounds in the “solvents” list that the “solvent mixtures” definitions referred to included acetamide, acetone, acetonitrile, acetophenone, amyl acetates (all), aniline, benzene, butyl acetates (all), butyl alcohols (all), butyl benzyl phthalate, carbon disulfide, carbon tetrachloride, chlorobenzene, chloroform, cumene, cyclohexane, cyclohexanone, dibutyl phthalate, dichlorobenzenes (all), dichlorodifluoromethane, diethyl phthalate, dimethyl phthalate, dioctyl phthalate (di2-ethyl hexyl phthalate), n-dioctyl phthalate, 1,4-dioxane, petroleum-derived ethanol, ethyl acetate, ethyl benzene, ethylene dichloride, 2-ethoxy ethanol (ethylene glycol ethyl ether), ethylene glycol, furfural, formaldehyde, n-hexane, isophorone, isopropyl alcohol, methanol, 2-methoxy ethanol (ethylene

POLLUTANT TAXES AND FEES

glycol methyl ether), methyl tert-butyl ether, methylene chloride (dichloromethane), methyl ethyl ketone, methyl isobutyl ketone, mineral spirits, 140-F naphtha, naphthalene, nitrobenzene, 2-nitropropane, pentachlorobenzene, phenol, perchloroethylene (tetrachloroethylene), stoddard solvent, tetrahydrofuran, toluene, 1,1,1-trichloroethane, trichloroethylene, 1,1,2-trichloro-1,2,2-trifluoroethane, and xylenes (all).

Based on the revenue loss from the 1996 exemption, and the current levels of revenue from solvents, repeal of the 1996 solvent mixtures exemption in Fiscal Year 2022-23 would result in a revenue gain of \$1.67 million.

PROFESSIONAL AND OCCUPATIONAL LICENSING FEES

FLORIDA STATUTES: Chapters 112, 310, 383, 390, 394, 395, 400, 408, 429, 440, 450, 455, 469, 471, 472, 473, 474, 475, 476, 477, 481, 483, 489, 492, 499, 548 and sections 468.381 - 468.457, 468.520 - 468.633, and 468.83 - 468.8424, 627, 641, 765

ADMINISTERED BY: Department of Business and Professional Regulation; Agency for Health Care Administration

SUMMARY:

Many professions and occupations are regulated by the Department of Business and Professional Regulation and pay annual or biennial license fees designed to cover the cost of regulation, and in some cases pay fees for examination administration. The Agency for Health Care Administration charges fees to license, certify, and regulate (unless otherwise exempt) over 49,000 health care providers including hospitals, nursing homes, assisted living facilities, residential treatment facilities, home health agencies, clinical laboratories and health care clinics.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	91,515,875	22.23%
2021-22*	74,872,000	-15.86%
2020-21	88,988,716	22.37%
2019-20	72,718,369	-24.94%
2018-19	96,883,674	11.62%
2017-18	86,797,475	-12.19%
2016-17	98,844,854	19.49%

* Estimate

HISTORY:

The Department of Business and Professional Regulation was formed in 1993 as a result of the merger between the Department of Business Regulation and the Department of Professional Regulation. The Department of Professional Regulation and the Department of Business Regulation were both created by the 1969 Government Reorganization Act. The professions included in the revenue category of professional and occupational licenses are: architects and interior designers, asbestos consultants and contractors, athlete agents, auctioneers, barbers, building code administrators and inspectors, community association managers, the construction industry, cosmetologists, electrical contractors, employee leasing companies, engineering, geologists, landscape architects, harbor pilots, home inspectors, talent agencies, mold-related services, veterinarians, farm labor contractors, the boxing and mixed martial arts industry, real estate, real estate appraisal, certified public accounting, and drugs, devices and cosmetics.

Numerous other occupations, professions, and businesses are regulated through various departments of state government, usually with assistance from boards composed of members of regulated activities. From 1976-1980, as a result of sunset legislation, major changes were made in the department's structure and the responsibilities of the many regulatory boards that serve it. In 1983, Chapter 83-329, L.O.F., made changes affecting the department, various regulatory boards, and nearly all of the professions currently regulated. License fees and caps have been increased over the years for a number of professions and new laws enacted to regulate professions for the first time. Chapter 92-149, L.O.F. (HB 2249), required that professional license fees be set at a level sufficient to cover the costs of regulation of the profession. In that same law, professional licensing boards were given the authority to impose a one-time fee in an amount necessary to eliminate a cash deficit, or if there was not a cash deficit, in an amount

PROFESSIONAL AND OCCUPATIONAL LICENSING FEES

sufficient to maintain the financial integrity of the profession. No more than one such assessment may be made in any four-year period without specific legislative authorization. If a licensing board fails to increase fees to cover costs, then the department was authorized to increase the fees. Chapter 92-33, L.O.F. (SB 2390), transferred the regulation and licensing of the medical profession from the Department of Business and Professional Regulation to the Agency for Health Care Administration. Chapter 97-312, L.O.F. (HB 433), provided for the privatization of the regulation of the engineering profession. In 2007, the Legislature passed Chapter 2007-235, L.O.F. (SB 2234), which established professional licenses for Home Inspectors and for Mold Assessors or Mold Remediators, effective July 1, 2010.

Chapter 2009-66, L.O.F. (SB 1744), transferred the regulation and licensing of the surveyors and mappers profession from the Department of Business and Professional Regulation to the Department of Agriculture and Consumer Services. Chapter 2009-195, L.O.F. (HB 425), removed the allowance for a practical portion of a barber's examination and required only a written segment. Additionally, license fee caps were increased for cosmetologists from \$25 to \$50 and construction contractors from \$200 to \$250.

In 2010, the Legislature passed HB 303 (Chapter 2010-84, L.O.F.), requiring the Department of Business and Professional Regulation to regulate and license appraisal management companies effective July 1, 2010. Chapter 2010-176, L.O.F. (HB 663), revised the surcharge on building permit fees for the Building Code Administrators and Inspectors Fund by setting the surcharge rate at 1.5 percent of all permit fees associated with enforcement of the Florida Building Code. The minimum surcharge collected on any building permit issued is \$2. Chapter 2010-161, L.O.F. (HB 5311), transferred the administration of the Florida Drug and Cosmetic Act in Chapter 499, F.S., from the Department of Health to the Department of Business and Professional Regulation, effective October 1, 2011.

In 2011, the Legislature passed SB 1040 (Chapter 2011-30, L.O.F.), creating the Florida Drug, Device, and Cosmetic Trust Fund within the Department of Business and Professional Regulation. The trust fund was established to provide for the deposit of revenues and the recording of expenditures related to the regulation and administration of the Florida Drug, Device, and Cosmetic Act authorized in Chapter 499, F.S.

In 2013, the Legislature passed CS/CS/CS/HB 973 (Chapter 2013-203, L.O.F.), exempting certain employees of security alarm companies and subcontractors of telecommunications companies from licensure.

In 2014, the Legislature passed CS/CS/HB 7015 (Chapter 2014-1, L.O.F.), extending to the spouse of a military veteran the general waiver of initial license, initial application, and initial unlicensed activity fees available to military veterans within 24 months after discharge. The bill also extended the 24 month period to 60 months. Also in 2014, the Legislature passed CS/CS/SB 404 (Chapter 2014-73, L.O.F.), which allows certain qualified persons to register as a "geologist-in-training," upon passage of the fundamentals portion of the licensure exam. A non-refundable application fee and a refundable examination fee are required.

In 2015, the Legislature passed CS/HB 401 (Chapter 2015-143, L.O.F.), lowering the fee for renewing certain delinquent licenses to a flat \$50 late renewal fee. The Legislature also passed CS/CS/HB 373 (Chapter 2015-174, L.O.F.) amending the definition of licensed firm or public accounting firm and clarifying the practice requirements for partnerships, corporations, limited liability companies, and other business entities practicing public accounting.

In 2016, the Legislature passed HB 303 (Chapter 2016-79, L.O.F.), limiting required payment of an unlicensed activity fee if, at the beginning of the fiscal year, the profession's unlicensed activity account

PROFESSIONAL AND OCCUPATIONAL LICENSING FEES

balance totals more than twice the cost of that profession's expenses for unlicensed activity investigations from the preceding two fiscal years combined.

In 2017, the Legislature passed CS/CS/HB 615 (Chapter 2017-135, L.O.F.), creating an initial licensing fee waiver for members of the Armed Forces who served on active duty, their spouse or surviving spouse and certain low income individuals. The bill also requires DBPR to issue a renewable professional license to certain active duty members of the Armed Forces, their spouses and surviving spouses and veterans without an initial licensing fee and without meeting other statutory licensing requirements and qualifications under specified circumstances. The bill also extends the period of time that active duty members remain in good standing after discharge from active duty from six months to two years and allows spouses and surviving spouses to remain in good standing when they are absent from the state due to their spouse's service.

In 2018, the Legislature passed CS/CS/SB 622, Chapter 2018-24, (L.O.F.), which repeals the licensure requirements for clinical laboratories that perform testing on specimens derived from within Florida, as well as the \$300 biennial license fee. It also repeals health care risk manager licensure requirements and related licensure fees. In addition, the Legislature passed CS/HB 29 (Chapter 2018-7, L.O.F.), which eased professional licensing fees and requirements for certain military members, veterans, and their spouses by creating or expanding fee waivers for certain Department of Business and Professional Regulation and Department of Health licensees and applicants.

In 2019, the Legislature passed CS/CS/HB 827 (Chapter 2019-086, L.O.F.), which eliminated all fees associated with the qualification of an engineering business, or the certificate of authorization of an engineering business.

In 2020, the Legislature passed CS/CS/HB 731 (Chapter 2020-156, L.O.F.), repealing licensure of multiphasic health testing centers and exempting from clinic licensure federally certified providers, community mental health center-partial hospitalization programs, portable x-ray providers, and rural health clinics. The Legislature also passed CS/HB 1193 (Chapter 2020-160, L.O.F.). This bill cited as the "Occupational Freedom and Opportunity Act," deregulated and removed licensure requirements for hair braiders, hair wrappers, body wrappers, nail polishers, makeup artists, and boxing announcers and timekeepers. The bill also repealed the licensing requirements and provisions related to licensure of labor organizations and eliminated the additional business license requirements for architects, interior designers, landscape architects, and geologists.

In 2021, the Legislature passed CS/CS/SB 1966, Chapter 2021-135, L.O.F., repealing the \$4.00 fee all construction contracting certificate holders and registrants must pay to the Department of Business and Professional Regulations at the time of application or renewal to fund projects relating to the building construction industry or continuing education programs offered to persons engaged in the building construction industry in Florida. The bill also exempted cosmetic manufacturers, with annual gross sales of \$25,000 or less, from the requirement of obtaining a cosmetic manufacturing permit.

BASE AND RATE:

There are 22 professions regulated by the Department of Business and Professional Regulation. Cumulatively, there are more than 450 fees associated with the regulation of these professions. The fees range from a low of \$5 for a building code fee to a high of \$2,500 for an employee leasing company group license. There are 39 types of health care providers regulated by the Agency for Health Care Administration. Licensure fees vary depending on facility type.

PROFESSIONAL AND OCCUPATIONAL LICENSING FEES

DISPOSITION:

Most fees are deposited into the Professional Regulation Trust Fund and are subject to an 8 percent General Revenue Service Charge. When examinations are administered by an outside source, the examination fees, under some contracts, are paid by the applicant directly to the vendor that conducts the testing. Fees charged by the Agency for Health Care Administration are deposited into the Health Care Trust Fund and are subject to the General Revenue Service Charge .

OTHER STATES:

All states engage in some form of regulation and licensing of professions.

**REEMPLOYMENT ASSISTANCE TAX
(Unemployment Compensation Tax)**

FLORIDA STATUTES: Chapter 443

ADMINISTERED BY: Department of Economic Opportunity and the Department of Revenue

SUMMARY:

Florida's Reemployment Assistance Program imposes a tax on wages paid by Florida employers to pay for unemployment benefits received by unemployed individuals. The tax is imposed on the first \$7,000 of compensation paid to each employee. The tax rate varies from 0.1 percent to 5.4 percent depending upon the benefit experience of the employer. The minimum tax rate is 0.10 percent in calendar year 2021.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	542,656,247	29.44%
2021-22*	419,247,283	-60.47%
2020-21**	1,060,566,490	145.41%
2019-20	432,164,483	-13.26%
2018-19	498,236,658	-17.82%
2017-18	606,261,013	-26.17%
2016-17	821,162,159	-23.55%

* Estimate

** Collections for FY 2020-21 include \$444.7 million in tax overpayments by employers. These overpayments have been refunded from the General Revenue Fund to employers per Chapter 2021-2, L.O.F. (CS for CS for SB 50).

HISTORY:

The U. S. Social Security Act of 1935 provided for a Federal-state program under a Federal tax against which state taxes up to 2.7 percent of covered payrolls could be credited. Florida's legislation was enacted in 1937 to comply with this plan. Florida's maximum benefit was first set at 50 percent of lost wages up to \$15 weekly. Maximum benefits were increased in 1974, 1975, 1979, 1980, 1981, 1983, 1985, 1987, 1990, and 1998. Rate schedules were changed in 1979 and 1984. In 1980, the Unemployment Compensation Act was extensively revised (Chapter 80-95, Laws of Florida L.O.F.). The maximum benefit was increased from \$200 to \$225 in 1990 and to \$250 in 1992. Chapter 94-347, L.O.F. (HB 2447), made administrative changes to unemployment compensation, including changing the time frames for tax notification and reporting to make employers' compliance fairer and easier. Chapter 97-29, L.O.F. (HB 3), reduced unemployment taxes for all Florida employers, except those employers that had paid at a rate of 5.4 percent for more than 36 months, by five tenths percent for one year and decreased the initial rate charged new employers from 2.7 percent to 2.0 percent for one year. These tax reductions were effective for the 1998 calendar year. The law also increased the maximum weekly amount an unemployed individual may receive from \$250 to \$275, effective January 1, 1998. Finally, the law raised the exemption for sole-proprietors from paying unemployment taxes on wages paid to their children from 18 to 21 years of age. Chapter 99-131, L.O.F. (HB 1951), reduced unemployment taxes and benefits for calendar year 2000, in the same manner as calendar year 1998 (see above, Chapter 97-29, L.O.F. (HB 3)). Chapter 2002-218, L.O.F. (SB 426), lowered the trigger for increasing the unemployment compensation tax rate from 4 percent of taxable payroll to 3.7 percent of taxable payroll. Chapter 2009-99, L.O.F. (SB 810), increased the cap on an individual's wages subject to the tax from \$7,000 to \$8,500 for years 2010 through 2014, increased the trigger for increasing the unemployment compensation tax rate from 3.7 percent of taxable payroll to 4.0 percent of taxable payroll, and temporarily (from 2010 through 2014) increased the adjustment to tax rates in the event that an increase is triggered. Additionally, the trigger for

REEMPLOYMENT ASSISTANCE TAX (Unemployment Compensation Tax)

decreasing the unemployment tax rate was increased from 4.7 percent to 5.0 percent of taxable payroll, with no negative adjustment allowed through 2014, or in any year in which the Unemployment Compensation Trust Fund is repaying any advances from the Federal program. Chapter 2010-1, L.O.F. (HB 7033), delayed the increase in wages from \$7,000 to \$8,500 until 2012, provided for the \$8,500 to stay in place in any year where there are outstanding Federal advances, directed that the wage base used to calculate the tax also be used to calculate the tax rates, and provided that no fund size factor tax increase be triggered for 2010 and 2011. Additionally assessments were imposed against employers to pay any interest due on Federal advances, and provisions were made to allow employers to pay their tax on an installment basis during 2010 and 2011, after paying a \$5 annual fee. Chapter 2011-235, L.O.F. (HB 7005), made numerous changes regarding eligibility for benefits: revised the disqualification provision as it related to absenteeism, violation of company policy, disruptive behavior and deductible income, disallowed benefits to be paid when a claimant is receiving severance pay and other forms of payment from his/her former employer, and allowed hearsay evidence in benefits determination. Additionally, benefits used to determine an employer's benefit ratio were reduced by 10 percent between the third quarter 2007 and the first quarter 2011. The maximum number of weeks of state benefits to be paid was reduced from 26 to 23 effective for claims initiated after January 1, 2012, with the maximum number of weeks in any one year dependent on the statewide unemployment rate during the third quarter of the prior calendar year. The installment payment option was extended through calendar year 2014.

Chapter 2012-30, L.O.F. (HB 7027), reduced the wage base from \$8,500 to \$8,000 for tax years 2012 through 2014, reduced the fund size factor for tax years 2012 through 2017, and allowed for Professional Employer Organizations to make a one-time irrevocable election to calculate, report, and pay state UC taxes under the respective unemployment account of each client. The chapter also rebranded the state's unemployment compensation program and Unemployment Compensation Tax as the reemployment assistance program and the Reemployment Assistance Tax.

A number of changes were made during the 2021 session, which affected Reemployment Assistance tax calculations. Chapter 2021-2, L.O.F. (CS for CS for SB 50), Section 13 amended subparagraph 6 of paragraph (d) of subsection (6) of section 212.20 and added sub-subparagraph h that directed the Department of Revenue (DOR) to distribute \$324,533,334 from Sales Tax Collections on or before the 25th of July, August, and September, 2021 to the Unemployment Compensation Trust Fund, less an adjustment for refunds issued from the General Revenue Fund pursuant to s. 443.131(3)(e)3 before making the distribution. The law also states that "...adjustments made by the department to the total distributions shall be equal to the total refunds made pursuant to s. 443.131(3)(e)3. If the amount of refunds to be subtracted from any single distribution exceeds the distribution, the department may not make that distribution and must subtract the remaining balance from the next distribution." The Department of Revenue was also directed to distribute \$90 million monthly from Sales Tax to the Unemployment Compensation Trust Fund starting in July 2022 on or before the 25th day of each month until the ending balance of the Unemployment Compensation Trust Fund exceeds \$4,071,519,600 on the last day of any month, as determined from United States Department of the Treasury data and as certified by the Office of Economic and Demographic Research. Sub-subparagraph h is repealed and the department is directed to end the monthly distributions on the date it receives the aforementioned certification.

Chapter 2021-2, L.O.F. (CS for CS for SB 50), Section 16 inserted a new paragraph (f) to section 443.131, F.S. and changed the calculation of tax rates for employers eligible for a variation of contribution rates based on benefit experience until certain conditions are met. The law retroactively applies a benefit multiplication factor of 0 (zero) to benefits paid from April 1, 2020 to December 31, 2020, effectively excluding these benefits from the rate calculation for each eligible employer. The law also excludes from the contribution rate calculation "noncharge benefits" or "benefits paid as a result of a

REEMPLOYMENT ASSISTANCE TAX
(Unemployment Compensation Tax)

governmental order related to COVID-19 to close or reduce capacity of a business.” In addition, Chapter 2021-2 suspended the application of the positive trust fund adjustment factor in the calculation of the contribution rate for the 2021 and 2022 calendar years. The law provides for the suspension of the application of a trust fund positive adjustment factor for calendar years 2023 and 2024 if the balance of the unemployment compensation trust fund on June 30 of any year exceeds \$4,071,519,600.

The law directed DOR to recalculate CY 2021 rates for eligible employers based on the new stipulations. In addition, Chapter 2021-2 provides for a stepwise reduction in the benefit ratio multiplier of benefits paid from January 1, 2021 to June 30, 2021 if the estimated total contributions calculated are more than \$475.5 million in CY 2022. Further, DOR is directed to calculate rates for eligible employers through December 31, 2025 excluding benefits paid from April 1, 2020 to December 31, 2020, excluding noncharges due to COVID, and excluding the application of a positive trust fund factor, subject to subparagraph 6. Subparagraph 6 of paragraph (e) of section 16 stipulates that if the balance of the Unemployment Compensation Trust Fund on June 30 of any year exceeds \$4,071,519,600, subparagraph 5 is repealed for rates effective the following years.

BASE AND RATE:

The tax is applied to employees' annual wages up to \$7,000. The employer pays a rate varying from 0.1 percent to 5.4 percent, depending on the benefit experience of the employer.

DISPOSITION:

Unemployment Compensation Clearing Trust Fund: Collections are received by the Department of Revenue and then deposited in the U. S. Treasury. From there, they are withdrawn as needed to pay benefits through the Unemployment Compensation Benefit Trust Fund.

OTHER STATES:

All states have unemployment benefit plans complying with Federal legislation. In 2020, employee taxable wage bases ranged from the federal minimum of \$7,000 in Arizona, Arkansas, California, Florida, and Tennessee, as well as Puerto Rico, to \$52,700 for Washington. The average estimated employer base contribution tax rates ranged between 0.41 (Utah) and 4.01 percent (California) of taxable wages in 2020. Florida's average tax rate was approximately 0.64 percent of taxable wages in 2020. Arizona had the highest maximum employer tax rate, set at 20.6 percent. Florida and 11 other states, as well as Puerto Rico, fixed the maximum tax rate at 5.4 percent, which is the lowest maximum tax rate states can set under Federal law without affecting their employers' tax credits.

**REEMPLOYMENT ASSISTANCE TAX
(Unemployment Compensation Tax)**

UNITED STATES TREASURY:

Fiscal Year	Revenue*	Benefits**	Fund Balance (June)
2020-21	1,065,969,375	2,773,988,427	951,373,770
2019-20	499,894,894	2,014,562,616	2,634,158,427
2018-19	536,545,446	343,047,825	4,085,792,471
2017-18	660,546,611	402,932,884	3,874,257,884
2016-17	859,565,769	414,761,012	3,617,242,734
2015-16	1,097,635,136	459,717,080	3,192,905,212
2014-15	1,555,956,979	642,080,085	2,563,371,741
2013-14	1,927,590,091	935,478,958	1,667,176,817
2012-13	2,682,008,181	1,176,808,380	672,228,672
2011-12	2,806,289,493	1,476,199,123	31,107,733

* Revenue includes net collections, interest, and Federal program advances.

** Benefits include regular, extended, and Federal Supplemental Benefits programs.

RENTAL CAR SURCHARGE

FLORIDA STATUTES: Section 212.0606

ADMINISTERED BY: Department of Revenue

SUMMARY:

Rental car surcharge is imposed at the rate of \$2.00 per day, for the first 30 days of the lease or rental of for-hire vehicles designed to carry fewer than nine passengers. Members of a car-sharing service will pay \$1.00 per usage under 24 hours and \$2.00 per day after the first 24 hour period. Rentals which are facilitated through a peer-to-peer car sharing service pay \$1.00 per day.

REVENUE:

Fiscal Year	Total** Collections	Annual Change %	State Transportation Trust Fund	FL International Trade and Promotion TF	Tourism Promotional Trust Fund
2022-23*	170,500,000	24.09%	136,400,000	7,200,000	26,900,000
2021-22*	137,400,000	25.13%	110,000,000	5,800,000	21,600,000
2020-21	109,808,190	-31.54%	87,846,552	4,666,848	17,294,790
2019-20	160,389,413	-9.87%	128,311,530	6,816,550	25,261,333
2018-19	177,948,568	2.87%	142,358,854	7,562,814	28,026,899
2017-18	172,983,927	-0.79%	138,387,142	7,351,817	27,244,969
2016-17	174,367,779	-0.93%	139,492,736	7,410,947	27,464,097

* Estimate

** Excluding administrative fees and service charge

HISTORY:

The initial surcharge was set at \$0.50 per day in 1989. It was applied to each of the first 30 days of either the lease or rental of a motor vehicle licensed for hire and designed to carry fewer than nine passengers. The proceeds of the \$0.50 surcharge were distributed 20 percent to the Law Enforcement Trust Fund (managed by the Department of Highway Safety and Motor Vehicles) and 80 percent to the Children and Adolescents Substance Abuse Trust Fund (managed by the Department of Health and Rehabilitative Services).

In its 1990 session, the Legislature raised the surcharge to \$2.00 per day, effective July 1, 1990, and revised the distribution scheme so that, after administrative and the 8 percent General Revenue Service Charges (increased from 7.3 percent to 8 percent by the 2009 Legislature) are deducted, the State Transportation Trust Fund (STTF) received 75 percent of the total proceeds (or \$1.50 of the \$2.00 fee) and the remaining 25 percent was divided between the former recipients in their same relative proportion. The 1991 Legislature revised the distributional breakout still further. The 5 percent of total receipts that had been deposited in the Law Enforcement Trust Fund was redirected to the General Revenue Fund. The share previously distributed to the Children and Adolescents Substance Abuse Trust Fund (20 percent of the total) was, instead, divided between the Tourism Promotional Trust Fund (15.75 percent) and the Florida International Trade and Promotion Trust Fund (4.25 percent). In the 2000 session, the Legislature redirected the General Revenue portion (5 percent of the total) to the STTF. The Department of Transportation now receives 80 percent of the surcharge (excluding administrative cost and the 8 percent General Revenue Service Charges). The tax distributed to the STTF is unique in that beginning in Fiscal Year 2007-08, its proceeds must be spent in the transportation district from which the surcharges were collected. In the 2014 session, the Legislature amended the statute to allow a member of a car-sharing service who used a motor vehicle as described in subsection (1) pursuant to an agreement with the car-sharing service for less than 24 hours pay \$1 per usage. A member of a car-sharing service who uses the same motor vehicle for at least 24 consecutive hours shall pay a surcharge of \$2 per day or any part of a

RENTAL CAR SURCHARGE

day. During the 2021 session, the statute was amended to enhance the enforceability of the surcharge when rentals are facilitated through a peer-to-peer car sharing service and to reduce the surcharge to \$1 per day when rentals are facilitated through a peer-to-peer car sharing service.

BASE AND RATE:

Rental car surcharge is imposed at the rate of \$2.00 per day, for the first 30 days of the lease or rental of for-hire vehicles designed to carry fewer than nine passengers. Members of a car-sharing service pay \$1.00 per usage under 24 hours and \$2.00 per day after the first 24 hour period. Rentals which are facilitated through a peer-to-peer car sharing service pay \$1.00 per day.

DISPOSITION:

The State Transportation Trust Fund (80 percent), the Tourism Promotional Trust Fund (15.75 percent), and the Florida International Trade and Promotion Trust Fund (4.25 percent).

OTHER STATES:

Rental car surcharge varies considerably from state to state.

SALES AND USE TAX

FLORIDA STATUTES: Chapter 212

ADMINISTERED BY: Department of Revenue

SUMMARY:

The state sales and use tax is a 6 percent levy on retail sales of most tangible personal property, admissions, transient lodgings, commercial rentals, and motor vehicles.

REVENUE:

Fiscal Year	Collections@	Annual Change %
2022-23*	33,655,200,000	2.64
2021-22*	32,789,700,000	7.88
2020-21	30,393,280,928	10.31
2019-20	27,553,589,162	-3.27
2018-19	28,483,919,341	5.13
2017-18	27,093,010,514	4.99
2016-17	25,805,978,256	4.42

Distributions of the General Sales and Use Tax**@

Fiscal Year	General Revenue	Local Governments ***	Unemployment Compensation Trust Fund Distribution	State Transportation Trust Fund	Sports Facilities Transfer	Emergency Distribution	Public Employees Relations Commission Trust Fund
2022-23*	29,064,500,000	3,451,500,000	1,080,000,000	183,996	28,000,000	28,600,000	2,400,000
2021-22*	28,851,500,000	3,372,700,000	506,600,000	183,996	28,500,000	27,900,000	2,300,000
2020-21	27,158,074,098	3,178,626,201	0	183,996	28,500,048	25,720,207	2,176,378
2019-20	24,591,339,353	2,908,267,985	0	183,996	28,500,048	23,305,895	1,991,885
2018-19	25,385,272,760	3,043,912,215	0	183,996	28,416,715	24,031,891	2,101,764
2017-18	24,138,749,000	2,902,264,323	0	183,996	27,083,387	22,723,141	2,006,666
2016-17	22,987,424,160	2,769,927,339	0	183,996	24,842,612	21,689,059	1,911,090

* Estimate

** These figures reflect estimated distributions based on the state's fiscal year of July 1 to June 30.

*** Local Government distributions include the half-cent, county and municipal revenue sharing, and the shift of \$29,915,500 to counties that used to be funded from pari-mutual tax revenues.

@ These figures include state Communication Services Taxes imposed under Chapter 202, F.S.

HISTORY:

Since enactment in 1949, Florida's sales tax rate and/or base has been changed to some degree in nearly every legislative session. The most substantial increases were: in 1957, when inexpensive clothing, motor vehicles (1 percent rate), mixed drinks, cigarettes, and industrial machinery (\$1,000 maximum) were added; in 1968, when rates were increased from 3 percent to 4 percent on most items (2 percent on motor vehicles); in 1971, when rates on motor vehicles were made equal to the state rate; in 1982, when rates were increased from 4 percent to 5 percent and for the first time a portion of the receipts were deposited into a trust fund (the trust monies, approximately 10 percent of total receipts, were distributed annually to eligible municipal and county governments); and in 1988 when the rates were again increased from 5 percent to 6 percent.

SALES AND USE TAX

Chapter 83-310, L.O.F., created the "estimated sales tax liability" which was equal to 66 percent of the current month's sales tax liability or 66 percent of the tax liability for the same month in the prior year. The estimated sales tax liability rate of 66 percent was replaced in 1984 with a declining schedule from 50 percent for 1986 to 10 percent in 1990 and set for repeal by December 31, 1990. Chapter 90-132, L.O.F. (HB 3695), increased the estimated sales tax liability for businesses with annual sales tax liability in excess of \$200,000 from 10 percent to 66 percent, and in 1991 the threshold for estimated sales tax payments was reduced to \$100,000.

The 1986 Legislature passed Chapter 86-166, L.O.F., which repealed the sales tax exemption for all services and for 44 non-service exemptions effective July 1, 1987. During the 1987 Regular Session, the Legislature passed CS/SB 777 (Chapter 87-6, L.O.F.) and CS/HB 1506 (Chapter 87-101, L.O.F.), which integrated the tax on services with the current tax on tangible personal property, providing a number of exemptions from the tax on services and reinstating selected service and non-service exemptions repealed in 1986.

During Special Session D in December 1987, the Legislature passed CS/CS/SB 5D and 6D (Chapter 87-548, L.O.F.). Effective January 1, 1988, the sales tax on all services taxed in 1986 or 1987 was repealed and the general sales tax rate was increased from 5 percent to 6 percent. The formula for the distribution of the half-cent sales tax to local governments was also changed. The cap on the State Infrastructure Fund was changed in 1987 and 1988. The "Fairness in Retail Sales Taxation Act" was created in 1987. The act requires every retailer who transacts a mail order sale in Florida to levy, collect, and remit the state sales tax.

In 1988, an additional annual sales tax dealer registration fee of \$25 to \$50 was levied and the transfer of 0.2 percent of total sales tax collections to the Solid Waste Management Trust Fund was required. The dealer collection allowance was amended in 1988, 1990, 1991, and 1992. A surcharge of 50 cents per day was imposed upon the lease or rental of for-hire motor vehicles designed to carry fewer than nine passengers in 1989 and increased to \$2.00 in 1990, with the \$1.50 increase for deposit into the State Transportation Trust Fund. The distribution for the rental car surcharge was changed in 1991. In 1991, the admissions tax was applied for the first time to all recreational or physical fitness facility fees. Amusement game machine sales were made subject to the sales tax in 1991. The gross receipts from vending machine sales became taxable at a calculated rate. The 1991 Legislature authorized, effective July 1, 1992, \$166,667 of sales tax revenue to be distributed monthly to each applicant who qualifies as a "facility for a new professional sports franchise" and \$41,667 to be distributed monthly to each applicant who qualifies as a "new spring training franchise."

In 1992, the sales tax on nonresidential telecommunication and electric services was increased from 6 percent to 7 percent. Effective September 1, 1992, a 6 percent sales and use tax was imposed on burglar protection services, detective services, nonresidential cleaning and pest control services, and the sale of rare coins. The dealer collection allowance was capped at \$30 per month and enterprise zone tax credits were revised. In addition, penalties for failure to pay sales and use taxes were doubled. Services that are subject to the state sales and use tax were made subject to local option sales and use taxes in 1993. The exemption from the local option tax for goods which cost more than \$5,000 does not apply to service transactions. In addition, conditions under which a sale of tangible personal property or a service is deemed to occur in a certain county and when a local option tax applies to dealers outside a county were revised. The Legislature authorized \$166,667 of sales tax revenue to be distributed monthly to an applicant certified by the Department of Commerce as the professional golf hall of fame, for up to 300 months. In 1994, the emergency distribution from the Local Government Half-Cent Sales Tax Clearing Trust Fund to qualified counties was changed from an annual General Revenue appropriation of not less than \$5.5 million to 0.054 percent of remaining sales tax collection after specific distributions. Effective January 1, 1995, the sales tax on amusement machines was reduced from 6 percent to 4 percent and effective July 1, 1995, an annual \$20 sticker per amusement machine was required. In 1995, the per-machine decal for amusement machines was replaced by a location certificate for the number of machines at a location times \$30. The sports facility rebate was expanded to include current sports franchises.

The 1996 Legislature adopted a sales tax exemption for charges of electricity used to run certain machinery and equipment. The exemption was phased in over a five-year period beginning July 1, 1996.

SALES AND USE TAX

Also in 1996, the \$100,000 threshold for qualification for the machinery and equipment sales tax exemption for expanding businesses was decreased to \$50,000. In addition, the new and expanding industry sales tax exemption was expanded to include printing firms and those publishing firms that export at least 50 percent of their finished product out of the state. The 1997 Legislature adopted a sales tax exemption for Internet access service and similar on-line computer services by removing them from the definition of telecommunication services. In addition, Chapter 97-50, L.O.F. (SB 780/520/692), created the Rural Job Tax Credit Program and the Urban High Crime Area Job Tax Credit Program. Each program authorizes qualified corporations to take a tax credit per eligible employee of \$500, \$1,000, or \$1,500. This credit can be taken against the sales and use tax or the corporate income tax, but not both. The 1998 Legislature enacted a sales tax free week in August 1998 for clothing sold for \$50 or less. It also extended the reduced 3 percent tax rate for some agricultural equipment to the rental of such equipment and to a variety of other agricultural equipment. Also exempted from sales tax were machinery and equipment purchased for a printing facility that expands by at least 10 percent and pollution control and solid waste management equipment.

The 1999 Legislature re-enacted a sales tax free week; this time however, it lasted nine days and covered clothing sold for less than \$100. The threshold for estimated payments was raised to \$200,000 and the percentage lowered to 60 percent. Also, exemptions for the labor portion of repair of machinery and equipment, various advertising agency and printer purchases, and overhead expenses for government contractors were enacted. The 2000 Legislature enacted new exemptions for the space and semi-conductor industry, for the movie and entertainment industry, and for all 501(c)(3) organizations. It also repealed the additional registration fee for large dealers. Previously funded distributions to local government from the intangibles, tobacco, and pari-mutual tax revenues are now made from the sales tax. Also, effective October 1, 2001, the taxation of communications services was moved to a new Chapter 202, F.S. The 2001 Legislature enacted a tax holiday on purchases of clothing and school supplies of \$50 or less.

Chapter 2003-404, L.O.F. (SB 12-A), reduced the sales tax distribution to the Local Government Half-Cent Sales Tax Trust Fund by 0.1 percent effective July 1, 2003. The 0.1 percent of sales tax collections is distributed to the Public Employees Relations Commission Trust Fund, less \$5,000 each month. The \$5,000 each month is distributed to qualified counties pursuant to s. 218.65, F.S. Chapter 2003-402, L.O.F. (HB 113-A), changed sales tax distributions to local governments in order to provide funding for the judicial system. Effective July 1, 2004, sales tax distributions were changed as follows: the Local Government Half-Cent Sales Tax Trust Fund was reduced from 9.653 percent to 8.814 percent; the Emergency Distribution was increased from 0.065 percent to 0.095 percent; the County Revenue Sharing Trust Fund was reduced from 2.25 percent to 2.044 percent; and the Municipal Revenue Sharing Trust Fund was increased from 1.0715 percent to 1.3409 percent. The 2005 Legislature enacted sales tax holidays for clothing, books, school supplies, and hurricane preparedness articles. The Legislature also re-enacted the community contribution credit and increased the cap to \$12 million, as well as fully exempted agricultural equipment.

Chapter 2007-53, L.O.F. (HB 721), provided a sales tax exemption for payments to a postsecondary educational institution for the right to conduct bookstore operations. This exemption applied retroactively to payments made on or after January 1, 2006. Also in 2007, the Legislature enacted sales tax holidays for clothing, books, school supplies, energy efficient products, and hurricane preparedness articles. Section 23 of Chapter 2007-106, L.O.F. (SB 2482), provided an exemption for certain charges for delivery, inspection, and placement of furniture and appliances. The 2007 Legislature also provided for an exemption on land owned by the Florida Turnpike Enterprise and exempted electricity used on a farm.

Chapter 2008-153, L.O.F. (HB 5003), provided for tax credits equal to 50 percent of a community contribution to projects that provide homeownership opportunities for low-income or very low income households. Credits were capped at \$200,000 per business annually and the program capped the credits at \$13.0 million for Fiscal Year 2008-09 only. These credits could be used for sales tax, corporate income tax, or insurance premium tax.

Chapter 2009-68, L.O.F. (SB 1750), removed the distribution of sales and use taxes to the Ecosystem Management and Restoration Trust Fund and redirected those monies to general revenue.

SALES AND USE TAX

In 2010, the Legislature enacted a sales tax holiday lasting for three days, covering clothing and books under \$50 and school supplies under \$10. Chapter 2010-147, L.O.F. (SB 1752), provided a cap of \$18,000 on the tax collected on the sale or use of a boat, limited the tax on fractional aircraft to \$300, provided a tax credit for certain film and entertainment companies, and expanded the exemption for sales tax on admissions to championship games to include the MLB Home Run Derby, the NFL Pro Bowl, and any all-star games for either the NBA or NHL.

Chapter 2011-76, L.O.F. (HB 143), provided for a three-day sales tax holiday on clothing and shoes under \$75 and school supplies under \$15.

Chapter 2012-32, L.O.F. (HB 7087), provided for a three-day back-to-school sales tax holiday exempting sales tax for clothing and shoes under \$75 and school supplies under \$15; extended credit through Fiscal Year 2015-16 for film entertainment industry; provided credit against sales tax for some enterprise zones; modified an existing urban high-crimes job credits; provided sales tax exemption for sales or leases on taxicabs with handicap accessible capabilities; exempted sales tax for turbine engine manufacturing; expanded manufacturers' machinery and equipment exemption; exempted sales tax on electricity used in beef and pork packing houses; and exempted sales tax on repair costs for aircrafts with weight between 2,000 and 15,000 pounds. Chapter 2012-145, L.O.F. (HB 5701), eliminated the sales tax collection allowance for paper filers. Chapter 2012-104, L.O.F. (HB 59), expanded the definition of spaceport territory to include additional counties and areas in the state. Chapter 2012-22, L.O.F. (HB 859), revised the limitations on the amount of tax credits available for contributions to the Florida Tax Credit Scholarship Program, some of which may come from holders of a direct pay sales tax certificate.

Chapter 2013-42, L.O.F. (SB 406), provided for a three-day sales tax holiday on clothing and shoes less than \$75, and for school supplies less than \$15 and for personal computers and accessories less than \$750; amended the brownfield building materials refund, exempted natural gas used in a fuel cell, exempted certain rotary wing aircraft, and provided for distributions for spring training facilities. Chapter 2013-82, L.O.F. (HB 423), exempted off-highway dyed diesel used in commercial fishing. Chapter 2013-39, L.O.F. (HB 7007), provided for a temporary exemption for machinery and equipment purchased by certain specified industrial classifications; the exemption was effective April 30, 2014 and expires April 30, 2017.

Chapter 2014-199, L.O.F. (HB 343), provided for a surcharge of \$1 per usage of less than 24 hours for certain uses by car sharing services. Chapter 2014-38, L.O.F. (HB5601), clarified the definition of "Prepaid Mobile Communication Services" which are subject to sales and use tax; extended the Community Contribution tax credit until 2017; added cement mixers to the eligible items for the temporary manufacturing machinery and equipment exemption authorized in 2013; exempted certain college meal plans; exempted child car seats; exempted therapeutic pet food; exempted youth bicycle helmets; provided for a method for private label credit cards to take a credit for bad debt; reduced the sales tax rate on commercial electricity from 7 percent to 4.35 percent and provides for revised distributions from sales tax to local governments through the Local Government Half Cent Revenue Sharing Program, the County Revenue Sharing Program, and the Municipal Revenue Sharing Program; provided for a nine-day sales tax holiday on certain hurricane preparedness items; provided for a three day sales tax holiday of the first \$1,500 of sales price on certain energy efficient appliances, and provided for a three day sales tax holiday clothing and footwear less than \$100, school supplies less than \$15, and for the first \$750 of sales price for computers and accessories.

Chapter 2015-221, L.O.F. (HB33A), provided for an exemption for certain agricultural products including irrigation equipment, replacement parts and accessories for power farm equipment and irrigation equipment, repairs of power farm equipment and irrigation equipment, stakes used by a farmer to support plants during agricultural production and the sale price below \$20,000 of a trailer weighing 12,000 pounds or less and purchased by a farmer for exclusive use in agricultural production or to transport farm products; provided an exemption for admissions and membership fees for gun clubs; provided for a one-year exemption for textbooks and printed and digital materials required or postsecondary education; exempted any motor vehicle purchased or used for six months or longer in a foreign country by an active member of the United States Armed Forces or

SALES AND USE TAX

that member's spouse; provides for a cap on the amount paid for repairs of boats at \$60,000; provided for a 10-day sales tax holiday on clothing and shoes priced at \$100 or less and for personal computers and accessories priced at \$750 or less.

Chapter 2016-220, L.O.F. (HB7099), provided a permanent extension of the sales tax exemption for certain manufacturing machinery and equipment and expands the exemption to include machinery and equipment used for certain agricultural postharvest activities and metals recycling; provided for an exemption for sales of food and drink by military veterans service organizations to their members; provided a three-year phase out of the tax on asphalt used for government public works projects; provided a three-day sales tax holiday on clothing and shoes priced at \$60 or less and school supplies priced at \$15 or less.

Chapter 2017-36, L.O.F. (HB7109), reduced the tax rate on the rental of commercial real estate from 6 percent to 5.8 percent beginning January 1, 2018; provided a sales tax exemption for certain feminine hygiene products, certain animal and aquaculture health products, certain resales of admissions, certain products purchased for the operation and maintenance of municipally owned golf courses by third parties, purchases of certain construction materials, equipment and electricity for datacenters and purchases of certain materials, goods and services used for new construction in Rural Areas of Opportunity; provided a three-day sales tax holiday for clothing and shoes priced at \$60 or less, for school supplies priced at \$15 or less and for personal computers and accessories priced at \$750 or less; provide a three-day sales tax holiday on certain items related to disaster preparedness.

Chapter 2018-6 (HB 7055) created the Hope Scholarship Program and the Florida Sales Tax Credit Program.

Chapter 2018-118 (HB 7087) further reduced the tax rate on the rental of commercial real estate from 5.8 percent to 5.7 percent beginning January 1, 2019; provided a three-day sales tax holiday on clothing and shoes priced at \$60 or less and school supplies priced at \$15 or less; provided a seven-day sales tax holiday for certain items related to disaster preparedness; provided certain refunds for farm buildings and fencing materials damaged by Hurricane Irma; provided exemptions for roll off containers, and provided certain aquaculture exemptions.

Chapter 2019-42 (HB 7123) reduced the tax rate on the rental of commercial real estate from 5.7 percent to 5.5 percent beginning January 1, 2020; provided a five-day sales tax holiday on clothing and shoes priced at \$60 or less, school supplies priced at \$15 or less, and personal computers and accessories priced at \$1000 or less; provided a seven-day sales tax holiday for certain items related to disaster preparedness; provided an exemption of items purchased for resale and subsequently donated to 501(c)(3) organizations; and provides for refunds for sales tax paid on agricultural fencing and building materials for property damaged by Hurricane Michael.

Chapter 2021-2, L.O.F. (SB 50) ("Park Randall 'Randy' Miller Act") required out-of-state retailers and marketplace providers with no physical presence in Florida to collect Florida's sales tax on sales of taxable items delivered to purchasers in Florida if the out-of-state retailers or marketplace provider makes a substantial number of sales into Florida; required out-of-state retailers and marketplaces providers to collect a county's local discretionary sales surtax when a taxable item is delivered into a county that imposes a surtax; and provided for a reduction of the tax rate on the rental of commercial real estate from 5.5 percent to 2.0 percent effective on the first day of the second month following the repeal of s. 212.20(6)(d)6.h., F.S.

Chapter 2021-31, L.O.F. (HB 7061) provided for a ten-day back-to-school sales tax holiday exempting sales tax for clothing and shoes under \$60, school supplies under \$15, and the first \$1000 of the sales price of personal computers and accessories; provided a ten-day sales tax holiday for certain items related to disaster preparedness; provided a seven-day sales tax holiday for certain items related to recreational activities and specified admissions; provided a sales tax exemption for certain tangible personal property items that assist in independent living; and created the Strong Families Tax Credit Program.

SALES AND USE TAX

BASE AND RATE:

Chapter 212, F.S.: 6 percent - retail sales of most tangible personal property items; admissions to amusements; transient lodgings; motor vehicles; and ships and commercial fishing equipment. 6 percent - burglar protection services; detective services; nonresidential cleaning and pest control services; and the sale of rare coins. 5.5 percent – commercial rentals. 4.35 percent - nonresidential electric services, and 4 percent - coin-operated amusement machines. Use tax is imposed at corresponding rates. The 6.8 percent tax on cable and non-residential telephone services can be found in Chapter 202, F.S. – see the communications services tax chapter in this publication.

DISPOSITION:

General sales and use tax:

Ecosystem and Restoration Management Trust Fund: the 0.2 percent distribution from total sales tax collections was removed by Chapter 2009-68, L.O.F. (SB 1750), and the monies were redirected to the General Revenue Fund.

Local Government Half-Cent Sales Tax Clearing Trust Fund: 8.9744 percent of collections remaining after distribution to the General Revenue Fund in the amount previously distributed to the State Infrastructure Fund and the Ecosystem and Restoration Management Trust Fund. Beginning July 1, 2003, the amount to be transferred to the Local Government Half-Cent Sales Tax Clearing Trust Fund was reduced by 0.1 percent. The 0.1 percent, less \$5,000 each month, is distributed to the Public Employees Relations Commission Trust Fund.

Fiscally Constrained Counties: Since July 1, 2006, a special distribution of 30 percent of the remaining portion of communications services tax proceeds remitted under Chapter 202, F.S., and transferred to the Local Government Half-Cent Sales Tax Clearing Trust Fund pursuant to s. 202.18(2)(c), F.S., is distributed to fiscally constrained counties in accordance with s. 218.67, F.S.

A fiscally constrained county is defined by s. 218.67(1), F.S., as any county that is entirely within a Rural Area of Critical Economic Concern as designated by the Governor pursuant to s. 288.0656, F.S., or each county for which the value of a mill will raise no more than \$5 million in revenue, based on the taxable value certified pursuant to s. 1011.62(4)(a)1.a., F.S., from the previous July 1.

In all, 29 counties are receiving fiscally constrained county distributions from the Half-Cent Sales Tax Clearing Trust Fund. When these distributions began in Fiscal Year 2006-07, 30 counties were receiving the distribution; Sumter county has since fallen off. The following table depicts the distributions from the Half-Cent Sales Tax Clearing Trust Fund to fiscally constrained counties for Fiscal Year 2019-20:

Fiscally Constrained County Distributions for Fiscal Year 2020-21

No.	COUNTY	Fiscally Constrained Distribution	No.	COUNTY	Fiscally Constrained Distribution
1	Baker	\$546,938	16	Holmes	\$756,074
2	Bradford	\$627,869	17	Jackson	\$571,714
3	Calhoun	\$663,004	18	Jefferson	\$576,235
4	Columbia	\$579,127	19	Lafayette	\$654,105
5	De Soto	\$378,491	20	Levy	\$400,472
6	Dixie	\$667,454	21	Liberty	\$636,471
7	Franklin	\$264,730	22	Madison	\$667,454
8	Gadsden	\$618,792	23	Okeechobee	\$355,975
9	Gilchrist	\$645,205	24	Putnam	\$426,930
10	Glades	\$406,555	25	Suwannee	\$622,957

SALES AND USE TAX

11	Gulf	\$315,928	26	Taylor	\$322,273
12	Hamilton	\$444,969	27	Union	\$778,696
13	Hardee	\$400,027	28	Wakulla	\$578,460
14	Hendry	\$352,914	29	Washington	\$610,654
15	Highlands	\$380,449			
	TOTAL				\$15,250,924

Emergency Distribution: After the above mentioned distributions, 0.0966 percent is transferred to the Local Government Half-Cent Sales Tax Clearing Trust Fund, along with \$5,000 per month, and distributed to qualified counties pursuant to s. 218.65, F.S.

County Revenue Sharing: After the above distributions, 2.0810 percent is transferred to the County Revenue Sharing Trust Fund. (These distributions used to be funded from intangibles taxes.)

Municipal Revenue Sharing: After the first three distributions, 1.3653 percent is distributed to the Municipal Revenue Sharing Trust Fund. (These distributions used to be funded from tobacco taxes.)

County Distribution: \$29,915,500 is distributed to counties in even shares. (These distributions used to be funded from the pari-mutuel tax.)

Professional Sports Franchise: \$166,667 distributed monthly to each applicant who qualifies as a "facility for a new professional sports franchise" and \$41,667 monthly to each applicant who qualifies as a "new spring training franchise."

Professional Golf Hall of Fame: \$166,667 distributed monthly to an applicant certified by the Department of Economic Opportunity, for up to 300 months. The last scheduled distribution to the selected applicant (St. Johns County Industrial Development Authority) is June 2023.

General Revenue Fund: Remainder of taxes remitted.

OTHER STATES:

Alaska, Delaware, Montana, New Hampshire, and Oregon do not have a state sales tax. Rates in other states (other than special rates for specified types of transactions) vary from 2.9 percent to 7.25 percent. The most common rates are 4 percent, 5 percent, and 6 percent; however, many states allow local option sales taxes. Fifteen states have higher state rates than Florida. Twenty-seven states have higher state and local rates than Florida, where at least one local jurisdiction levies that rate. Individual state's rates can be found at www.taxadmin.org.

VALUE OF RATE CHANGE:	<u>2022-23</u>
Value of 1 percent levy on tax base	(millions)
Chapters 212 and 202, F.S.	\$5,002.0

Note: The above estimate does not take into account reduced or increased demand as a result of the price effect of a tax change.

DISTRIBUTION TO LOCAL GOVERNMENT:

Local Government Half-Cent Sales Tax (s. 218.61, F.S.)	\$2,402.9
County Revenue Sharing (s. 212.20(6)(d)5, F.S.)	\$615.1
Municipal Revenue Sharing (s. 212.20(6)(d)6, F.S.)	\$403.6
County Share (s. 212.20(6)(d)7, F.S.)	\$29.9

SALES AND USE TAX

ALTERNATIVE BASES:

Convert sales tax to an invoice-credit value added tax (tax all final consumption at 6 percent)	\$53,827.9
Broaden resale exemption under current sales tax to exempt any business purchase	(\$12,629.2)

1997 NAICS Code(s)	Business Type	(1)	(2)	(3)
		6% Annualized Receipts SFY 2022/23 \$m	6% First Year Cash SFY 2022/23 \$m	6% Annualized Receipts On Services Taxed in 1987 \$m

PERSONAL SERVICES

812 Personal and Laundry Services

8121	Personal Care Services (includes Beauty and Barber Shops)	\$142.33	\$106.36	\$0.00
8123	Drycleaning and Laundry Services	\$57.27	\$42.80	\$48.88
8129	Other Personal Services (Pet Care, Photo Finishing, Valet Parking, Parking Lots and Garages)	\$14.81	\$11.07	\$14.81
Subtotal: All Personal Services.....		\$214.42	\$160.23	\$63.69

PROFESSIONAL SERVICES

531 Real Estate

5312	Offices of Real Estate Agents and Brokers	\$418.56	\$312.78	\$212.64
5313	Activities Related to Real Estate (Property Managers and Appraisers)	\$320.66	\$239.61	\$162.90
533	Lessors of Non-Financial Intangible Assets (except Copyrighted Work) Buying, Licensing, Leasing of Industrial Designs, Franchises, Brand Names, Patents, Trademarks	\$136.23	\$101.80	\$136.23

541 Professional, Scientific, and Technical Services

5411	Legal Services (includes Title Search and Abstract Services)	\$1,094.40	\$817.81	\$976.94
5412	Accounting, Tax Preparation, Bookkeeping, and Payroll Services	\$601.51	\$449.49	\$601.51
5413	Architectural, Engineering, and Related Services	\$622.84	\$465.42	\$268.71
5414	Specialized Design Services (Interior, industrial, Graphic, Fashion, and other Design Services)	\$110.69	\$82.71	\$0.00
5415	Computer Systems Design and Related Services	\$719.06	\$537.33	\$683.14
5416	Management, Scientific, and Technical Consulting Services	\$820.02	\$612.77	\$820.05
5417	Scientific Research and Development Services	\$59.93	\$44.78	\$0.00
5418	Advertising and Related Services	\$221.98	\$165.87	\$192.09
5419	Other Professional, Scientific, and Technical Services (Marketing Research, Photographic, Veterinary, Translation Services)	\$440.40	\$329.10	\$0.00

551 Management of Companies and Enterprises

551111	Offices of Bank Holding Companies	\$14.49	\$10.82	\$14.49
551112	Offices of Other Holding Companies	\$115.20	\$86.08	\$115.20
551114	Corporate, Subsidiary, and Regional Managing Offices	\$260.14	\$194.39	\$260.14

561 Administrative and Support Services

5611	Office Administrative Services	\$98.48	\$73.59	\$98.48
5612	Facilities Support Services	\$34.61	\$25.87	\$34.61
5613	Employment Services	\$1,124.41	\$840.23	\$168.66
5614	Business Support Services (includes Credit and Colletion Agencies, Secretarial an Court ReportingServices)	\$239.83	\$179.22	\$0.00
5615	Travel Arrangement and Reservation Services (Travel Agencies and Tour Operators)	\$65.78	\$49.16	\$0.00
5616	Investigation and Security Services	\$0.00	\$0.00	\$0.00
5617	Services to Buildings and Dwellings (includes Cleaning and Pest Control)	\$212.25	\$158.61	\$212.26
5619	Other Support Services (Packaging and Labeling Services, Convention and Trade Show Organizors)	\$89.19	\$66.65	\$44.60

813 Professional Organizations

8132	Grantmaking and Giving Services	\$14.76	\$11.03	\$0.00
8133	Social Advocacy Organizations	\$27.06	\$20.22	\$0.00

1997 NAICS Code(s)	Business Type	(1)	(2)	(3)
		6% Annualized Receipts SFY 2022/23 \$m	6% First Year Cash SFY 2022/23 \$m	6% Annualized Receipts On Services Taxed in 1987 \$m
8134	Civic and Social Organizations	\$17.53	\$13.10	\$0.00
8139	Business, Professional, Labor, Political, and Similar Organizations	\$155.74	\$116.38	\$0.00

Subtotal: All Professional Services..... **\$8,035.72** **\$6,004.83** **\$5,002.64**

BUSINESS SERVICES

115 Support Activities for Agriculture and Forestry

1151	Support Activities for Crop Production	\$0.00	\$0.00	\$0.00
1152	Support Activities for Animal Production	\$0.00	\$0.00	\$0.00
1153	Support Activities for Forestry	\$0.00	\$0.00	\$0.00

213 Support Activities for Mining

213111	Drilling Oil and Gas Wells	\$1.57	\$1.17	\$0.00
213112	Support Activities for Oil and Gas Operations	\$0.27	\$0.20	\$0.00
213113	Support Activities for Coal Mining	\$0.00	\$0.00	\$0.00

323 Printing and Related Support Activities

323122	Prepress Services	\$0.00	\$0.00	\$0.00
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492 Couriers and Messengers

4921	Couriers	\$439.21	\$328.20	\$314.28
4922	Local Messengers and Local Delivery	\$84.73	\$63.31	\$60.63

Subtotal: All Business Services..... **\$525.78** **\$392.90** **\$374.92**

FINANCIAL SERVICES

522 Credit Intermediation and Related Activities

5221	Depository Credit Intermediation (Banks, S&Ls, Credit Unions, et.al)	\$1,859.49	\$1,389.53	\$0.00
5222	Nondepository Credit Intermediation (Credit Cards, Sales Financing, Consumer Lending, Real Estate Credit)	\$766.33	\$572.65	\$0.00
5223	Activities Related to Credit Intermediation (Loan Brokers, EFT Networks, Clearinghouse Assoc., Credit Card Svcs)	\$441.35	\$329.81	\$154.47

523 Securities, Commodity Contracts, and Other Financial Investments

5231	Securities and Commodity Contracts Intermediation and Brokerage	\$376.73	\$281.52	\$79.12
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524 Insurance Carriers and Related Activities

5241	Insurance Carriers	\$3,121.52	\$2,332.61	\$0.00
5242	Agencies, Brokerages, and Other Insurance Related Activities	\$1,043.04	\$779.43	\$0.00

525 Funds, Trusts, and other Financial Vehicles

5259	Other Investment Pools and Funds (REITs)	\$15.45	\$11.55	\$15.45
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Subtotal: All Financial Services..... **\$7,623.90** **\$5,697.09** **\$249.04**

MEDIA SERVICES

511 Publishing Industries

5112	Software Publishers	\$607.44	\$453.92	\$577.09
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512 Motion Picture and Sound Recording Industries

5121	Motion Picture and Video Industries	\$103.49	\$77.34	\$0.00
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1997 NAICS Code(s)	Business Type	(1)	(2)	(3)
		6% Annualized Receipts SFY 2022/23 \$m	6% First Year Cash SFY 2022/23 \$m	6% Annualized Receipts On Services Taxed in 1987 \$m
515	Broadcasting and Telecommunications	\$280.32	\$209.48	\$280.32
5151	Radio and Television Broadcasting	\$39.53	\$29.54	\$0.00
5152	Cable Networks and Program Distribution			

518 ISPs, Wep Search Portals, and Data Processing Services

5181	ISPs and Web Search Portals	\$678.60	\$507.09	\$644.70
5182	Data Processing, Hosting, and related Services	\$190.16	\$142.10	\$180.66

Subtotal: All Media Services..... **\$1,899.54** **\$1,419.46** **\$1,682.77**

ENTERTAINMENT & SPORTS SERVICES

711 Performing Arts, Spectator Sports, and Related Industries

7111	Performing Arts Companies	\$2.19	\$1.64	\$1.84
7112	Spectator Sports (Sports Teams and Clubs, Racetracks, etc.)	\$22.19	\$16.59	\$0.00
7113	Promoters of Performing Arts, Sports, and Similar Events	\$80.84	\$60.41	\$0.00
7114	Agents and Managers for Artists, Athletes, Entertainers, and Other Public Figures	\$11.28	\$8.43	\$9.48
7115	Independent Artists, Writers, and Performers	\$35.36	\$26.42	\$0.00

713 Amusement, Gambling, and Recreation Industries

7139	Other Amusement and Recreation Industries (includes Physical Fitness Facilities, Dance Studios, Golf Courses, etc)	\$25.74	\$19.24	\$0.00
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Subtotal: All Entertainment and Sports Services..... **\$177.61** **\$132.72** **\$11.33**

CONSTRUCTION SERVICES

236 Building, Developing, and General Contracting

2361	Residential Building Construction	\$576.70	\$430.95	\$576.70
2362	Nonresidential Building Construction	\$385.83	\$288.32	\$385.83

237 Heavy Construction

2371	Utility System Construction	\$523.78	\$391.40	\$0.00
2372	Land Subdivision and Land Development	\$47.76	\$35.69	\$0.00
2373	Highway, Street, and Bridge Construction	\$209.61	\$156.63	\$209.61
2379	Other Heavy Construction	\$50.38	\$37.64	\$50.38

238 Special Trade Contractors

2381	Building Foundation and Exterior Contractors	\$358.19	\$267.67	\$358.19
2382	Building Equipment Contractors	\$713.27	\$533.01	\$713.27
2383	Building Finishing Contractors	\$277.97	\$207.72	\$277.97
2389	Other Special Trade Contractors	\$273.39	\$204.29	\$273.39

Subtotal: All Construction Services..... **\$3,416.88** **\$2,553.32** **\$2,845.35**

INSTITUTIONAL SERVICES

562 Waste Management and Remediation Services

5621	Waste Collection	\$225.61	\$168.59	\$74.46
5622	Waste Treatment and Disposal	\$39.78	\$29.73	\$13.13
5629	Remediation and Other Waste Management Services	\$79.20	\$59.18	\$26.14

1997 NAICS Code(s)	Business Type	(1)	(2)	(3)
		6% Annualized Receipts SFY 2022/23 \$m	6% First Year Cash SFY 2022/23 \$m	6% Annualized Receipts On Services Taxed in 1987 \$m
611 Educational Services				
6114	Business Schools and Computer and Management Training	\$68.98	\$51.55	\$22.76
6115	Technical and Trade Schools	\$84.75	\$63.33	\$27.97
6116	Other Schools and Instruction	\$78.42	\$58.60	\$25.88
6117	Educational Support Services	\$11.28	\$8.43	\$3.72
624 Social Assistance				
6241	Individual and Family Services	\$41.48	\$31.00	\$0.00
6242	Community Food and Housing, and Emergency and Other Relief Services	\$0.72	\$0.54	\$0.00
6243	Vocational Rehabilitation Services	\$7.57	\$5.66	\$0.00
6244	Child Day Care Services	\$75.95	\$56.75	\$0.00
Subtotal: All Institutional Services.....		\$713.73	\$533.35	\$194.06
TRANSPORTATION SERVICES				
481 Air Transportation				
481111	Scheduled Passenger Air Transportation	\$838.61	\$626.66	\$681.07
481112	Scheduled Freight Air Transportation	\$27.08	\$20.24	\$21.99
481211	Nonscheduled Chartered Passenger Air Transportation	\$158.97	\$118.79	\$129.10
481212	Nonscheduled Chartered Freight Air Transportation	\$31.77	\$23.74	\$25.80
481219	Other Nonscheduled Air Transportation	\$13.62	\$10.18	\$11.06
482 Rail Transportation				
482111	Line-Haul Railroads (Long Distance Cargo and Passenger)	\$52.00	\$38.86	\$0.00
482112	Short Line Railroads (Short Distance Cargo)	\$13.00	\$9.71	\$0.00
483 Water Transportation				
4831	Deep Sea, Coastal, and Great Lakes Water Transportation	\$43.20	\$32.28	\$2.28
4832	Inland Water Transportation	\$1.29	\$0.97	\$0.07
484 Truck Transportation				
4841	General Freight Trucking	\$373.21	\$278.89	\$0.00
4842	Specialized Freight Trucking	\$168.99	\$126.28	\$0.00
485 Transit and Ground Passenger Transportation				
4851	Urban Transit Systems	\$8.17	\$6.11	\$0.41
4852	Interurban and Rural Bus Transportation	\$2.17	\$1.62	\$0.00
4853	Taxi and Limousine Service	\$11.24	\$8.40	\$0.00
4854	School and Employee Bus Transportation	\$5.25	\$3.92	\$0.26
4855	Charter Bus Industry	\$6.51	\$4.86	\$6.51
4859	Other Transit and Ground Passenger Transportation	\$21.94	\$16.40	\$1.10
486 Pipeline Transportation				
4862	Pipeline Transportation of Natural Gas	\$5.40	\$4.04	\$0.00
487 Scenic and Sightseeing Transportation				
4871	Scenic and Sightseeing Transportation, Land	\$1.77	\$1.32	\$1.77
4872	Scenic and Sightseeing Transportation, Water	\$8.77	\$6.55	\$0.46
4879	Scenic and Sightseeing Transportation, Other	\$1.35	\$1.01	\$0.00
488 Support Activities for Transportation				
4881	Support Activities for Air Transportation (Air Traffic Control and Airport Terminal Services)	\$138.55	\$103.53	\$112.52

1997 NAICS Code(s)	Business Type	(1)	(2)	(3)
		6% Annualized Receipts SFY 2022/23 \$m	6% First Year Cash SFY 2022/23 \$m	6% Annualized Receipts On Services Taxed in 1987 \$m
4882	Support Activities for Rail Transportation (Loading Services, Terminal Services, Rail Car Rentals)	\$4.85	\$3.62	\$4.85
4883	Support Activities for Water Transportation (Port and Harbor Operations, Cargo Handling, Navigational Services)	\$63.72	\$47.62	\$3.37
4884	Support Activities for Road Transportation (Auto Towing, Terminal and Service Facilities)	\$23.62	\$17.65	\$22.25
4885	Freight Transportation Arrangement	\$253.76	\$189.63	\$0.00
4889	Other Support Activities for Transportation	\$5.78	\$4.32	\$0.00
Subtotal: All Transportation Services.....		\$2,284.61	\$1,707.22	\$1,024.88
HEALTH SERVICES				
621 Ambulatory Health Care Services				
6211	Offices of Physicians	\$2,515.38	\$1,879.66	\$0.00
6212	Offices of Dentists	\$461.17	\$344.61	\$0.00
6213	Offices of Other Health Practitioners	\$360.14	\$269.12	\$0.00
6214	Outpatient Care Centers	\$263.51	\$196.92	\$0.00
6215	Medical and Diagnostic Laboratories	\$224.66	\$167.88	\$0.00
6216	Home Health Care Services	\$247.09	\$184.64	\$0.00
6219	Other Ambulatory Health Care Services	\$100.78	\$75.31	\$0.00
622 Hospitals - except Government				
6221	General Medical and Surgical Hospitals	\$219.15	\$163.76	\$0.00
6222	Psychiatric and Substance Abuse Hospitals	\$0.31	\$0.23	\$0.00
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals	\$20.00	\$14.95	\$0.00
622 Hospitals - Government				
6221	General Medical and Surgical Hospitals	\$637.51	\$476.39	\$0.00
6222	Psychiatric and Substance Abuse Hospitals	\$8.56	\$6.40	\$0.00
6223	Specialty (except Psychiatric and Substance Abuse) Hospitals	\$13.88	\$10.37	\$0.00
623 Nursing and Residential Care Facilities				
6231	Nursing Care Facilities	\$295.68	\$220.95	\$0.00
6232	Residential Mental Retardation/Health and Substance Abuse Facilities	\$58.93	\$44.03	\$0.00
6233	Community Care Facilities for the Elderly	\$139.12	\$103.96	\$0.00
6239	Other Residential Care Facilities	\$19.68	\$14.70	\$0.00
Subtotal: All Health Services.....		\$5,585.54	\$4,173.89	\$0.00
TOTAL STATE 6% SALES & USE TAX ON SERVICE TRANSACTIONS		\$30,477.74	\$22,775.00	\$11,448.67
General Revenue Fund Share (Assumes same % as current law)		\$27,155.66	\$20,292.52	\$10,200.76
Local Govt. Half-Cent and Revenue Sharing From Tax on Services		\$3,236.74	\$2,418.70	\$1,215.85

Notes: The estimates presume an exemption for Florida sales of services consumed out of state, and a use tax on services consumed in Florida. Also, the construction service estimates presume no internal pyramiding.

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Line No.	Enactment Date	Florida Statute		FY 2022-23 (in \$ m)	Ex. Type
1	1949	212.02(1),212.04(1)(b)	Federal tax on admissions.	0.7	H
2	1990	212.02(1)	Hospital physical fitness facility charges.	3.3	H
3	1949	212.02(2)	Occasional or isolated sales by businesses and individuals. (*1)	23.1	M
4	1970	212.02(2)	Rent on low income housing.	2.5	H
5	1990	212.02(2)	Leasing of real property between certain corporations.	7.2	B
6	1979	212.02(10)(g)	Per diem and mileage charges paid to owners of railroad cars.	1.9	B
7	1995	212.02(10)(j)	Privilege, franchise and other fees paid to do business at airports	31.1	B
8	1949	212.02(14)(a)	<i>Items purchased for subsequent resale. (*2)</i>	45,969.4	(*)
9	1949	212.02(14)(c)	Materials used for packaging.	34.4	B
10	1949	212.02(14)(c)	Components or ingredients of processed or manufactured goods. (*3)	insig.	B
11	1998	212.02(14)(c)	Parts incorporated into repair for resale	insig.	B
12	1998	212.02(16)	Federal excise taxes imposed on retailers	1.3	B
13	1949	212.02(19)	<i>Intangible personal property. (*4)</i>	30,836.0	(*)
14	1998	212.02(20)	Automobiles loaned to driver education and safety programs	insig.	B
15	1998	212.02(28) & (29)	Fish breeding	0.2	B
16	2015	212.08(29)	Aquaculture	insig.	B
17	2015	212.08(32)	Power Farm Equipment - Raw Storage	0.3	B
18	2006	212.02(33)	Small private aircraft fleet of more than 25 planes	0.0	B
19	1949	212.03(4), 212.031(1)(a)2.	Rent charges paid by certain long term occupants.	5.3	H
20	1979	212.03(7)(a)	Rent charges paid by certain full-time students.	3.9	H
21	1979	212.03(7)(a)	Rent charges paid by active military personnel.	11.4	H
22	1972	212.03(7)(a)	Rent charges paid by permanent residents.	2,388.9	H
23	1972	212.03(7)(c)	Charges for rent in certain mobile home parks.	4.3	H
24	1979	212.03(7)(d)	Rent charges for living accommodations in migrant labor camps.	2.3	H
25	1969	212.031(1)(a)1.	Charges for renting property assessed as agricultural.	6.3	B
26	1985	212.031(1)(a)4.	Condominium recreational leases.	11.7	H
27	1987	212.031(1)(a)5.	Streets used by a utility for utility purposes.	65.7	B
28	1999	212.031(1)(a)5.	Cell phone towers & co-located equipment	17.0	B
29	1987	212.031(1)(a)6.	Street parking meter charges.	3.4	M
30	1987	212.031(1)(a)6.	Toll road charges.	105.2	M
31	1987	212.031(1)(a)7.	Airport property used for landing, taxiing, or loading.	65.5	B
32	1987	212.031(1)(a)8.	Port property used for moving, loading or fueling of ships.	24.7	B
33	1997	212.031(1)(a)8.	Wharfage guarantees	0.5	B
34	1987	212.031(1)(a)9.	Leases/rentals of certain property used for movie productions	6.6	B
35	1983	212.031(1)(a)10.	Movie theater concession rent.	11.9	B
36	1999	212.031(1)(a)10.	Rents, subleases, or licenses in recr. or sports arenas, civic centers	0.9	B
37	2006	212.031(1)(a)12.	Rents, based on sales, from Souvenirs' leases in civic centers, 7-1-09	0.0	B
38	2000	212.031(1)(a)12.	Commercial Leases/Space Flight	0.9	B
39	1998	212.031(1)(b)	Pro-rated exemption for for-profit homes for the aged	insig.	B
40	17/18/19	212.031(1)(c)	Commercial Rent Sales Tax Rate of 5.5%	173.5	B
41	1977	212.031(5)	Convention hall subleases.	32.0	B
42	1978	212.031(6)	Leases by agricultural fair associations. (*5)	insig.	B
43	1998	212.031(7)	Certain utility charges if separately billed	38.2	H
44	1998	212.031(8)	Certain lease termination payments	6.7	B
45	1999	212.031(9)	Highschool and college teams' stadium skyboxes	1.3	O
46	2017	212.04(1)(c)	Admissions Resale	4.2	B
47	1949	212.04(2)(a)1.	Admissions to certain school and state events.	1.5	M
48	2006	212.04(1)(b)	Local seat surcharges or service charges	2.2	B
49	1998	212.04(1)(d)	Travel agent mark-up on taxed admissions or transient rentals	insig.	M
50	1978	212.04(2)(a)2.a.	Dues, fees, and admissions charged by non-profit entities.	36.4	O
51	1980	212.04(2)(a)3.	Admissions paid by students for required sports or recreation.	17.0	M
52	1981	212.04(2)(a)4.	Super Bowl football tickets (impact only when held in Florida). (*6)	insig.	H
53	1994	212.04(2)(a)5.	Governmental participation or sponsorship fees	24.8	O
54	1989	212.04(2)(a)6.	Tickets for certain non-profit theater, opera or ballet events.	3.1	O

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55	1998	212.04(2)(a)8.	Particip. fees to athletic events where spectators are charged admission	insig.	O
56	2015	212.04(2)(a)11.	Gun Club Memberships	1.7	H
57	1963	212.04(2)(c), 212.02(20)	Pari-mutuel admissions tax imposed by s. 550.09.	insig.	B
58	1976	212.05(1)(a)2.	Sales of boats or airplanes removed from the state.	81.9	M
59	1971	212.05(1)(c)	Long term vehicle leases if tax paid when purchased by lessor.	3.1	B
60	1998	212.05(1)(g)	Newspaper and magazine inserts	10.3	B
61	1994	212.05(1)(h)1.	2% rate abatement for coin-operated amusement machines	5.1	B
62	1999	212.05(1)(k)	US legal coins and coins in excess of \$500	0.6	B
63	1993	212.05(1)(k)	Law enforcement officers' protection services.	3.2	B
64	1998	212.05(1)(m)	When TPP prizes are awarded, operator can pay tax on 25% of receipts	0.6	B
65	2010	212.05(5)	\$18,000 cap of sales tax on boats	8.1	H
66	2015	212.05(5)	\$60,000 cap of sales tax on Boat Repairs	6.0	H
67	1989	212.0506(3)	Certain service warranties relating to real property fixtures.	5.3	B
68	1989	212.0506(7)	Service warranties on which ins. prem. tax is due (homeowner warr.).	4.2	H
69	1998	212.0506(10)	Certain materials and supplies used in fulfillment of service warranty	67.2	B
70	1998	212.051(1)	Pollution control equipment used in manufacturing	19.3	B
71	1998	212.051(2)	Solid waste management equipment	5.4	B
72	1982/2006	212.052	Items fabricated for use in research and development activities.	43.4	B
73	1987	212.0598	Partial exemption for air carriers' maintenance bases. (*7)	insig.	B
74	1984	212.06(1)(b)	Partial exemption for production cost of cogenerated energy. (*11)	13.9	B
75	1969	212.06(1)(b)	Fabrication labor used in the production of qualified motion pictures.	0.5	B
76	1982	212.06(1)(b)	Portion of price of factory built building attributable to labor costs.	insig.	B
77	1984	212.06(1)(b)	Electricity consumed or dissipated in the transmission of electricity at 4.35 rate.(*11)	11.2	B
78	1999/2016	212.06(1)(c)	Partial exemption for asphalt sold to governments	3.1	B
79	1988	212.06(1)(c)	Use tax on asphalt; special calculations.	insig.	B
80	1998	212.06(1)(d)	Cost price calculation for certain industries	insig.	B
81	1992	212.06(2)(d),5(c),212. 0596(2)(c),(j)	Printing for out-of-state customer, when he provides the paper.	17.5	B
82	2000	212.06(3)(b)	Certain Printed Materials	0.5	B
83	1949	212.06(5)(a)	<i>Tangible personal property imported or produced for export.</i>	6,050.5	(*)
84	1949	212.06(5)(a)	Aircraft being exported outside the U.S.	34.5	B
85	1949	212.06(5)(a), 212.081(5)	Any sale exempted by federal law or the U.S. Constitution.	insig.	M
86	1983	212.06(5)(b)	Non-resident dealers purchasing items for resale overseas.	4.8	B
87	1949	212.06(7)	Credit for tax paid to other states.	57.0	M
88	1969	212.06(8)	Imported items if used in another state for 6 months or more.	172.9	M
89	1949	212.06(9)	Sales of religious items.	27.9	M
90	1992	212.06(11)	Certain magazine promotional materials, if exported.	6.2	B
91	1998	212.06(13)	1% tax rate/month for airplanes purchased for resale but used by dealer	2.2	B
92	1998	212.06(14)	Mobile home lot improvements	insig.	B
93	1998	212.06(15)	Contractors' use of rock, shell, fill dirt for own use	2.2	B
94	2000	212.06(15)(a)	Fill Dirt	insig.	B
95	1987	212.0601	Partial exemption from use tax for motor vehicle dealers.	1.2	B
96	1998	212.0601(3)	Vehicles loaned by car dealer at no charge: calc. based on IRS table	insig.	B
97	1998	212.0601(4)	Vehicles loaned by car dealer while repairs are made.	0.5	B
98	1997/99	212.0602	Purchases of cinematography school, including leases	1.4	O
99	1949	212.07(5)	Sales of farm products sold directly by the producer.	2.5	B
100	1998	212.07(5)(b)	Horses sold at claiming races are taxed on first sale; then on mark-up	0.8	B
101	1949	212.07(6)	Agricultural products consumed on the farm.	insig.	B
102	1949	212.07(7)	<i>Purchases of ag. products for further processing for resale.</i>	454.5	(*)
103	1949	212.08(1)(a)	Groceries purchased for human consumption.	4,578.7	H
104	1986	212.08(1)(b)	Food purchased with food stamps [not exempt under s. 212.08(1)(a)].	12.6	H
105	1949	212.08(2)(a)	Prescription drugs.	1,788.1	H
106	1949	212.08(2)(a)	Medical supplies and products such as syringes and prosthetics.	249.0	H

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107	1951	212.08(2)(a)	Funerals except for tangible personal property used. (*8)	31.6	H
108	1990	212.08(2)(a)	Contact lens molds cost in excess of \$100,000.	9.7	B
109	1949	212.08(2)(a)	Non-prescription drugs.	186.9	H
110	1949	212.08(2)(a)	Eyeglasses and other corrective lenses.	82.7	H
111	1998	212.08(2)(d)	Lithotripters	0.5	B
112	1998	212.08(2)(e)	Human organs	insig.	B
113	1998	212.08(2)(f) & (h)	Veterinary medicines	14.5	B
114	1999	212.08(2)(f) & (h)	Non-retail pharmacies	14.5	B
115	2014	212.08(2)(i)	Therapeutic veterinary diets	4.2	H
116	1998	212.08(2)(j)	Special lettering or similar attachments used to aid handicapped persons	3.9	H
117	63/98/05	212.08(3)	Farm equipment.	59.5	B
118	2005	212.08(3)	Agricultural diesel engines and irrigators.	4.2	B
119	2015	212.08(3)(a)	Irrigation Equipment used in Agricultural production	4.3	B
120	2015	212.08(3)(a)	Power Farm Equipment - Parts and Repairs	10.0	B
121	2015	212.08(3)(b)	Trailers purchased and used by a farmer	2.3	B
122	1949	212.08(4)(a)1.	Metered Water, excluding well.	561.4	M
123	1949	212.08(4)(a)1.	Bottled (except carbonated) Water	82.9	H
124	1969	212.08(4)(a)2.	Purchases of fuel by public and private utilities.	196.8	B
125	1963	212.08(4)(a)2.	Fuel for vehicles and vessels in interstate commerce (partial).	4.5	B
126	1987	212.08(4)(a)3.	Wheeling or transmission of electricity at 4.35% rate. (*11)	8.9	B
127	1949	212.08(5)(a)	Purchase of commercial fishing nets.	insig.	B
128	1949/98	212.08(5)(a)	Purchase of agricultural items (pesticides, seeds, fertilizers, etc.)	74.5	B
129	1978	212.08(5)(a)	Fuels used to heat poultry structures.	0.2	B
130	1998	212.08(5)(a)	Poultry structure generators	0.3	B
131	2015	212.08(5)(a)	Stakes used in Agricultural production	1.0	B
132	2017	212.08(5)(a)	Animal Health Products	3.1	B
133	1978	212.08(5)(b)1.	Purchases of machinery and equipment by new businesses.	17.1	B
134	78/89/06/12	212.08(5)(b)	M&E purchased by expanding businesses or for spaceports	9.1	B
135	1980	212.08(5)(c)1.	Certain M&E used to produce energy. (*9)	18.7	B
136	2000	212.08(5)(c)1. & 2.	Boiler Fuels	0.6	B
137	1997	212.08(5)(c)2.	Proration of M&E using nonresidual fuels	insig.	B
138	1983	212.08(5)(d)	Certain M&E purchased pursuant to federal contract.	insig.	B
139	1988	212.08(5)(e)1.	Butane and other gases (except natural) used for agricultural purposes.	1.4	B
140	1993	212.08(5)(e)1.	Natural gas used for agricultural purposes.	0.9	B
141	2018	212.08(5)(e)1 & 2 and (5)(t)	Aquaculture Exemption	0.2	B
142	2012	212.08(5)(e)2.	Electricity used in packing houses for fruits and vegetables at 4.35% rate	0.9	B
143	2012	212.08(5)(e)2.	Electricity used in packing houses for meat of cattle and hog at 4.35% rate	1.1	B
144	2006/07	212.08(5)(e)2.	Diesel fuel/electricity used in farming at 4.35% rate	1.0	B
145	2000	212.08(5)(f)	Motion Picture Video Equipment	8.8	B
146	2000	212.08(5)(f)	Additional Movie Exemptions	23.5	B
147	1984/2015	212.08(5)(g)	Certain building materials used in an enterprise zone.	insig.	B
148	1984/2015	212.08(5)(h)	Certain depreciable business equip. used in an enterprise zone; refund.	0.6	B
149	1988	212.08(5)(i)	Certain aircraft modification services.	54.4	B
150	2000	212.08(5)(j)	Semi-conductor clean rooms	0.2	B
151	1997	212.08(5)(j)	M & E used in semiconductor, defense or space technology	3.7	B
152	1998	212.08(5)(k)	Paint color cards and samples	0.5	B
153	1998	212.08(5)(l)	Cattle growth enhancers	0.5	B
154	1999	212.08(5)(m)	Gold Seal child care facilities' purchases of educational materials	0.4	B
155	2000	212.08(5)(n)	Materials for construction of single-family homes in EZ	0.0	B
156	2000	212.08(5)(o)	Building materials in redevelopment projects	0.0	B
157	01/05/06/15/17	212.08(5)(p)	Community Contribution Credit	14.0	B
158	2017	212.08(5)(r)	New Construction Building Materials in Rural Areas of Opportunity	6.8	B
159	2017	212.08(5)(s)	Data Centers	2.2	B
160	1949	212.08(6)	Direct purchases by government (*10)	727.5	O

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161	1987	212.08(6)(a)	Services by radio and TV stations.	insig.	B
162	2017	212.08(6)(d)	Governments/ Golf Courses	0.3	O
163	1978	212.08(7)(a)	Sales of artificial commemorative flowers by V.A.	insig.	O
164	1978	212.08(7)(b)	Purchases of boiler fuels for use in industrial manufacturing.	47.6	B
165	1974	212.08(7)(c)	Purchases of crab bait by commercial fishermen.	0.6	B
166	1949	212.08(7)(d)	Feed for poultry and livestock, including racehorses, and ostriches.	32.6	B
167	1949	212.08(7)(e)	Film rentals, when admissions are charged.	7.0	B
168	1970	212.08(7)(e)	License fee charges for films & tapes used by broadcasters.	4.6	B
169	1974	212.08(7)(f)	Sales of U.S. and State flags.	3.5	M
170	1982	212.08(7)(g)	Supplies & equipment by the Fla. Retired Educators' Assn.	insig.	O
171	1971	212.08(7)(h)	Purchases of, and supplies for, guide dogs for the blind.	insig.	H
172	1963	212.08(7)(i)	Charges for hospital meals and rooms.	832.7	H
173	1995	212.08(7)(i)	In-facility meals purchased by residents of homes for the aged	61.3	H
174	1972	212.08(7)(j)	Purchases of power & heating fuels by residential households. (*11)	576.1	H
175	1980	212.08(7)(j)	Utilities purchased for use in a residential model home. (*11)	0.4	B
176	1996	212.08(7)(j)	Purchases of power & heating fuels by licensed day care homes (*11)	0.6	B
177	1978	212.08(7)(k)	Charges for certain meals provided by non-profit orgs.	42.7	O
178	1983	212.08(7)(l)	Purchases by orgs. providing certain benefits to minors.	11.4	O
179	1949	212.08(7)(m)1.	Sales or leases to churches.	23.1	O
180	1983	212.08(7)(m)1.	Items purchased or leased by certain non-profit organizations.	10.0	O
181	1984	212.08(7)(m)2.	Non-profit orgs. providing free transportation to church members.	0.2	O
182	1988	212.08(7)(m)2.	Purchases by religious non-profit TV stations.	0.6	O
183	1995	212.08(7)(m)2.	Purchases by orgs. providing religious services to state prisoners (*13)	0.0	O
184	1995	212.08(7)(m)2.	Purchases by certain orgs. supporting charitable service providers (*13)	0.2	O
185	1998	212.08(7)(m)2.	Religious tapes for the blind	0.2	O
186	1998	212.08(7)(m)2.	Organizations w/o permanent location conducting religious services	0.9	O
187	1978/99	212.08(7)(n)1.	Items purchased or leased by qualified veterans organizations.	1.2	H
188	2016	212.08(7)(n)1.	Certain Food or Drink sold by Qualified Vetarans Organizations	2.2	O
189	1949/00	212.08(7)(p)1.	Section 501(c)(3) organizations	0.0	O
190	2019	212.08(7)(p)2.	Items purchased for resale donated to Section 501(c)(3) organizations	0.0	O
191	1978	212.08(7)(q)	Purchases of "resource recovery equipment" by local govts.	0.3	O
192	1963	212.08(7)(r)	K-12 schoolbooks and lunches.	54.5	H
193	1998	212.08(7)(r)	School yearbooks, magazines, newspapers, and bulletins	4.5	O
194	2014	212.08(7)(r)	College Meal Plans	21.7	H
195	1987	212.08(7)(s)	Alcoholic beverages used by businesses for tasting.	2.9	B
196	1986	212.08(7)(t)	Boats temporarily docked in Florida.	3.1	B
197	1969	212.08(7)(u)	Purchases of fire-fighting equipment by volunteer fire depts.	0.5	O
198	1949/88	212.08(7)(v)	Charges for professional, personal and insurance services:	insig.	M
199	1990	212.08(7)(w)	Free advertising publications.	5.0	B
200	1996	212.08(7)(w)	Subscription newspapers, newsletters & magazines delivered by mail	31.5	H
201	1987	212.08(7)(x)	Sporting equipment brought to Florida for certain events.	0.2	B
202	1988	212.08(7)(y)	Charter fishing boats.	18.1	B
203	1988	212.08(7)(z)	Certain candy sold in vending machines by non-profit orgs.	insig.	O
204	1988	212.08(7)(aa)	Commercial trucks sold between commonly owned companies.	0.7	B
205	1992	212.08(7)(bb)	Community cemeteries.	0.2	B
206	1992/99	212.08(7)(cc)	Works of art provided to an educational institution.	11.3	O
207	1994	212.08(7)(dd)	Lease or license to use taxicab equipment	32.4	B
208	1994/98	212.08(7)(ee)	Aircraft repair and maintenance labor charges for aircraft > 15,000 lbs	4.3	B
209	1998	212.08(7)(ee)	Aircraft repair and maintenance labor charges for helicopters > 10,000 lbs	0.3	B
210	2012	212.08(7)(ee)	Aircraft repair and maintenance labor charges for aircraft > 2K lbs and < 15K lbs	5.1	B
211	1996	212.08(7)(ff)	Electricity used in Manufacturing at 4.35% rate (*11)	39.9	B
212	1996	212.08(7)(gg)	Leases to or by fair associations for real or tangible personal property	1.7	B
213	1997/05	212.08(7)(hh)	Solar energy systems	2.3	B
214	1997	212.08(7)(ii)	Nonprofit cooperative hospital laundries	0.2	B
215	1997	212.08(7)(jj)	Complimentary meals served by hotels & motels	9.4	B

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216	1997	212.08(7)(kk)	PRIDE	2.7	O
217	1998	212.08(7)(ll)	Items sold by PTO's and PTA's, if tax paid at purchase	3.4	O
218	1998	212.08(7)(ll)	Vending machine items in lunchrooms, if tax paid at purchase	0.4	O
219	2015	212.08(7)(ll)	School Concessions, if tax paid at purchase	2.6	O
220	1998	212.08(7)(mm)	Mobile home lot improvements	insig.	B
221	1998	212.08(7)(nn)	Portions of purchase price of boats, cars, planes paid by Veterans' Org.	0.3	O
222	1998	212.08(7)(oo)	Complimentary food items	1.3	B
223	1998	212.08(7)(pp)	Food or beverages donated to non-profit organizations.	0.5	O
224	1998	212.08(7)(qq)	Racing dogs by breeders	0.2	B
225	1998	212.08(7)(rr)	Parts used in aircraft maintenance or repair for aircraft > 15,000 lbs	13.6	B
226	2012	212.08(7)(rr)	Parts used in aircraft maintenance or repair for aircraft >2K lbs and < 15k lbs	15.0	B
227	1998	212.08(7)(ss)	Aircraft leases and sales by common carriers, if in excess of 15,000 lbs	9.5	B
228	1999/00	212.08(7)(tt)	Non-profit water systems	1.4	O
229	1999	212.08(7)(uu)	Library co-operatives	0.2	O
230	1999	212.08(7)(v v)	Certain advertising services	43.5	B
231	1999	212.08(7)(ww)	Gold, silver, platinum bullion in excess of \$500	insig.	H
232	1999/00	212.08(7)(xx)	Shipping and parts and labor for repair of certain machinery	13.6	B
233	1999	212.08(7)(yy)	Film and printing supplies	11.8	B
234	2000	212.08(7)(zz)	People Mover Systems	0.5	B
235	2000	212.08(7)(aaa)	Florida Fire and Emergency Services	insig.	O
236	2000	212.08(7)(bbb)	Railroad Bed Materials	0.9	B
237	2006	212.08(7)(ccc)	Advertising materials distributed free by mail in an envelope	1.5	B
238	2006	212.08(7)(ddd)	Certain Delivery Charges	1.5	B
239	2007	212.08(7)(eee)	Bookstore operations at a postsecondary education institution	1.7	B
240	2010	212.08(7)(fff)	Aircraft temporarily in the state	insig.	H
241	2010	212.08(7)(ggg)	Fractional Aircraft	insig.	B
242	2012	212.08(7)(hhh)	Turbine Engine Manufacturing	2.5	B
243	2012	212.08(7)(iii)	Taxicabs, sale or lease of accessible vehicles	0.5	B
244	2013/2016	212.08(7)(jjj)	Certain Machinery and Equipment	89.8	B
245	2016	212.08(7)(jjj)	Metal Recyclers Machinery and Equipment Exemption	2.8	B
246	2016	212.08(7)(jjj)	Post Harvest Machinery and Equipment	1.3	B
247	2014	212.08(7)(kkk)	Child car Seats	4.3	H
248	2014	212.08(7)(lll)	Youth Bicycle Helmets	0.3	H
249	2015	212.08(7)(mmm)	Importation of Motor Vehicles by Deployed Military or Spouse	1.1	O
250	2017	212.08(7)(nnn)	Feminine Hygiene Products	15.3	H
251	2018	212.08(7)(ooo)	Recycling roll off containers	1.2	B
252	1957	212.08(8)	Vessels, parts & related items used in interstate commerce (partial).	54.3	B
253	1957	212.08(9)	RR equip, MV & pts. used in interstate commerce (*12)	76.0	B
254	1977	212.08(10)	Partial exemption on motor vehicles sold to out-of-state residents.	51.0	M
255	1978	212.08(11)	"Flyable aircraft" sold by a Fla. mfgr. to out-of-state resident (partial).	2.2	B
256	1998	212.08(11)	Aircraft temporarily located in Fla for repairs.	2.3	B
257	1984	212.08(12)	Master tapes, records, films or video tapes (partial).	14.4	B
258	1984	212.08(15)	Certain electrical energy used in an enterprise zone. (*11)	0.8	B
259	1989	212.08(16)(a)1.	The sale or use of satellites or other space vehicles.	51.1	B
260	1989	212.08(16)(a)2.	The sale or use of tangible personal property placed on satellites.	insig.	B
261	1999	212.08(17)	Overhead items purchased by certain gov't contractors	14.0	B
262	2006	212.08(18)	Machinery and Equipment used for R&D at least 50%	57.7	B
263	1984	212.0821(1)	Items bought by Parent-Teacher Orgs. through school districts.	7.4	O
264	1984	212.0821(2)	Items bought by certain community groups through local govts.	insig.	O
265	1984	212.0821(3)	Items bought by certain library fund raising groups.	insig.	O
266	1949	212.09, 212.02(16)	The value of trade-ins or discounts.	1,014.0	M
267	1984/2015	212.096	Credit for job creation in enterprise zones.	0.0	B
268	1997/2012	212.097	Urban High-crime area job tax credit	1.2	B
269	1997	212.098	Rural job tax credit	1.7	B
270	1949	212.12(1), 212.04(5)	Collection allowance of 2.5% for the first \$1,190 of tax per return.	74.8	B

EXCLUSIONS, EXEMPTIONS, DEDUCTIONS AND CREDITS FROM THE SALES & USE TAX

In Statutory Order

Line No.	Enactment Date	Florida Statute		FY 2022-23 (in \$ m)	Ex. Type
271	2014	212	Private Label Credit Cards - Credits for Bad Debt	11.9	B
272	1991/06	212.20(6)(d)6.b. & e.	Up to \$2.0m annual subsidy for certain professional sports teams.	26.5	B
273	1998	376.75(1)	Tax on perchloroethylene	0.2	B
GRAND TOTAL				16,310.7	
Note:Some exemptions overlap, so repeal of all items would NOT yield the total shown					

H = Household Items	11,112.0
O = Organizations	922.9
B = Business Items	2,156.0
M = Miscellaneous	2,119.8
Grand Total (*).....	16,310.7

n/a - Estimate not available.

(*) Items shown in italics are NOT included in the grand total for all exemptions.

Repeal of items shown in italics would substantially alter the character of the tax. For example, repeal of the resale provision (item #8 and others) would effectively convert the sales tax to a transactional gross receipts tax.

- 1 Estimate reflects only sales by businesses.
- 2 Estimate excludes items exempt under other provisions as well.
- 3 Impact included in estimate for item #8
- 4 The estimate represents only sales of stocks and bonds traded in national markets. A variety of additional items would also be potentially taxed.
- 5 Impact included in estimate for #210 -Leases to or by fair associations for real or tangible personal property .
- 6 The 2005 Super Bowl was held in Jacksonville. This exemption is estimated to cost \$2.4m. In 2007, it was held in Miami, in 2009 it was held in Tampa, and in 2010 it was held in Miami. The Superbowl is scheduled to be held in Miami in 2020 and in Tampa in 2021.
- 7 No evidence exists that any taxpayers currently avail themselves of this exemption.
- 8 Estimate reflects entire charge for funeral and crematory services. Net revenue from repeal may be reduced by value of caskets, depending on the billing procedures of each business.
- 9 Based on exemption permits issued, this amount could increase significantly if taxpayers receive development authorization.
- 10 Excludes tax on federal purchases. Taxation would require congressional authorization.
- 11 The statutory tax rate for electricity is 4.35%.
- 12 Estimate assumes other supporting statutory changes in addition to exemption repeal.
- 13 Item #182 is included in #183 due to a rewrite of the religious and 501(c)(3) exemptions in 2000.

REPEALED/SUNSETTED EXEMPTIONS:

1990	212.04(2)(a)4.	World Cup Soccer Games tickets (impact only when held in Florida)
2000	212.031(10)	Entertainment Facilities; repeal 7-1-09
1987	212.08(5)(j)	Marine discharge response corporation M&E.
2000	212.08(5)(p)	Broad Band Technology , sunset on 6-30-05
1949	212.08(7)(w)	Newspapers (Exemption declared unconstitutional)
1995	212.08(7)(hh)	Electric motor vehicles (exemption terminates 6/30/2000)
1996	212.08(7)(hh) & (ii)	State Park Citizen Support Organizations and Florida Folk Festival
2000	212.08(7)(ccc)	Crime Prevention
2014	212.08(7)(jjj)	Cement Mixer Drums (Expires 4/30/2017)
1996	212.20(6)(g)4.c.	\$1 m annual subsidy for Intern'l Game Fish Association World Center (Ended 2/2014)

Total Impact of Sales Tax Exemptions and Exclusions
(\$ Billions)

(in \$ b)

H = Household Items	11.112
O = Organizations	0.923
B = Business Items	2.156
S = Services (Household and Business)	0.000
M = Miscellaneous	2.120
Exemption Total.....	16.311

TOTAL POTENTIAL SALES TAX ON SERVICE TRANSACTIONS	30.478
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COMBINED TOTAL IMPACT OF TAXING EXEMPTIONS AND SERVICES	46.788
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SERVICE CHARGES

FLORIDA STATUTES: Sections 215.20, 215.211, 215.22, 215.23, and 215.24

ADMINISTERED BY: Department of Financial Services

SUMMARY:

All income of a revenue nature deposited in all trust funds is subject to an 8 percent service charge to be deposited into the General Revenue Fund except for funds and revenues enumerated in ss. 215.22 and 215.211, F.S., and except for certain revenues subject to a 4 percent service charge in the Department of Agriculture and Consumer Services and the Department of Citrus pursuant to s. 215.20(2), F.S. The Governor is also authorized under s. 215.24, F.S., to exempt certain revenues from the service charge under certain conditions.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	534,700,000	-0.43%
2021-22*	537,000,000	-0.06%
2020-21	537,311,939	11.07%
2019-20	483,744,635	0.48%
2018-19	481,425,034	2.00%
2017-18	471,987,083	1.52%
2016-17	464,942,060	2.14%

* Estimate

HISTORY:

General Revenue Service Charges are transfers from trust funds to the General Revenue Fund. In the past, rates ranged from 0.3 percent to 7.3 percent. Current rates are either 4 percent (specific trust funds and revenues in the Department of Agriculture and Consumer Services and the Department of Citrus) or 8 percent (trust funds in all other departments and agencies).

The policy of assessing certain specified trust funds a service charge was established in 1941 and rates were set at 3 percent. Rate changes occurred in 1961, 1979, 1983, and 1990. A large number of trust funds were added in 1983.

In 1990, all trust funds not specifically exempt under s. 215.22, F.S., were made subject to the 7 percent General Revenue Service Charge. An additional 0.3 percent General Revenue Service Charge was imposed on trust funds specifically enumerated in s. 215.20(4), F.S.

In order to fund Mobility 2000, service charges imposed on collections of motor fuel and diesel fuel taxes, local option fuel taxes, auto title fees, and the \$100 "new-wheels-on-the-road" fee were eliminated pursuant to Chapter 2000-257, L.O.F. (SB 862). Effective July 1, 2000, the 7.3 percent General Revenue Service Charge was eliminated on the Fuel Tax Collection Trust Fund for motor fuel and diesel fuel tax collections and on the \$24 original certificate of title fee and each duplicate copy fee. Effective July 1, 2001, the 7.3 percent General Revenue Service Charge was eliminated on State Comprehensive Enhanced Transportation System (SCETS) tax collections and on the \$100 "new-wheels-on-the-road" fee. The service charge on local option fuel tax collections was phased out over a two-year period. Effective July 1, 2005, the General Revenue Service Charge rate on the Fuel Tax Collection Trust Fund was reduced from 7.3 percent to 3.5 percent and effective July 1, 2006, and thereafter, the 3.5 percent General Revenue Service Charge was eliminated.

SERVICE CHARGES

Chapter 2008-114, L.O.F. (SB 1882), redirected the 7.3 percent General Revenue Service Charge assessed on the second local option fuel tax imposed under s. 336.0251(1)(b), F.S., from the University Concurrency Trust Fund to the General Revenue Fund.

Chapter 2009-78, L.O.F. (SB 1806), abolished the 0.3 percent service charge on certain funds and imposed a service charge of 8 percent on all trust funds except those specified in the Departments of Citrus and Agriculture and Consumer Services, which were made subject to a service charge of 4 percent.

Chapter 2011-174, L.O.F. (SB 1087), changed the assessment calculation for the Special Disabilities Trust Fund from the fiscal-year basis to the calendar-year basis, which shifted the collection of \$34.8 million of trust fund revenues into Fiscal Year 2011-12 from Fiscal Year 2012-13. The shift resulted in an increase to service charge revenues of \$2.8 million in Fiscal Year 2011-12 and a decrease of \$3.0 million in Fiscal Year 2012-13.

Chapter 2013-44, L.O.F. (SB 1512), exempted from the General Revenue Service Charge all moneys from service charges, fees, costs, and fines deposited into the Clerks of the Court Trust Fund within the Department of Revenue. The exemption was estimated to reduce General Revenue Service Charge revenues by \$32.8 million in Fiscal Year 2013-14.

Chapter 2015-229, L.O.F. (SB 2516-A), implemented the Water and Land Conservation Constitutional Amendment, which was approved by Florida voters in 2014. The bill changed the distribution formula for documentary stamp tax revenues under s. 201.15, F.S. The revised formula resulted in an estimated reduction of \$59.3 million in General Revenue Service Charge revenues in Fiscal Year 2015-16.

BASE AND RATE:

All trust funds that are not exempt from the service charge are assessed an 8 percent service charge except specified trust funds in the Department of Agriculture and Consumer Services and the Department of Citrus, which are assessed 4 percent. The service charge is normally transferred during the quarter following the quarter in which revenue is collected.

DISPOSITION:

Service charges are deposited into the General Revenue Fund by transfer from specified trust fund accounts.

OTHER STATES:

There is no data available for interstate comparison on such service charges. The practice developed from the extensive earmarking of revenues for particular agencies or programs. It may be viewed as an internal accounting device by which to apportion some of the costs of general government to specific functional activities that are supported entirely by earmarked funds.

SEVERANCE TAXES - OIL AND GAS

FLORIDA STATUTES: Chapter 211, Part I

ADMINISTERED BY: Department of Revenue

SUMMARY:

Oil and gas production in Florida is subject to the severance tax. Ordinary oil production is taxed at 8 percent of the gross value at the point of production. Small well oil is taxed at 5 percent of gross value. Tertiary oil and mature field recovery oil is taxed at a graduated rate depending upon the price per barrel. If the price is \$60 per barrel or lower, the tax is 1 percent of gross value at the point of production. If the price is between \$60 and \$80 per barrel, the first \$60 is taxed at 1 percent of gross value, and the remaining price is taxed at 7 percent of gross value. If the price is \$80 per barrel or higher, the first \$60 is taxed at 1 percent of gross value, the price between \$60 and \$80 per barrel is taxed at 7 percent of gross value, and the remaining price is taxed at 9 percent of gross value. Gas and sulfur are taxed at rates that are recalculated annually, using a base rate and adjustment factor based on the previous calendar year's producer price indices.

REVENUE:

Fiscal Year	Collections	Annual Change %	General Revenue Distribution	Distribution to Counties	Minerals Trust Fund
2022-23*	1,600,000	-9.09%	1,000,000	300,000	300,000
2021-22*	1,760,000	45.09%	1,100,000	340,000	320,000
2020-21	1,213,063	-31.48%	628,106	201,320	383,637
2019-20	1,770,301	-39.00%	1,335,633	405,416	29,252
2018-19	2,902,294	27.23%	1,848,996	518,477	534,821
2017-18	2,281,135	24.09%	1,352,961	394,177	533,997
2016-17	1,838,335	11.45%	1,111,246	332,367	394,721

* Estimate

Note: Collections and General Revenue Distribution provided above have been reduced by tax scholarship program credits.

HISTORY:

The severance tax on oil and gas is composed of four separate taxes with different bases and rates. Small well oil and tertiary oil are taxed at the rate of 5 percent of gross value. All other oil is taxed at the rate of 8 percent of gross value. Gas is taxed by volume using a base rate adjusted each year for the gas fuels producer price index; this process is described in s. 211.025, F.S. Sulfur is taxed by long ton using a base rate adjusted each year for the sulfur producer price index; this process is described in s. 211.026, F.S. Definitions for each tax are provided in s. 211.01, F.S.

Severance taxation of oil and gas was begun in 1945 at a 5 percent rate. The rate on oil was increased to 8 percent in 1977. In 1979, the disposition of funds was changed to reflect the creation of the Division of State Lands, with 50 percent of the tax going to the Conservation and Recreation Land (CARL) Trust Fund; 37.5 percent of the oil tax and 30 percent of the gas tax going to the General Revenue Fund; and 12.5 percent of the oil tax and 20 percent of the gas tax going to the producing county.

In 1986, Part I of Chapter 211, F.S., was substantially rewritten to make the basis for the tax on severing gas and oil an indexed rate per unit of production instead of a percentage of value. At that time, sulfur produced from hydrogen sulfide gas was made taxable.

SEVERANCE TAXES - OIL AND GAS

In 1987, the disposition of the oil, gas, and sulfur tax was changed. The 50 percent disposition to the CARL Trust Fund was eliminated and placed into the General Revenue Fund, resulting in 87.5 percent of the 8 percent oil tax and 80 percent of the 5 percent oil, gas, and sulfur tax going to the General Revenue Fund.

The disposition of the oil and gas tax was changed again by the 1994 Legislature. Effective July 1, 1995, 75 percent of the 8 percent oil tax and 67.5 percent of the 5 percent oil, gas and sulfur tax was distributed to the General Revenue Fund, and 12.5 percent of all sources to the Minerals Trust Fund. The remaining 12.5 percent of the 8 percent oil and 20 percent of the 5 percent small well oil and tertiary oil, gas and sulfur is returned to the board of county commissioners of the county where production occurred.

Chapter 96-323, L.O.F. (SB 330), provided for a five-year tax exemption for new oil wells completed after July 1, 1997; this exemption has expired.

In 2009, the tax rate on tertiary oil was changed from 5 percent of gross value to a graduated rate based on the per-barrel price. If the price is \$60 per barrel or lower, the tax is 1 percent of gross value at the point of production. If the price is between \$60 and \$80 per barrel, the first \$60 is taxed at 1 percent of gross value, and the remaining price is taxed at 7 percent of gross value. If the price is \$80 per barrel or higher, the first \$60 is taxed at 1 percent of gross value, the price between \$60 and \$80 per barrel is taxed at 7 percent of gross value, and the remaining price is taxed at 9 percent of gross value (see Chapter 2009-139, L.O.F. (HB 515), codified at s. 211.02, F.S.).

Chapter 2010-24, L.O.F. (SB 2126), expanded the revenue sources against which the Florida Tax Credit Scholarship credits may be granted to taxes authorized under s. 211.0251, F.S., relating to taxes on the production of oil and gas.

Chapter 2012-32, L.O.F. (HB 7087), defined mature field recovery oil and taxed the oil from a mature field at the same tax rate as tertiary oil. The distribution of the proceeds was also changed. For small well oil, tertiary oil and mature field recovery oil: 63.5 percent is distributed to the General Revenue Fund; 20 percent to the county where it was produced; and 16.5 percent to the Minerals Trust Fund.

Chapter 2021-31, L.O.F. (HB 7061), creates the New Worlds Reading Initiative. The program provides tax credits to businesses that make monetary donations to the administrator may receive a dollar-for-dollar credit. The tax credit can be taken against severance taxes on oil and gas production. Only amounts distributed to the General Revenue fund are reduced.

Chapter 2021-193, L.O.F. (HB 3), creates the Strong Families Tax Credit Program. The program provides tax credits for businesses that make monetary donations to certain eligible charitable organizations that provide services focused on child welfare and well-being. The tax credit can be taken against severance taxes on oil and gas production. Only amounts distributed to the General Revenue fund are reduced.

BASE AND RATE:

Oil: 8 percent of the gross value at the point of production except that small wells (wells producing less than 100 barrels per day) are taxed at 5 percent of gross value, and oil produced by tertiary methods is taxed at a graduated rate based on per-barrel price (see above).

Gas: The tax is determined by the volume, in MCF (1000 cubic feet), of gas produced and sold or used. The tax rate is based on the change in the annual monthly average of the gas fuels Producer Price Index for the previous calendar year times the base rate of \$0.171 per MCF. The tax rate effective July 1, 2021, was \$0.125 per MCF. (DOR TIP #21B07-01)

SEVERANCE TAXES - OIL AND GAS

Sulfur: The tax is determined by the long tons (2,240 lbs.) of sulfur produced or recovered from the hydrogen sulfide gas contained in oil or gas production. The tax rate is based on the change in the annual monthly average of the sulfur Producer Price Index for the previous calendar year times \$2.43 per long ton. The tax rate effective July 1, 2021, was \$4.78 per long ton. (DOR TIP #21B07-01)

DISPOSITION:

Distributions of:	To General Revenue	To County where produced	To Minerals Trust Fund
8% Oil	75.0%	12.5%	12.5%
5% Oil (small wells), tertiary, mature fields	63.5%	20.0%	16.5%
Gas	67.5%	20.0%	12.5%
Sulfur	67.5%	20.0%	12.5%

OTHER STATES:

Twenty-five other states specifically tax the production of oil and gas. Some states include petroleum production taxes in mineral severance regulations. A state-by-state list of the various types of severance taxes levied, including oil and gas severance, can be found at:

<http://knowledgecenter.csg.org/kc/system/files/7.20.2019.pdf>

2022-23
(Millions)

VALUE OF RATE CHANGE:

Value of 1 percent increase in tax rate:

Oil currently taxed at 8 percent of gross value	\$0.1
Oil currently taxed at 5 percent of gross value	\$0.1
Mature Fields and Tertiary oil taxed at graduated rate (increase each rate by 1 percent)	\$0.6

VALUE OF CREDITS:

Scholarship Funding Organizations (\$873.6m cap)	\$0.4
This credit may be taken against the Beverage Tax, Corporate Income Tax, Insurance Premium Tax, certain Sales and Use Taxes and Severance Taxes - Oil and Gas (s. 211.0251 F.S.)	

SEVERANCE TAXES - SOLID MINERALS

FLORIDA STATUTES: Chapter 211, Part II

ADMINISTERED BY: Department of Revenue

SUMMARY:

Phosphate, heavy minerals, and other solid minerals are subject to the severance tax. The tax rate for phosphate rock is \$1.80 per ton. The tax rate for heavy minerals is calculated annually by multiplying the base rate (\$1.34 per ton) times the base rate adjustment for that year, unless otherwise established in statute. Other solid minerals are taxed at 8 percent of the value at the point of severance.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	General Revenue Distribution	Distribution to Counties
2022-23*	25,500,000	-8.93%	8,617,500	5,091,200
2021-22*	28,000,000	-1.00%	8,925,000	5,585,000
2020-21	28,283,276	4.33%	9,258,176	5,894,141
2019-20	27,108,342	-15.91%	9,091,608	5,608,419
2018-19	32,238,087	-5.78%	10,100,534	6,502,667
2017-18	34,215,875	6.88%	10,774,086	6,690,616
2016-17	32,013,737	-5.36%	10,357,519	6,448,385

* Estimate

HISTORY:

Severance tax on solid minerals is composed of three separate taxes. Severance of phosphate rock is taxed at \$1.80 per ton severed as established in s. 211.3103, F. S. After December 31, 2022, the tax rate shall be \$1.61 per ton severed. Severance of heavy minerals is taxed at a rate based on a base rate adjusted each year by an index as established in s. 211.3106, F.S. Severance of other solid minerals, except phosphate rock and heavy minerals, are taxed at the rate of 8 percent of value at the point of severance.

Severance taxation of solid minerals was first enacted into law in 1971. Transition rates were provided during the first four years; 1971 through 1975. Tax rates were changed in 1977, 1981, 1987, and 1988. The 1988 tax rate became the new base and is adjusted annually by changes in the phosphate rock index. Disposition of revenues were changed in 1979, 1980, 1987, 1989, 1991, and 1994. The disposition of the solid minerals severance tax was changed by the 2000 Legislature. Effective July 1, 2000, 55.15 percent of the phosphate tax and 32 percent of the other solid minerals tax was distributed to the General Revenue Fund and 14.35 percent of the phosphate tax and 68 percent of the other solid minerals tax to the Minerals Trust Fund.

In 2003, during Special Session E, Chapter 2003-423, L.O.F. (SB 18-E), amended Part II of Chapter 211 to increase the severance tax on phosphate rock from \$1.31 per ton severed to \$1.62 per ton. In addition, a new distribution formula for the tax proceeds was adopted, eliminating the General Revenue distribution for Fiscal Year 2003-04. Beginning July 1, 2003, after the first \$10 million goes to the Conservation and Recreation Lands (CARL) Trust Fund, the remaining revenues were distributed as follows: 18.75 percent to the county where mined; 11.25 percent to the Phosphate Research Trust Fund; 11.25 percent to the Minerals Trust Fund; 43.75 percent to Non-Mandatory Land Reclamation (NMLR) Trust Fund; and 15.0 percent to counties that have been designated a Rural Area of Critical Economic Concern. Beginning July 1, 2004, after the first \$10 million goes to the CARL Trust Fund, the remaining

SEVERANCE TAXES - SOLID MINERALS

revenues were distributed as follows: 40.1 percent to the General Revenue Fund; 16.5 percent to the county where mined; 9.3 percent to the Phosphate Research Trust Fund; 10.7 percent to the Minerals Trust Fund; 10.4 percent to NMLR Trust Fund; and 13.0 percent to any county designated a Rural Area of Critical Economic Concern.

Chapter 2008-150, L.O.F. (SB 1294), amended s. 211.3103, F.S., relating to the severance tax on phosphate rock. A surcharge of \$1.38 per ton severed was imposed, and the excise tax rate was set at \$1.945 per ton severed. This excise tax rate is to remain constant until July 1 of the fiscal year following the date when revenues collected from the surcharge equal or exceed \$60 million. At that point, a base rate of \$1.51 per ton severed is established. Each taxpayer is allowed a surcharge offset equal to the difference between the rate that would have been charged based on the base rate adjustment during the period and the rate of \$1.51 times the tonnage severed. Distribution of the tax will also change when the surcharge equals \$60 million. At that time, proceeds of the tax on phosphate rock will be exempt from the General Revenue Service Charge, with the proceeds divided as follows: 25.5 percent to the CARL Trust Fund; 37 percent to the General Revenue Fund; 13.6 percent to counties in proportion to the tons of phosphate rock produced within each county; 10.7 percent to counties designated as Rural Areas of Critical Economic Concern in proportion to the tons of phosphate rock produced within each county; 6.6 percent to the NMLR Trust Fund; and 6.6 percent to the Phosphate Research Trust Fund in the Division of Universities of the Department of Education.

Chapter 2010-166, L.O.F. (HB 5801), amended s. 211.3103, F.S., relating to the severance tax on phosphate rock. The tax rate for Fiscal Year 2010-11 was set at \$1.71 per ton severed, and the tax rate for Fiscal Year 2011-12 was set at \$1.61 per ton severed. The distribution of the tax for Fiscal Year 2010-11 is: 21.9 percent to the CARL Trust Fund; 37.1 percent to General Revenue; 12 percent to counties in proportion to the tons of phosphate rock produced within each county; 9.4 percent to counties designated as Rural Areas of Critical Economic Concern in proportion to the tons of phosphate rock produced within each county; 5.8 percent to the NMLR Trust Fund; 5.8 percent to the Phosphate Research Trust Fund; and 8.0 percent to the Minerals Trust Fund. Beginning in Fiscal Year 2010-11, severance tax proceeds are exempt from the General Revenue Service Charge. The legislation also set distribution percentages for Fiscal Year 2011-12 at: 25.5 percent to the CARL Trust Fund; 35.7 percent to General Revenue; 12.8 percent to counties in proportion to the tons of phosphate rock produced within each county; 10.0 percent to counties designated as Rural Areas of Critical Economic Concern in proportion to the tons of phosphate rock produced within each county; 6.2 percent to the NMLR Trust Fund; 6.2 percent to the Phosphate Research Trust Fund; and 3.6 percent to the Minerals Trust Fund.

Chapter 2012-32, L.O.F. (HB 7087), amended s. 211.3103, F.S., relating to the severance tax on phosphate. For the time period between January 1, 2015, and December 31, 2022, the tax rate shall be \$1.80 per ton severed. The distribution for this period is: 22.8 percent to the CARL Trust Fund; 31.9 percent to General Revenue; 11.5 percent to counties in proportion to the tons of phosphate rock produced within each county, 8.9 percent to counties designated as Rural Areas of Critical Economic Concern in proportion to the tons of phosphate rock produced within each county; 16.1 percent to the NMLR Trust Fund; 5.6 percent to the Phosphate Research Trust Fund, and 3.2 percent to the Minerals Trust Fund.

Chapter 2015-229 amended s.211.3103, F.S., relating to the severance tax on phosphate. The State Park Trust Fund replaced the Conservation and Recreation Lands Trust Fund, receiving 22.8 percent of the severance tax on phosphate. After January 1, 2024, the distribution for the tax is: 25.5 percent to the State Park Trust Fund; 35.7 percent to General Revenue; 12.8 percent to counties in proportion to the tons of phosphate rock produced within each county, 10.0 percent to counties designated as Rural Areas of Critical Economic Concern in proportion to the tons of phosphate rock produced within each county; 6.2 percent to the NMLR Trust Fund; 6.2 percent to the Phosphate Research Trust Fund, and 3.6 percent to the Minerals Trust Fund.

SEVERANCE TAXES - SOLID MINERALS

BASE AND RATE:

Phosphate: The tax rate is \$1.80 per ton severed for the time period January 1, 2015 through December 31, 2022. The rate reverts to \$1.61 on January 1, 2023.

Calendar Year	Tax Rate Per Ton of Phosphate	Total Tons
2020	\$1.80	14,087,012
2019	\$1.80	15,322,254
2018	\$1.80	16,982,402
2017	\$1.80	18,220,633
2016	\$1.80	17,830,000
2015	\$1.80	17,960,000

Heavy Minerals: Calculated annually by multiplying the base rate (\$1.34 per ton) by the base rate adjustment for that year. The base rate adjustment factor is a five-year moving average of the annual Producer Price Index for heavy metals. The tax rate for calendar year 2021 is set at \$3.80 per ton (DOR TIP #21B07-02).

Other Solid Minerals: 8 percent of value at point of severance.

DISPOSITION:

Phosphate Distribution:	Fiscal Year 2020-21	Fiscal Year 2021-22
State Park Trust Fund	22.8%	22.8%
General Revenue Fund	31.9%	31.9%
County where Mined	11.5%	11.5%
Phosphate Research Trust Fund	5.6%	5.6%
Minerals Trust Fund	3.2 %	3.2 %
Non-Mandatory Land Reclamation Trust Fund	16.1%	16.1%
Counties Designated as Rural Areas of Critical Economic Concern	8.9%	8.9%
Other Solid Minerals (Excluding Phosphate) Distribution:		
General Revenue Fund	32.0%	32.0%
Minerals Trust Fund	68.0%	68.0%

OTHER STATES:

Thirty-nine other states levy a severance tax on natural resources. Many states levy taxes on specific resources, but some have general resource severance taxes which may include oil and gas, minerals, and forestry products. The tax is generally based on the market value of the resource severed, with the exception of coal for which the rate is sometimes based on the amount of production. Some states assess a percentage of gross value while others levy a dollar amount. The rate varies from state to state and is often graduated according to type and quality. Credits or refunds are sometimes given for reclamation work. A state-by-state list of the various types of severance taxes levied can be found at:

<http://knowledgecenter.csg.org/kc/system/files/7.20.2019.pdf>

SEVERANCE TAXES - SOLID MINERALS

VALUE OF RATE CHANGE:

Increasing the current tax rate on phosphate by 10 cents in Fiscal Year 2022-23 would produce about \$1.5 million in total (about \$0.5 million to General Revenue).

VALUE OF EXEMPTIONS:

Although s. 211.3108, F.S., provides four specific exemptions, no exemptions have been taken in the past five years. The four exemptions are for taxes due on: (1) solid minerals sold to governmental entities in Florida; (2) solid minerals, except phosphate rock and heavy minerals, on which the sales tax is ultimately paid; (3) solid minerals extracted by the owner of the site for improving the site, subject to a restoration or reclamation program; and (4) solid minerals, except for phosphate rock, which are severed solely for direct application in agricultural uses.

Although s. 212.085(5)(b)5., F.S., provides a credit against severance taxes due for machinery and equipment purchased for use in phosphate or other solid mineral severance, mining, or processing operations, no credit has been taken under this provision for the past five years. Additionally, the exemption is conditioned upon the machinery and equipment purchase being made for a new or expanding business.

DISTRIBUTION TO TRUST FUNDS:

Trust Fund Distribution (\$M)	State Parks TF	Nonmandatory Land Reclamation TF	Phosphate Research TF	Minerals TF
2020-21	\$6.4	\$4.2	\$1.5	\$1.4
2019-20	\$6.3	\$4.1	\$1.4	\$1.5
2018-19	\$7.0	\$4.6	\$1.6	\$1.5
2017-18	\$7.5	\$5.0	\$1.7	\$1.5
2016-17	\$7.2	\$4.8	\$1.7	\$1.7
2015-16	\$7.4	\$4.9	\$1.7	\$1.6

DISTRIBUTION TO COUNTIES (provided by Department of Revenue):

Distribution to Counties (\$M)	Counties where phosphate rock produced	Counties within designated Rural Areas of Critical State Concern
2020-21	\$3.146	\$2.435
2019-20	\$3.171	\$2.454
2018-19	\$3.666	\$2.837
2017-18	\$3.772	\$2.919
2016-17	\$3.635	\$2.813
2015-16	\$4.002	\$3.098

SEVERANCE TAXES - SOLID MINERALS

ALTERNATIVE BASES:

A number of other states impose a severance tax or fee on timber or forestry products. States currently imposing this type of severance tax are:

<i>State</i>	<i>Tax or Fee</i>
Alabama	Forest Products Severance Tax
Arkansas	Timber Severance Tax
California	Lumber Products Assessment
Illinois	Timber Fee
Louisiana	Timber Severance Tax
Mississippi	Timber Severance Tax
New Hampshire	Timber Tax
North Carolina	Primary Forest Product Assessment Tax
Oregon	Forest Products Harvest Tax STF Severance Tax - Eastern Oregon Forestland Option STF Severance Tax - Western Oregon Forestland Option
South Carolina	Forest Renewal Tax
Virginia	Forest Products Tax
Washington	Timber Excise Tax
West Virginia	Timber Severance Tax
Wisconsin	Forest Crop Law Severance Tax Managed Forest Law Tax

<http://knowledgecenter.csg.org/kc/system/files/7.20.2019.pdf>

The last year for which Florida timber production data is available was 2015. Compared to 2013, output of industrial softwood roundwood products decreased 7.1 percent to 489.2 million cubic feet, while output of industrial hardwood roundwood products increased 15.2 percent to 34.0 million cubic feet. Total pulpwood production decreased 5.0 percent, to 284.3 million cubic feet. Pulpwood accounted for 81 percent of the state's total roundwood production. Production of pulpwood softwood decreased 5.0 percent to 270.1 million cubic feet while hardwood also decreased 5.0 percent, to 14.3 million cubic feet. The remainder was composed of saw logs and other industrial output. See *Florida's Timber Industry—Timber Product Output and Use 2015*, published 2017 at:

https://www.srs.fs.usda.gov/pubs/su/su_srs135.pdf.

The timber industry was hard hit by Hurricane Michael in 2018. Estimates of monetary damage could be over \$1 billion¹.

¹ <https://www.usda.gov/media/blog/2018/11/15/southern-timber-owners-and-industry-hit-hard-hurricane>

SEVERANCE TAXES - SOLID MINERALS

Year	2005	2007	2009	2011	2013	2015
All roundwood output in 1,000 cubic feet	465,147	508,875	492,242	467,573	556,065	523,182

A 1 cent severance tax per cubic foot on all roundwood output would have yielded \$5.23 million in 2015.

SLOT MACHINE TAX & FEES

FLORIDA STATUTES: Chapter 551 & 550.135

ADMINISTERED BY: Currently, the Department of Business and Professional Regulation, Division of Pari-Mutuel Wagering. As of July 1, 2022, the Florida Gaming Control Commission will assume oversight.

SUMMARY:

Taxes are imposed at a rate of 35 percent on slot machine revenues at each pari-mutuel facility that has slot machines. Each facility must also pay an annual license fee of \$2.0 million and a fee of \$250,000 to fund programs for the prevention of compulsive gambling. A series of occupational license fees for employees of the facilities and associated businesses is also imposed.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	Slot Machine Tax Collections	Facility License Fee Collections	Occupational License Fee Collections	Addictive Gambling Program Fee Collections	Distribution to General Revenue
2022-23*	233,620,393	1.13%	215,400,000	16,000,000	220,393	2,000,000	11,400,000
2021-22*	231,020,393	23.86%	212,800,000	16,000,000	220,393	2,000,000	11,400,000
2020-21	186,516,786	6.60%	168,162,562	16,000,000	354,224	2,000,000	10,000,000
2019-20	174,976,322	-20.27%	156,731,146	16,000,000	245,176	2,000,000	11,700,000
2018-19	219,474,113	4.40%	201,143,416	16,000,000	330,698	2,000,000	11,600,000
2017-18	210,216,501	0.14%	191,902,120	16,000,000	314,381	2,000,000	11,500,000
2016-17	209,915,980	2.11%	191,603,320	16,000,000	312,660	2,000,000	12,000,000

* Estimate

HISTORY:

Slot machines were first made legal in Florida during the limited time period running from 1935 to 1937. Slots activity after that was illegal. Florida voters rejected separate casino gambling proposals in 1979 and 1986. In November 1994, Florida voters defeated a proposed constitutional amendment which would have authorized up to 47 casinos, including five riverboat casinos and 30 casinos at existing pari-mutuel facilities. In November of 2004, voters approved an amendment to the Florida Constitution which resulted in the creation of Section 23, Article X, which allows the authorization of slot machines in pari-mutuel facilities in Miami-Dade and/or Broward Counties, subject to voter approval. In 2005, the voters of Broward County approved slot machines by referendum, while Miami-Dade voters did not. Chapter 2005-362, L.O.F. (HB 1-B), provided for the regulation of slot machines. A tax rate of 50 percent was assessed on slot machine revenues, and facility license fees, occupational license fees, and a fee to fund an addictive gambling prevention program were established. Slot machines began operating in Broward County in late 2006. Chapter 2007-252, L.O.F. (HB 1047), increased the maximum number of machines in a facility from 1,500 to 2,000 and provided for increased operating hours.

In 2008, Miami-Dade voters approved slot machines in the pari-mutuel facilities in their county. Chapter 2010-29, L.O.F. (SB 622), provided for the following changes: (1) reduced the facility license fee from \$3.0 million to \$2.5 million in Fiscal Year 2010-11 and to \$2.0 million beginning in Fiscal Year 2011-12; (2) changed the payment frequency for taxes due from weekly to monthly beginning July 1, 2012; (3) authorized slot machines at Hialeah Park; (4) reduced the tax rate from 50 percent to 35 percent, with a floor on tax collections equal to 2008-09 collections; (5) allowed for progressive games; (6) changed the required prize payout percentage; and (7) reduced the minimum age for players from 21 to 18.

SLOT MACHINE TAX & FEES

During the 2021 Legislative Special Session, Chapter 2021-271, L.O.F. (SB 8-A) passed both the House and Senate chambers and was approved by the Governor. The bill did not become effective until August 11, 2021 when the approved 2021 Gaming Compact between the State of Florida and the Seminole Tribe of Florida was published in the Federal Register. Chapter 2021-271, L.O.F. (SB8-A) provided that slot machine gaming areas may be open 24 hours per day throughout the year.

BASE AND RATE:

Slot Machine Tax: 35 percent of slot machine revenues.

Facility License Fee: \$2.0 million annually.

Occupational Licenses: Determined by rule. Up to \$50 annually for a general or professional occupational license for an employee of the slot machine licensee; up to \$1,000 annually for a business occupational license for nonemployees of the licensee providing goods or services to the slot machine licensee.

Addictive Gambling Program Fee: \$250,000 annually for each facility which has slot machines.

DISPOSITION:

Slot Machine Tax: All proceeds are distributed to the Educational Enhancement Trust Fund.

Facility License Fee: Of total collections, 8 percent are deducted as service charges to the General Revenue Fund, with the remainder going to the Pari-Mutuel Wagering Trust Fund.

Occupational Licenses: Of total collections, 8 percent are deducted as service charges to the General Revenue Fund, with the remainder going to the Pari-Mutuel Wagering Trust Fund.

Addictive Gambling Program Fee: Of total collections, 8 percent are deducted as service charges to the General Revenue Fund, with the remainder going to the Pari-Mutuel Wagering Trust Fund to contract for services related to the prevention of compulsive and addictive gambling.

OTHER STATES:

Currently, many states offer slot machines or video lottery terminals in some venue. Tax rates and venue restrictions vary widely by state.

	<u>2022-23</u> (millions)
VALUE OF RATE CHANGE:	
1 percent increase in Slot Machines Tax Rate (s.551.106 (2) (a))	\$4.2

TOBACCO SETTLEMENT PAYMENTS

FLORIDA STATUTES: Sections 17.41, 215.56005, and 215.5601

ADMINISTERED BY: Department of Financial Services

SUMMARY:

Tobacco settlement payments are funds received by the state resulting from the settlement of State of Florida vs. American Tobacco Co., et al.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	434,300,000	1.94%
2021-22*	418,600,000	1.94%
2020-21	402,700,000	20.10%
2019-20	335,300,000	-9.23%
2018-19	369,400,000	8.97%
2017-18	339,000,000	-6.41%
2016-17	362,200,000	-1.79%

* Estimate

HISTORY:

On August 25, 1997, the State of Florida as plaintiff entered into a settlement agreement as the result of a lawsuit (State of Florida, et al. v. American Tobacco Company, et al.) which provided for payments to the state in perpetuity in the amount of \$440 million annually beginning in 1999, adjusted for inflation and profits and the level of sales of the settling defendants. In addition, the state received payments from 1998 through 2002 as a result of the Multi-State Settlement Agreement between the tobacco companies and 46 other states which were not party to the original agreement. Since FY 2010-11, the state of Florida has also received a small amount of annual settlement funds from Liggett; those payments will expire in FY 2030-31.

In 1999, the Lawton Chiles Endowment Fund (Chapter 99-167, L.O.F.; HB 1855) was established to provide a perpetual funding source for the enhancement of state health programs and biomedical research. The fund was established with initial settlement payments and payments accruing to the state from the Multi-State Settlement Agreement. Chapter 2000-128, L.O.F. (HB 1721), created the Tobacco Settlement Financing Corporation which was granted authority to issue bonds secured by tobacco settlement funds, but the Corporation has never used its bonding authority.

On January 18, 2017, the State of Florida filed a Motion to Join ITG Brands, LLC as a Defendant and to enforce the Settlement Agreement in the State of Florida, et. al., v. Am. Tobacco Co., R.J. Reynolds Tobacco Co., et. al., No. 95-1466 AH (Fla. 15th Cir. Ct.). On August 18, 2018, the Circuit Court entered a final judgment specifying the principal sum and interest due from R.J. Reynolds to the State of Florida for the period June 12, 2015, through April 30, 2018, as well as providing guidance on how any future unpaid liability to the State should be calculated. In addition, the final judgment reflected the court's rulings issued December 27, 2017, and May 24, 2018, collectively known as the "Liability Orders." R.J. Reynolds subsequently appealed the lower court's decision regarding its liability. On July 29, 2020, the District Court of Appeal unanimously affirmed the lower court's final judgment in all respects, and on September 18, 2020, denied the Appellant's motion for rehearing, rehearing en banc, and certification to the Florida Supreme Court. In response, R.J. Reynolds paid the State of Florida \$192,869,589.86 million

T O B A C C O S E T T L E M E N T P A Y M E N T S

to cover the full amount of the outstanding judgment (inclusive of principal and interest). This amount was deposited into the General Revenue Fund on October 6, 2020. Notwithstanding this payment, R.J. Reynolds filed Notice to Invoke Discretionary Jurisdiction of the Florida Supreme Court on October 15, 2020, seeking review of the District Court of Appeal's opinion. On December 18, 2020, the Florida Supreme Court declined to accept jurisdiction and denied the petition for review, indicating that no motion for rehearing would be entertained.

In 2021, Chapter 2021-43 L.O.F. (HB 5011) terminated the Lawton Chiles Endowment Fund. The legislation directed the State Board of Administration to redirect all existing funds from the Lawton Chiles Endowment Fund to the Budget Stabilization Trust Fund by June 30, 2022.

DISPOSITION:

Settlement payments and endowment earnings are deposited in the Tobacco Settlement Trust Fund for use as appropriated by the Legislature.

OTHER STATES:

All states now receive payments through various settlements. Some states have transferred their rights to future payments to entities in return for lump-sum payments.

**UNCLAIMED PROPERTY
(STATE SCHOOL TRUST FUND)**

FLORIDA STATUTES: Chapter 717

ADMINISTERED BY: Department of Financial Services

SUMMARY:

Real and intangible property of Florida citizens held by businesses is deemed abandoned after a statutorily defined period of inactivity or nonuse. Such property is required to be transferred to the state pending claims from rightful owners. Property held by the state is available to the rightful owners indefinitely, upon filing a claim and establishing rightful ownership. All funds received under Chapter 717, F.S., are deposited in the Unclaimed Property Trust Fund, from which the Department of Financial Services makes prompt payment of claims and pays the costs of administering the unclaimed property program. All remaining funds in excess of \$15 million are transferred to the State School Trust Fund administered by the Department of Education.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	State School Trust Fund
2022-23*	558,300,000	1.79%	174,800,000
2021-22*	548,500,000	-20.22%	192,100,000
2020-21	687,500,000	37.06%	328,500,000
2019-20	501,600,000	-6.71%	144,100,000
2018-19	537,700,000	5.64%	218,800,000
2017-18	509,000,000	18.15%	178,500,000
2016-17	430,800,000	-8.81%	133,900,000

*Estimate

HISTORY:

Abandoned property is a category of the common law of property which deals with personal property which has left the possession of its rightful owner without having directly entered the possession of another person. In 1981, the National Conference of Commissioners on Uniform State Laws sought to address the problems arising from these types of property through provisions of the Uniform Unclaimed Property Act. In 1987, Florida adopted the Florida Disposition of Unclaimed Property Act (Chapter 87-105, L.O.F.) to provide a statutory procedure for the escheat and disposition of presumably abandoned property to the state. In 2001, Chapter 717, F.S., was rewritten primarily to update the administration of the Act (Chapter 2001-36, L.O.F. (HB 107).

Chapter 2003-281, L.O.F. (HB 513), provided that dormant proceeds from insurance demutualization were deemed abandoned after two years. Chapter 2007-256, L.O.F. (SB 1638), removed gift cards and similar items from property subject to the provisions of Chapter 717, F.S.

Chapter 2013-172, L.O.F. (SB 492), reduced the dormancy period from five years to two years for intangible property held in trust by a fiduciary. As implemented by the Department of Financial Services, this law change only affects testamentary and inheritance-type trusts. Chapter 2013-34, L.O.F. (SB 464), authorized the Department of Financial Services to allow electronic submission of claims, including an alternative method of identity verification for property under \$1,000 in value.

Chapter 2016-90, L.O.F. (HB 783), increased the value of small estates that can be claimed without a probate court order from \$5,000 to \$10,000 and expanded the authorization of the Department of

**UNCLAIMED PROPERTY
(STATE SCHOOL TRUST FUND)**

Financial Services with respect to estimating the value of unclaimed property when a property holder refuses to provide records requested by the department during an audit. Chapter 2016-219, L.O.F. (SB 966), required all life insurance companies to conduct an annual match of policies against the Death Master File to determine whether the death of an insured, annuitant, or retained asset account holder is indicated. The legislation also changed the start of the dormancy period from the date the “funds became due and payable as established from the records of the insurance company” to the “date of death of the insured, the annuitant, or the retained asset account holder.”

Chapter 2018-71, L.O.F. (HB 1361), clarified that unclaimed property in the court registry will escheat to the state under the provisions of Chapter 717, F.S., and required Clerks of Court to report and remit any funds that remain unclaimed one year after an owner or entitlement has been determined. The legislation eliminated the surplus trustee process for judicial sales and, instead, required Clerks of Court to report and remit to the state under the provisions of Chapter 717, F.S., any funds that remain unclaimed one year after the judicial sale. The legislation specified that any surplus of less than \$10 will escheat to the Clerk rather than to the state and also repealed the \$25 surplus trustee annual application/renewal fee.

Chapter 2019-140, L.O.F. (HB1393), authorizes DFS to develop and implement an identification verification and disbursement process for accounts valued at \$2,000 or less. The process would allow the department to disburse refunds automatically to apparent owners after the department verifies that the owner is living and the current address is correct. The new legislation also authorizes DFS to develop and implement an identification verification and disbursement process for accounts for which the apparent owner is a public agency, including state agencies, county governments, public school districts, municipalities, and special taxing districts.

Chapter 2021-144, L.O.F. (HB 425), requires the Division of Unclaimed Property to adopt forms for an Unclaimed Property Recovery Agreement and an Unclaimed Purchase Agreement. The legislation allows the Division of Unclaimed Property to accept electronic claims for unclaimed property valued at \$2,000 or less. Prior to the legislation, electronic claims for unclaimed property could only be accepted at \$1,000 or less.

DISPOSITION:

Property transferred to the state is deposited into the Unclaimed Property Trust Fund for eventual transfer to the State School Trust Fund.

OTHER STATES:

Every state has unclaimed property laws which declare money, property, and other assets to be abandoned after a period of inactivity.

VESSEL LICENSES

FLORIDA STATUTES: Chapter 328

ADMINISTERED BY: Department of Highway Safety and Motor Vehicles

SUMMARY:

All motorboats operated on Florida waters must be registered annually with the Department of Highway Safety and Motor Vehicles. License fees are based on the length of the boat and range from a low of \$5.50 to a high of \$189.75. All counties are authorized to impose an annual vessel registration fee which must be equal to 50 percent of the applicable state vessel registration fee. State License Fees may be discounted when the owner has proved ownership of an e-PIRB locator beacon.

REVENUE:

Fiscal Year	Total Collections	Annual Change %	Marine Resources Conservation TF/ Invasive Plant Control TF	State Agency Law Enforcement Radio System Trust Fund	General Inspection Trust Fund
2022-23*	26,189,644	0.60%	24,959,682	856,499	373,464
2021-22*	26,034,551	-0.01%	24,811,804	851,496	371,251
2020-21	26,037,162	14.82%	24,814,285	851,589	371,288
2019-20	22,675,841	6.14%	21,564,776	783,911	327,154
2018-19	21,364,797	0.51%	20,230,191	786,759	347,847
2017-18	21,256,293	1.93%	19,714,532	779,103	762,658
2016-17	20,853,183	3.35%	19,290,578	802,627	759,978

* Estimate

HISTORY:

In lieu of property taxes, boats must be registered and numbered in Florida. A major portion of collections are appropriated annually for boating related programs operated by counties. The 1984 Legislature authorized the annual appropriation of \$250,000 from the Motorboat Revolving Trust Fund to the Save the Manatee Trust Fund to be used to protect and recover manatee and other marine mammals. Applicants may pay an additional \$2 - \$5 voluntary contribution for manatee and marine protection and an additional \$5 voluntary contribution to the Marine Turtle Protection Trust Fund to be used for turtle protection, research, and recovery. In 1988, a \$1 surcharge was added to each annual vessel registration for deposit into the State Agency Law Enforcement Radio System Trust Fund for the acquisition and implementation of a statewide law enforcement radio communications system. In 1990, all counties, not just those counties with a population of 100,000 or more, were authorized to impose an annual vessel registration fee. The fee must be equal to 50 percent of the applicable state vessel registration fee. The annual appropriation to the Save the Manatee Trust Fund was changed from a flat "\$250,000" to "equal to" \$1 for each vessel registration in the state. An additional 50 cents per vessel registration was authorized for transfer to the Save the Manatee Trust Fund in 1991 and vessel registrations fees were increased by 50 cents.

Chapter 95-333, L.O.F. (HB 725), transferred vessel registrations from the Department of Environmental Protection to the Department of Highway Safety and Motor Vehicles. Effective July 1, 1996, the vessel registration period was changed from June 1 to the vessel owner's birth month. The legislation also required county tax collectors to remit vessel registration fees to the department within five working days after the close of the business day the fees are collected. The 1996 Legislature terminated the Motorboat Revolving Trust Fund effective July 1, 1996, and provided for the deposit of vessel registration fees into

VESSEL LICENSES

the Marine Resources Conservation Trust Fund. Chapter 99-289, L.O.F. (HB 589), changed the Florida Statutes references from Chapter 327 to Chapter 328. Chapter 99-248, L.O.F. (SB 1270), added a 50 cent fee on every annual vessel registration for deposit into the Highway Safety Operating Trust Fund to cover the cost of the Florida Real Time Vehicle Information System. The 2000 Legislature authorized the tax collector to distribute the county portion of vessel registration fees directly to the board of county commissioners instead of to the Department of Highway Safety and Motor Vehicles for distribution back to the counties where collected. Chapter 2001-196, L.O.F. (SB 1956), capped administrative costs for vessel registration at \$1.4 million for deposit into the Highway Safety Operating Trust Fund. Chapter 2005-157, L.O.F. (HB 955), distributed \$1 of the county portion of the state vessel registration fee to the Marine Resources Conservation Trust Fund to fund grant programs for public launching facilities.

Chapter 2007-242, L.O.F. (HB 275), created the biennial vehicle registration option. Vehicle owners are permitted to pay the vehicle registration taxes in advance for two years and are then issued the appropriate decal for their license plate. The fees for a two-year registration are double that of an annual registration however the distribution of the revenue does not actually occur until the year in which it would have normally been collected.

Chapter 2008-106, L.O.F. (SB 1286), raised all vessel registration fees effective July 1, 2008, by 50 to 60 percent. The vessel dealer registration fee was also raised to \$25.50. In addition, beginning in 2013 and every five years thereafter, the vessel registration fees are to be adjusted by the percentage change in the Consumer Price Index for All Urban Consumers.

Chapter 2013-194, L.O.F. (HB 333), deleted the requirement that vessel registration fees be adjusted by the percentage change in Consumer Price Index for All Urban Consumers. Chapter 2013-160, L.O.F. (HB 7125), changed the deposit ceiling to Highway Safety Operating Trust Fund from \$1.4 million to equal the administrative costs incurred by the department.

Chapter 2016-126, L.O.F. (HB 427), provided a license fee reduction for vessels that have an authorized e-PIRB locator beacon. The discount varies by vessel size and ranges from a \$1.26 to \$22.64 reduction in the license fee.

Chapter 2016-126, L.O.F. (HB427), allowed a \$400,000 transfer from the Department of Highway Safety and Motor Vehicles to the General Inspection Trust Fund to expire on July 1, 2017. These funds were used to fund activities relating to the protection, restoration, and research of the natural oyster reefs and beds of the state.

Chapter 2019-54, L.O.F. (SB1666), redirected a portion of the county retained vessel registration fee to the Marine Resources Trust Fund to fund derelict vessel removal grants. The amounts vary by vessel size and range from \$.25 to \$25.46 for each 12 month period registered.

BASE AND RATE:

All motorboats: Boats and canoes with motors under 12 feet - \$5.50; others - \$16.25 to \$189.75, depending on length. Dealer - \$25.50 and \$2.50 service fee to issuing agent. All counties may impose an annual vessel registration fee which must be equal to 50 percent of the applicable state vessel registration fee. In addition, a \$1.00 surcharge annually on each vessel registration as provided for in s. 328.72(1), F.S., for deposit in the State Agency Law Enforcement Radio System Trust Fund. In addition, a 50 cents annual fee on each vessel registration to cover the cost of the Florida Real Time Vehicle Information System for deposit into the Highway Safety Operating Trust Fund.

VESSEL LICENSES

DISPOSITION:

Marine Resources Conservation Trust Fund: Administration, recreational channel marking, public launching facilities, law enforcement, quality control programs, aquatic weed control, manatee protection, recovery, rescue, and rehabilitation, marine mammal protection and recovery, and marine research.

Invasive Plant Control Trust Fund: Aquatic plant research and control.

State Agency Law Enforcement Radio System Trust Fund: Acquiring and implementing a statewide radio communications system to serve state and local law enforcement agencies.

General Inspection Trust Fund: Shellfish and aquaculture development and quality control programs and research of the natural oyster reefs and beds of the state.

OTHER STATES:

Registration of recreational boats is required in all states. Forty-seven states conduct their own registration and licensing within terms of Federal statutes. Registration in the other three states is performed by the U. S. Coast Guard.

WORKERS' COMPENSATION ASSESSMENTS

FLORIDA STATUTES: Chapter 440

ADMINISTERED BY: Department of Financial Services, Division of Workers' Compensation

SUMMARY:

The Special Disability Trust Fund was created to facilitate the reemployment of a worker with a disability or reemployment of a worker following an injury by reducing an employer's insurance premium for reemploying an injured worker. The Workers' Compensation Administration Trust Fund was established for the purpose of providing for the payment of all expenses with respect to the administration of Chapter 440, F.S. The Workers' Compensation Administration Trust Fund and the Special Disability Trust Fund are maintained by annual assessments on net premiums upon insurance companies writing workers' compensation in Florida.

REVENUE:

Fiscal Year	Workers' Compensation Administration Trust Fund	Annual Change %	Special Disability Trust Fund	Annual Change %
2022-23*	48,588,297	2.00%	15,581,224	2.20%
2021-22*	47,635,585	-2.89%	15,245,816	-2.89%
2020-21	49,053,224	-12.74%	15,699,533	-14.76%
2019-20	56,214,853	-12.58%	18,418,361	-46.50%
2018-19	64,304,844	-18.47%	34,425,235	-27.56%
2017-18	78,873,281	-3.81%	47,524,979	4.30%
2016-17	81,999,635	0.32%	45,564,892	1.01%

* Estimate

HISTORY:

Florida adopted workers' compensation laws in 1935. The purpose of the assessments is to fund the Workers' Compensation Administration Trust Fund and the Special Disability Trust Fund. These funds are for administrative expenses and the funding of the Special Disability Trust Fund. Assessments are made annually according to estimated expenses. In 1979, major revisions were made in the statutes for administrative purposes. The 1990 Legislature did a comprehensive rewrite of the Workers' Compensation statute and in 1991, certain exemptions were reinstated. Substantial reform of the workers' compensation system was adopted by the 1993 Legislature in SB 12-C, during Special Session "C." Chapter 96-423, L.O.F. (HB 2723), postponed the Special Disability rate increase to 7.25 percent from July 1, 1996, to July 1, 1997. Chapter 97-262, L.O.F. (HB 1933), provided that the Special Disability Trust Fund assessment rate could not exceed 4.52 percent. In addition, the Special Disability Trust Fund is supplemented by a \$250 notification fee on each notice of claim filed or re-filed after July 1, 1997, and a \$500 fee on each proof of claim filed after July 1, 1997. Chapter 2000-150, L.O.F. (SB 2532), reduced the cap on the assessment for the Administration Trust Fund from 4 percent to 2.75 percent, effective January 1, 2001. Chapter 2014-109 L.O.F. (HB 271), reduced the cap on the assessment for the Special Disability Trust Fund from 4.52 percent to 2.5 percent effective January 1, 2015.

Effective January 1, 2004, the department imposed a \$25 penalty for late payments or disallowances or denials of medical, hospital, pharmacy, or dental bills that are below the 95 percent timely performance standard, but meeting a 90 percent timely standard; and \$50 for each bill below a 90 percent timely performance standard. These penalties are paid by the carrier to the Workers' Compensation Administration Trust Fund. In order to ensure carrier compliance, the department imposed a penalty of \$50 per number of installments below the 95 percent timely payment performance standard and equal to or greater than 90 percent timely payment performance standard and \$100 per number of installments of compensation below a 90 percent timely payment performance standard to the Workers' Compensation Administration Trust Fund.

WORKERS' COMPENSATION ASSESSMENTS

Assessments are applied to calendar year premiums for the Workers' Compensation Administration Trust Fund and on a fiscal year basis for the Special Disability Trust Fund. The assessment rates for the Workers' Compensation Administration Trust Fund, effective January 1 of each year, were as follows: 2002, 2.56 percent; 2003, 1.75 percent; 2004, 1.5 percent; 2005, 0.75 percent; 2006, 0.60 percent; 2007, 0.50 percent; 2008, 0.25 percent; 2009, 0.25 percent; 2010, 0.80 percent; 2011, 0.98 percent; 2012, 1.75 percent; 2013, 1.68 percent; 2014, 1.61 percent; 2015, 1.50 percent; 2016, 1.43 percent; 2017, 1.25 percent; and 2018, 0.97 percent. The assessment rate for the Special Disability Trust Fund declined to 1.46 percent for Fiscal Year 2010-11 through December 31, 2011. The rate declined to 1.44 percent for calendar year 2012, 1.43 percent for calendar year 2013, 1.23 percent for calendar year 2014, 1.17 percent for calendar year 2015, 1.16 percent for calendar year 2016, 1.09 percent for calendar year 2017, .91 percent for calendar year 2018, .90 percent for calendar year 2019, .79 percent for calendar year 2020, and .79 percent for calendar year 2021.

BASE AND RATE:

Assessment Rates: Beginning January 1, 2022, the assessment rate for the Workers' Compensation Administration Trust Fund is set at .79 percent. Beginning January 1, 2022, the assessment rate for the Special Disability Trust Fund is set at 0.40 percent.

Assessment Base: Both funds are supported by annual assessments against workers' compensation insurance premiums, actual and estimated. For insurance companies, assessable mutual insurers, and self-insurance funds, assessments are based on actual premiums; for individual self-insurers, assessments are based on the amount of premiums calculated by the Division of Workers' Compensation.

DISPOSITION:

Workers' Compensation Administration Trust Fund and Special Disability Trust Fund

OTHER STATES:

All states and the District of Columbia have workers' compensation laws. Some require compulsory insurance. Others allow self insurers to operate, as Florida does. Most levy a tax or assessment on insurance premiums to finance administration of the laws.

**MAJOR LOCAL GOVERNMENT
REVENUE SOURCES**

AD VALOREM TAXES

FLORIDA STATUTES: Chapters 192, 193, 194, 195, 196, 197, and 200

ADMINISTERED BY: Units of Local Government and Florida Department of Revenue

SUMMARY: Ad valorem taxes are annual taxes levied by local governments based on the value of real and tangible personal property as of January 1 of each year. Florida's constitution prohibits the state government from levying ad valorem tax on any property except for intangible personal property. The taxable value of real and tangible personal property is the just value (i.e., the fair market value) of the property adjusted for any exclusion, differential, or exemption allowed by the Florida Constitution or the statutes. The Florida Constitution strictly limits the Legislature's authority to provide exemptions or adjustments to fair market value. Also, with certain exceptions for voter-approved levies, the Florida Constitution limits county, municipal and school district levies to ten mills each. Tax bills are mailed to property owners in November of each year based on the previous January 1st valuation and payment is due by the following March 31. Discounts are granted for early payment and most taxpayers pay by late November.

REVENUE: (millions)*

Fiscal Year	Total Taxes Levied	% Change	Counties	% Change	School Districts	% Change	Municipalities	% Change	Special Districts **	% Change
2021-22	39,791.8	6.1	15,585.9	7.0	15,342.5	4.7	6,298.0	6.9	2,565.2	7.9
2020-21	37,494.4	5.4	14,570.0	6.3	14,655.5	4.2	5,891.1	6.5	2,377.7	5.7
2019-20	35,556.7	7.4	13,711.2	7.5	14,062.8	7.7	5,533.9	7.2	2,248.9	5.3
2018-19	33,103.4	5.9	12,753.3	7.4	13,051.6	3.8	5,162.8	8.7	2,135.6	3.8
2017-18	31,250.6	5.6	11,874.3	7.7	12,568.6	2.5	4,749.3	9.3	2,058.4	4.3
2016-17	29,604.0	5.2	11,022.5	6.9	12,263.3	2.7	4,345.0	8.2	1,973.2	4.4
2015-16	28,152.9	6.8	10,306.4	7.2	11,939.7	6.3	4,016.9	8.8	1,889.9	3.7
2014-15	26,360.3	6.2	9,615.1	6.7	11,229.1	5.9	3,693.5	7.5	1,822.6	2.8
2013-14	24,822.8	3.6	9,010.3	5.2	10,605.1	2.5	3,435.1	3.8	1,772.3	1.3
2012-13	23,970.1	-1.2	8,561.7	-0.9	10,348.9	-2.1	3,309.4	1.3	1,750.1	-1.3
2011-12	24,250.9	-5.0	8,640.6	-5.0	10,570.6	-4.3	3,265.8	-3.1	1,773.9	-12.4
2010-11	25,536.7	-8.2	-9,092.3	-7.3	11,049.7	-8.4	3,369.8	-8.0	2,025.0	-11.0
2009-10	27,818.8	-7.9	9,811.3	-8.5	12,069.4	-7.7	3,662.9	-6.5	2,275.2	-9.1
2008-09	30,207.2	-2.7	10,717.5	-4.0	13,070.2	-1.2	3,917.6	-3.0	2,502.0	-3.9
2007-08	31,039.5	2.0	11,168.0	-2.6	13,231.7	7.6	4,037.2	-0.5	2,602.6	0.1
2006-07	30,420.5	18.4	11,468.7	16.9	12,294.6	18.6	4,058.4	20.3	2,598.8	21.6
2005-06	25,688.4	14.8	9,810.6	14.3	10,367.2	14.2	3,373.4	18.0	2,137.2	15.0
2004-05	22,374.4	10.5	8,581.7	12.3	9,075.9	7.7	2,858.9	14.3	1,857.9	11.4
2003-04	20,240.6	11.3	7,644.1	10.3	8,427.3	9.8	2,501.3	14.5	1,667.8	18.8
2002-03	18,191.8	8.6	6,928.8	8.6	7,673.7	9.0	2,184.8	6.5	1,404.5	10.2

AD VALOREM TAXES

- * Includes operating and debt service taxes.
- ** Includes independent special districts only; dependent special district and MSTU levies are included with supervisory unit levy.

HISTORY:

Property taxation in Florida dates from 1839, when a territorial enactment provided a tax “on every acre of first-rate land, half a cent; on every acre of second-rate land, one quarter cent; on every acre of third-rate land, one-eighth of a cent,” and various levies on other real and personal property. In the early days of statehood the most significant ad valorem tax was imposed not by local governments but by the state. The ad valorem tax was imposed primarily on agricultural land and slaves.¹

The Florida Constitution of 1885 required the Legislature to provide for a uniform and equal rate of taxation, and to prescribe such regulations as shall secure a just valuation of all property, both real and personal, except such property as may be exempted by law for municipal, educational, literary, scientific, religious, or charitable purposes. It also provided an exemption to every widow with dependents and to every person who had lost a limb or become disabled by war or misfortune.

Amendments to the Florida Constitution of 1885:

- Intangible personal property may be taxed at a different rate from real and personal property, at a maximum rate of five mills. (1924) Before this amendment, there was no distinction between intangible and other property for tax purposes. This provision was implemented in 1931 by Chapter 15789, Laws of Florida. The new legislation levied a rate of two mills on most types of intangible property.
- Motor vehicles are not subject to ad valorem tax as personal property, and are subject only to a license tax for the operation of such vehicles. (1929)
- \$5,000 homestead exemption. (1934)
- No levy of ad valorem taxes on real or personal property for any state purpose. (1940)

In 1967, the Legislature passed a law providing for assessment of required pollution control facilities at salvage value. (Ch. 67-436, L.O.F.)

The current Florida Constitution, adopted in 1968, included these property tax provisions:

- no state ad valorem taxes on real or personal property;
- no ad valorem taxes on motor vehicles, boats, airplanes, trailers, trailer coaches, or mobile homes, as defined by law;
- all ad valorem taxation shall be at a uniform rate within each taxing district;
- property owned by a municipality and used exclusively by it for municipal or public purposes is exempt;
- property used predominantly for educational, literary, scientific, religious or charitable purposes may be exempted by general law;
- \$1,000 minimum exemption for household goods, to be fixed by general law;
- \$500 exemption for widows, blind or totally and permanently disabled persons;
- regulations shall be prescribed by law which shall secure a just valuation of all property for ad valorem taxation;
- agricultural land or land used for non-commercial recreational purposes may be classified by general law and assessed on the basis of character or use;

¹ In 1865, the Legislature imposed, as part of the general county tax, a levy of \$2 on every dog over six months old, without regard to sex. The tax collector was directed to kill any dog for which the tax was not paid. An exemption to the tax was provided for the City of Apalachicola. (Ch. 1502, L.O.F.)

AD VALOREM TAXES

- tangible personal property held as stock in trade or livestock may be valued at a specified percentage of its value, by general law;
- a \$5,000 homestead exemption, and authorization for the legislature to enact general law providing a \$10,000 homestead exemption to property owners who are 65 or older or permanently and totally disabled;
- counties, school districts, and municipalities shall, and special districts may, be authorized by law to levy ad valorem taxes;
- millage rates are limited to ten mills for all county purposes, ten mills for municipal purposes, and ten mills for all school purposes; and a county furnishing municipal services may, to the extent authorized by law, levy additional taxes within the municipal millage; and
- the 1968 Florida Constitution changed the treatment of municipal property. Prior to 1968, Article IX, section 1 of the Florida Constitution provided that “(t)he Legislature shall provide for a uniform and equal rate of taxation;... and shall prescribe such regulations as shall secure a just valuation of all property, both real and personal, excepting such property as may be exempted by general law for municipal, education, literary, scientific, religious or charitable purposes.” Article VII, section 3 of the 1968 Florida Constitution, provides “(a)ll property owned by a municipality and used exclusively by it for municipal or public purposes shall be exempt from taxation.” The 1968 Florida Constitution does not authorize the Legislature to exempt municipal property from taxation unless it is used exclusively by the municipality for municipal or public purposes. This provision has led to extensive litigation when the Legislature has attempted to provide ad valorem tax exemptions for property leased by municipalities to private users.

Significant Constitutional and Statutory Changes to Ad Valorem Property Taxation Since 1968

In 1975, Article VII, section 9 of the Florida Constitution, was amended to authorize ad valorem taxes for Water Management Districts. The Northwest Florida Water Management District is limited to 0.05 mill; the other districts are limited to one mill. Actual millage limits within these constitutional bounds are determined by the Legislature.

In 1976, the Legislature provided property tax exemptions for non-profit homes for the aged. (Ch. 76-234, L.O.F.) This legislation specified that residential units are used for a charitable purpose if they are occupied by permanent residents with incomes below certain limits. This legislation also provided the equivalent of a homestead exemption to residential units which did not qualify as being used charitable purpose, but were nonetheless occupied by permanent residents.

Several amendments to Article VII of the Florida Constitution were adopted in 1980:

- The homestead exemption was increased to \$25,000, but the exemption increase was tied to improvement in the level of assessment of homestead property. (The increase for city and county purposes was phased in over a three year period.)
- Counties and cities were given authority to enact ad valorem exemptions for new and expanding businesses, if such exemptions were approved by a referendum. The exemptions were limited to local-option millage levied by the county or city enacting the exemption. Such exemptions would expire after 10 years unless renewed by a subsequent referendum. (Implemented by Ch. 80-347, L.O.F.)
- Tangible personal property held for sale as stock in trade or livestock may be classified for tax purposes or may be exempted from taxation. The legislature exempted all items of inventory. (Implemented by Ch. 81-308, L.O.F.)

AD VALOREM TAXES

- Ad valorem tax relief for permanent resident renters was authorized, but must be enacted by general law. (Prior to this amendment, the Legislature provided for such relief only for residents of non-profit homes for the aged and proprietary continuing care facilities.)
- State aid to local governments may be tied to relative ad valorem assessment levels. (The Florida Education Finance Program adjusts state funding by the level of assessment in each school district.)
- The Legislature was authorized to enact a tangible personal property exemption for renewable energy source devices and a real property exemption for parcels onto which such devices are installed. (An exemption was enacted by Ch. 80-163, L.O.F., but was limited to ten years for devices installed before December 31, 1990.) This constitutional provision was repealed in 2008 and replaced. (See discussion of 2008 constitutional changes.)

Prior to 1980, the exemption for property owned by governmental units did not apply to those portions of a leasehold estate which are used predominantly for a private, commercial purpose and serve no governmental, municipal, or public purpose. In 1980, the Legislature amended s. 196.199, F.S., to make such leaseholds subject to intangibles tax if rental payments are paid for the use of the property.

In 1980 the Legislature also enacted ad valorem tax reform legislation, popularly known as the “Truth in Millage” or “TRIM” law, which contained a number of major changes related to the administration of property assessments. This legislation improved the assessment review process, strengthened state supervision of assessment procedures and mandated full disclosure to taxpayers of property tax information.

In 1987, Article VII, section 6 of the Florida Constitution, was amended to permit the legislation to enact general law permitting lands which provide high recharge to Florida’s aquifers to be assessed based on character of use. Prior to 1987, classification had been authorized only for agricultural land and land used exclusively for non-commercial recreational uses. Chapter 96-204, L.O.F. (SB 10), provided for classification of high water recharge areas.

In 1992, Florida voters approved two changes to the Florida Constitution. One change authorized cities or counties to grant ad valorem tax exemptions to owners of historic properties engaging in rehabilitation or renovation of these properties, subject to general law. Chapter 92-152, L.O.F. (HB 2439), provided the general law implementation of this amendment. The second change was initiated by a petition, and limited increases in the assessment of homestead property to three percent per year or the percent change in the Consumer Price Index, whichever is lower. After a change in ownership or other termination of the homestead the property is reassessed at just value. This amendment was popularly known as “Save Our Homes.”

The Florida Constitution was amended in 1998 to authorize, by general law, an additional homestead exemption for persons 65 or older whose household income is less than \$20,000. The exemption is by local option, and applies to the millage of the county or municipality providing the exemption. The income limitation is adjusted annually based on changes to the Consumer Price Index. The Legislature enacted Chapter 99-341, L.O.F. (HB 291), to provide for this additional homestead exemption.

Another 1998 amendment authorized a historic preservation ad valorem tax exemption for owners of historic properties. This exemption may be offered by any county or municipality for its respective tax levy, and the amount of this exemption and the requirements for eligible properties must be specified by general law, as well as the period of time for which this exemption may be granted.

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In 2002, the Legislature increased the amount of the exemption available to certain disabled veterans from \$500 to \$5,000. In addition, the Florida Constitution was amended to allow local governments to grant a reduction in the assessed value of homestead property when there has been an increase in the assessed value of that property due to the construction or reconstruction of the property in order to provide living quarters for the natural or adoptive parents or grandparents of the owner, provided that at least one of the parents or grandparents is age 62 or older. This reduction in value is limited to the lesser of the increase in value resulting from the construction or reconstruction, or 20 percent of the value of the property as improved.

In 2005, legislation was passed to extend the \$5,000 exemption granted to disabled ex-service members to a member's un-remarried widow or widower as long as they were married to the veteran for at least five years at the time of death. In addition, special provisions were made for persons who lost their homestead property during the 2004 hurricane season to allow them to rebuild their property without losing their Save Our Homes benefit, provided the rebuilt home was no larger than 1500 square feet (if the home originally measured 1350 square feet or less) or 110 percent of the previous square footage.

Two constitutional amendments affecting ad valorem taxation were adopted in 2006. First, the maximum value of the additional homestead exemption authorized for low income seniors was raised from \$25,000 to \$50,000. Second, a discount on ad valorem taxes owed on homestead property was authorized for veterans with combat related disabilities, provided that the veteran was a Florida resident at the time he or she entered service. The percentage of the discount is equal to the veteran's percentage of disability as determined by the United States Department of Veterans Affairs.

In 2007, the Legislature enacted statutory changes requiring most county, municipal, and special district governments to reduce their 2007-08 millage rates below their rolled back rates. Exceptions were made for certain fiscally limited governments and for certain types of activities. Local governments were allowed to override the prescribed rate reductions by extraordinary votes of their governing boards or by referenda of the electorate. For fiscal year 2008-09 and beyond, the same legislation limited growth of each county, city, and independent special district property tax levy to the growth in state per capita personal income growth plus growth attributable to the value of net new construction added to the tax roll each year. Again, overrides of the limitation are allowed by certain extraordinary votes or referenda.

In January 2008, a constitutional amendment proposed by the Legislature was approved that made four major changes. First, an additional homestead exemption of up to \$25,000 for assessed value between \$50,000 and \$75,000 was granted. This exemption does not apply to school district tax bases. Second, owners of homesteads relocating within the state were given the ability to transfer up to \$500,000 of value protected from taxation due to the Save Our Homes assessment limitation. Third, an exemption was granted for the first \$25,000 of tangible personal property. Finally, a per parcel annual assessed value growth limitation of ten percent was created for non-homestead, non-agricultural property. The value protected from taxation as a result of this limitation does not apply to school district tax bases.

In November 2008, the voters approved three constitutional amendments proposed by the Taxation and Budget Reform Commission. One amendment required classified use assessments for certain defined working waterfront properties. Another amendment required an exemption for property dedicated in perpetuity for conservation purposes and provided for classified used assessments for land used for conservation purposes. The third amendment allowed an assessment limitation for renewable energy source devices and wind resistance improvements installed on real property used for residential purposes.

In 2009, the Legislature implemented a constitutional amendment providing tax exemptions for property dedicated in perpetuity to conservation purposes. (Ch. 2009-157, L.O.F. (HB 7157)) The Legislature

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also changed the burden of proof necessary to challenge a property tax assessment. (Ch. 2009-121, L.O.F. (HB 521)).

In November 2010, the voters approved a constitutional amendment that requires an additional homestead exemption for military personnel deployed on active duty outside of the United States in support of military operations designated by the Legislature. The exempt amount is based upon the number of days in the previous calendar year that the person was deployed outside of the U.S. The 2010 Legislature also clarified that offering land for sale is not a sufficient reason for denying agricultural use classification if the land continues to be used primarily for bona fide agricultural purposes. (Ch. 2010-277, L.O.F. (HB 981))

In 2011, the Legislature implemented a constitutional amendment providing an additional homestead exemption for deployed military personnel. (Ch. 2011-93, L.O.F. (HB 1141)) The Legislature also made changes to the value adjustment board process, including requiring petitioners challenging an assessment in certain circumstances to make a partial payment of ad valorem taxes before those taxes become delinquent and requiring interest to be paid on taxes owed in excess of the amount paid or on a refund determined to be due, if such a payment has been made. (Ch. 2011-181, L.O.F. (HB 281))

In November 2012, voters approved constitutional amendments that: 1) extended the current homestead property tax discount for certain disabled combat veterans to include veterans who were not Florida residents at the time they entered military service; 2) authorized the Legislature to provide a homestead property tax exemption for the surviving spouses of military veterans and first responders that die in the line of duty; and 3) authorized the Legislature to allow cities and counties to grant an additional homestead exemption for homestead property of certain low income seniors who have maintained their residence on such property for 25 years or more. The Legislature also passed a bill that clarified ambiguous language, deleted obsolete statutory provisions, and eliminated unneeded reporting requirements in the property tax statutes. The bill, among other things: amended statutory requirements for scheduling value adjustment board hearings; allowed a husband and wife who abandon jointly titled homestead property to designate the percentage of the differential between just (market) value and assessed value that is portable to a new homestead property and attributable to each spouse; allowed certain disabled veterans and other disabled persons to apply for property tax exemptions before they have received required documentation from certain agencies of the federal government; provided an exemption for certain property used exclusively for educational purposes; clarified that rental of all or substantially all of a dwelling previously claimed to be a homestead constitutes abandonment of such dwelling as a homestead. (Ch. 2012-193, L.O.F. (HB 7097))

Chapter 2013-72, Laws of Florida (SB 1830) made the following significant changes:

- deleted the exemption for property owned by a Florida-based limited partnership whose sole general partner is a nonprofit charitable corporation. This provision applied retroactively to the 2013 tax role; (See also Ch. 2013-83, L.O.F. (HB 437));
- made revisions relating to the meaning of aquaculture and property used exclusively for educational purposes;
- deleted the express requirement that titleholders of homesteads must live on the homestead to qualify for the homestead tax exemption;
- provided that a change in ownership for purposes of assessing property at just value does not apply to lessees entitled to the homestead; and,
- authorized the property appraiser to waive the application requirement after the initial application, and changed penalty provisions for improper filings for reduced assessments for living quarters of parents and grandparents.

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In 2013, a number of procedural changes involving property tax assessments were also made, including changes that facilitate electronic communication in lieu of paper communication. (Chs. 2013-72, 2013-192 and 2013-109, L.O.F. (SB 1830, HB 247, and SB 556)) The requirements for a showing of adverse possession were revised. (Ch. 2013-246, L.O.F. (HB 903)) A provision was created allowing homestead property to be rented for up to 30 days per calendar year without being considered abandoned or affecting the homestead status of the property. (Ch. 2013-64., L.O.F. (SB 342)) Chapter 2013-77, L.O.F. (HB 277), implements a portion of Article VII, section 4(i) of the Florida Constitution, which allows the Legislature to prohibit the assessment of improvements to residential real property associated with installation of a renewable energy source or device.

In 2014, legislation was passed to amend the procedure for taxpayers to claim the Economic Development Ad Valorem Tax Exemption. Prior to 2014, Economic Development Ad Valorem Tax exemptions required improvements to be made or tangible personal property to be added after the adoption of an ordinance by the local government. In 2014, the Legislature amended s. 196.1995, F.S., to allow the improvements to be made after a local motion or resolution is passed but prior to adoption of an ordinance. (Ch. 2014-40, ss. 1 and 14, L.O.F. (HB 7081, and SB 730)).

The 2014 Legislature also amended the tax certificate process used for collecting unpaid tax revenue, including changes to the application to obtain a tax deed by the holder of a tax certificate, the redemption of tax certificates, sales at public auction, and the disbursement of proceeds from the sale. (Ch. 2014-211, L.O.F. (HB 797)).

In the 2015 regular session, legislation was passed to allow a taxpayer to include multiple items of substantially similar tangible personal property on a single value adjustment board petition and to pay a single filing fee (Ch. 2015-115, L.O.F. (HB 489)). In addition, the Legislature recognized in statute that leaseholds and improvements constructed and used to provide housing pursuant to the federal Military Housing Privatization Initiative on land owned by the federal government are exempt from ad valorem taxation (Ch. 2015-80, L.O.F. (HB 361)). Further, legislation was passed to require local boards of county commissioners to fund their respective property appraiser's office according to the amount determined by the DOR in its final budget determination, regardless of a pending appeal to the Administration Commission (Ch. 2015-87, L.O.F. (HB 213)).

In the first special session of 2015, the Legislature passed an omnibus tax-cut bill that, in section 1 of the bill, modified the statutory definition of "common elements" for ad valorem tax purposes to include property within the same county as a subdivision and used for at least 10 years exclusively for the benefit of lot owners within the subdivision (Ch. 2015-221, L.O.F. (HB 33-A)).

The 2016 legislature revised various procedures relating to the Value Adjustment Board process and set a new interest rate applicable to delinquent taxes, replacing the old statutory rate of 12% with the bank prime loan rate. (Ch. 2016-128, L.O.F.)(HB 499). Finally, the legislature clarified that for a period of up to 10 years, local option ad valorem tax exemptions may be granted in areas designated as enterprise zones as of December 30, 2015. This same legislation also specifies that replacement equipment purchased for data centers qualifies for enterprise zone exemptions and in the case of data centers, the exemption shall remain in place for a period of 20 years instead of the usual 10. (Ch. 2016-220, L.O.F. (HB 7099)).

In August and November of 2016, voters approved amendments authorizing the legislature to enact laws creating ad valorem exemptions for solar and other renewable energy source devices and certain totally and permanently disabled first responders. November 2016 also saw voter approval of an amendment limiting just value determinations for purposes of the homestead exemption for low-income seniors. The newly enacted amendment limits determinations of just valuation to the first tax year the owner applies

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for the exemption. The practical effect of this amendment is to allow low income seniors to maintain their exempt status even if their home value rises above the existing \$250,000 cap. This amendment is retroactive to 2013, meaning property owners who originally qualified for the exemption, but subsequently lost it due to increased home value may once again qualify.

In 2017, the Legislature implemented two constitutional amendments. The first amendment provides ad valorem tax relief to certain totally and permanently disabled first responders by providing a 100 percent homestead tax exemption to first responders who are totally and permanently disabled as a result of injury sustained in the line of duty. The 100 percent exemption is also extended to the surviving spouse of the totally and permanently disabled first responder, provided certain conditions are met. (Ch. 2017-108, L.O.F. (HB 455)) The second amendment exempts 80 percent of the assessed value of renewable energy source devices from ad valorem taxes on nonresidential real property and tangible personal property. (Ch. 2017-118, L.O.F. (SB 90)).

In 2017, the Legislature also passed an omnibus tax bill that included several ad valorem tax provisions. For property tax purposes, the bill amends the definition of inventory to include certain construction and agricultural equipment. The bill further provides property tax relief for certain property used to provide affordable housing, clarifies the documentation required to obtain a property tax exemption for certain nonprofit homes for the aged, exempts charitable assisted living facilities from ad valorem taxation, clarifies the current exemption for property leased to a charter school and extends the deadline for charter schools to apply for an exemption for the 2016 tax year. (Ch. 2017-36, L.O.F. (HB 7109)).

During the 2018 session, the Legislature passed a bill that included property tax relief for certain property damaged by hurricanes or tropical storms, for certain citrus processing equipment idled due to citrus greening or Hurricane Irma, and for certain surviving spouses of disabled ex-servicemembers. The bill also updated the list of military operations for which deployed servicemembers may receive property tax relief, clarified the tax exempt status of entities created under the Florida Interlocal Cooperation Act of 1969, and clarified the property tax treatment of multiple parcel buildings. (Ch. 2018-118, L.O.F. (HB 7087)). In November 2018, voters approved a constitutional amendment to permanently retain the 10 percent cap on annual nonhomestead parcel assessment increases for property tax purposes, effective January 1, 2019.

In 2019, the Legislature passed a bill that provided property tax relief of certain agricultural equipment damaged by Hurricane Michael. The bill also provided additional flexibility to the Department of Revenue in conducting in-depth reviews of property assessment rolls in counties affected by natural disasters and adjusted the timing of payments to local governments in fiscally constrained counties and Monroe County to offset property tax refunds granted to homeowners due to hurricanes in 2016 and 2017. Further, the bill provided that school district voted discretionary operating levies are to apply proportionately to charter schools in the levying district and be used in a manner consistent with the purposes of the levy for any levy approved by a vote on or after July 1, 2019. Referenda after this date must include an explanation of how the funds will be distributed in accordance with the new requirements. (Ch. 2019-42, L.O.F. (HB 7123)).

In November 2020, voters approved an amendment to allow the same ad valorem tax discount on homestead property for combat-disabled veterans age 65 or older to carry over to the surviving spouse of a veteran receiving the discount if the surviving spouse holds legal or beneficial title to the homestead and permanently resides thereon, provided certain requirements are met. The discount would apply to the property until the surviving spouse remarries, sells, or otherwise disposes of the property. If the surviving spouse sells the property, the discount may be transferred to the surviving spouse's new residence as long as the new residence is used as the surviving spouse's permanent residence and he or she does not remarry. (Ch. 2020-179, L.O.F. (HB 879)).

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During the 2020 Legislative session, the Legislature passed a bill to allow a veteran who was honorably discharged with a service-connected total and permanent disability to receive a property tax refund of the ad valorem taxes paid for a newly acquired property prorated as of the date of the transfer if the veteran receives the homestead property tax exemption on a property in a given year, acquires legal or beneficial title to another property between January 1 and November 1 of the same year, and applies for and receives an exemption for the newly acquired property in the next year. (Ch. 2020-140, L.O.F. (HB 1249)).

In 2020, the Legislature also passed a tax bill that included several ad valorem tax provisions. The bill amended the requirements for hospitals to qualify for a charitable tax exemption. Non-profit hospitals will be required to document the value of charitable services they provide and their current charity tax exemption will be limited to the value of that charity care. The bill also updated the provisions that address conflict of interest for special magistrates, and restricted information that may be mailed with the yearly TRIM notice. Further, the bill exempts from property tax vacant affordable housing units and units occupied by persons or families that met the qualifying income thresholds at the time they began their tenancy, but whose income grew through the income thresholds. The bill also exempts from property tax an affordable housing project owned by a limited liability company, which is also owned by a limited liability company, as long as the owner of the second limited liability company is a qualifying 501(c)(3) entity. (Ch. 2020-10, L.O.F. (HB 7097)).

During the 2021 Legislative session, the Legislature passed a bill amending the process by which a low-income senior, who is 65 or older, verifies his or her income for purposes of receiving an additional homestead exemption. The bill requires the taxpayer to submit a sworn statement of household income when initially claiming the additional exemption only, rather than annually, and requires the property appraiser to annually notify each taxpayer receiving the exemption of the adjusted income limitation for that year. The taxpayer must notify the property appraiser by May 1 of each year in which his or her income exceeds the income limitation. (Ch. 2021-208, L.O.F. (HB 597)).

The Legislature also passed a comprehensive tax bill that included several ad valorem tax provisions. The bill increased a property tax discount from 50 percent to a full exemption for certain multifamily projects that provide affordable housing to low-income families; clarified the application of an exemption from ad valorem taxation for portions of property used for charitable, religious, scientific, or literary purposes; provided an assessment limitation for elevation of certain properties vulnerable to flooding, contingent upon passage of the constitutional amendment proposed by CS/HJR 1377; allowed certain transfers of property without loss of homestead protection; provided property tax exemptions for certain property used by certain educational institutions for educational purposes; and removed the requirement for certain hospitals to report to the Department of Revenue information regarding charitable services provided. (Ch. 2021-31, L.O.F. (HB 7061)).

BASE AND RATE:

Base:

Taxable base is the fair market value of locally assessed real estate, tangible personal property and state assessed railroad property, less certain exclusions, differentials, exemptions, and credits.

Exclusions are specific types of property constitutionally or statutorily removed from ad valorem taxation. Major categories include: (1) transportation vehicles such as automobiles, boats, airplanes, and trailer coaches, which are constitutionally excluded from ad valorem taxes but "shall be subject to a license tax" (Fla. Const. Article VII, section 1(b)); and (2) personal property brought into the state for

AD VALOREM TAXES

transshipment, which statutorily is not considered to have acquired taxable situs and therefore is not part of the tax base.

The following table shows the value and change of just and taxable value and the taxable value of new construction. Dollar amounts are in billions.

Assessment Date	Just Value	% Change	Taxable Value **	% Change	Net New Construction	% of Taxable Value From New Const. @
1/1/22*	3,563.2	7.0	2,728.4	11.7	47.9	1.8
1/1/21#	3,315.2	7.0	2,443.2	6.6	47.8	2.0
1/1/20	3,097.2	5.3	2,291.0	6.2	47.6	2.0
1/1/19	2,942.2	6.2	2,157.4	6.8	43.2	2.0
1/1/18	2,769.2	6.8	2,020.8	6.8	37.0	1.8
1/1/17	2,593.7	7.1	1,891.8	7.4	35.6	1.9
1/1/16	2,422.8	8.2	1,762.1	7.6	28.6	1.6
1/1/15	2,239.6	9.5	1,636.9	8.3	24.2	1.5
1/1/14	2,045.6	9.0	1,511.0	8.0	18.7	1.2
1/1/13	1,877.8	3.7	1,409.7	3.5	11.6	0.8
1/1/12	1,811.4	-1.5	1,362.6	-0.7	11.3	0.8
1/1/11	1,838.1	-4.5	1,372.7	-4.0	11.4	0.8
1/1/10	1,924.3	-12.4	1,429.3	-10.8	17.2	1.2
1/1/09	2,198.0	-14.3	1,602.7	-11.1	31.4	2.0
1/1/08	2,564.2	-3.4	1,803.7	-0.5	50.7	2.9
1/1/07	2,663.8	9.3	1,813.2	10.6	65.7	3.8
1/1/06	2,438.2	28.4	1,639.6	24.7	56.7	3.6
1/1/05	1,899.0	20.4	1,314.9	18.4	42.1	3.3
1/1/04	1,577.2	14.0	1,110.7	12.7	35.0	3.3
1/1/03	1,383.5	12.2	985.3	11.3	30.7	3.2
1/1/02	1,232.8	11.3	885.1	10.0	28.7	3.3
1/1/01	1,107.7	10.6	804.9	10.3	24.9	3.2
1/1/00	1,001.3	7.2	729.7	8.0	21.5	3.0
1/1/99	934.4	6.9	675.6	7.1	19.5	3.0
1/1/98	874.5	6.1	630.8	6.4	16.4	2.7
1/1/97	824.1	5.6	592.9	6.0	15.0	2.6
1/1/96	780.5	3.8	559.5	4.5	13.5	2.5

* Estimates

** Figures shown are school taxable values. County and municipal taxable values are lower than school values due to local option exemptions, including those for economic development, low income seniors, and historic preservation. Beginning in 2008, the difference between county and

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school taxable values widened further with the passage of a new homestead exemption that does not apply for school purposes. A 10 percent assessment increase limitation on non-homestead property became effective in 2009 as applied only to non-school levies.

Preliminary

@ Computed as New Construction divided by (Taxable Value - New Construction). This approximates the aggregate growth in county wide revenue allowed by the rolled-back rate, as provided in s. 200.065(1), F.S., without the need for the local government to advertise a tax increase.

Differentials are reductions in assessments that result from a valuation standard other than fair market value. Such standards are either (1) value in current use only (e.g., agricultural value), (2) value at a specified percentage of fair market value (e.g., the Florida Constitution allows inventory and livestock to be assessed on a percentage basis, although the Legislature has exercised its option to totally exempt such property), or (3) value that results from a limitation on annual increases (e.g., increases in assessments of homestead property are limited to the lesser of 3 percent or the change in consumer price index and increases in nonhomestead property assessments are limited to a 10 percent cap).

Exemptions are deductions from assessed value, which are typically specified as a dollar amount (e.g., homestead exemption of \$25,000). However, certain exemptions are equal to the total assessed value of the property (e.g., property used exclusively for charitable purposes), or are equal to a portion of the total assessment, based on the ratio of exempt use to total use provided that the exempt use must exceed 50 percent (e.g., property used predominantly for charitable purposes).

Credits, which may take the form of allowances, discounts, rebates, etc., are deductions from the tax liability of a particular taxpayer. Credits currently allowed in Florida are early payment and installment discounts of not more than 4 percent.

Deferrals do not reduce the overall tax liability of a taxpayer, but do allow for changes in the timing of payment. For example, under certain circumstances a taxpayer may defer a portion of the taxes due on homestead property for the remaining lifetime of the property owner and his or her spouse or until sale of the property.

Rate:

Millage rates vary among local governments, but are subject to both constitutional and statutory limitations. All counties, cities, and school districts are subject to a constitutional limitation of ten mills for operating purposes. Dependent special district millage rates are included in the limit applicable to the authority to which they are dependent. Independent special district millage rates are limited by the law establishing such districts. Mills above the ten mill limitation may be authorized by local voters, by referendum, to be levied for debt service without a time restriction and for other purposes for a period of not longer than two years. Counties providing municipal services may also levy up to an additional ten mills above the ten mill county limitation within those areas receiving municipal-type services. In addition, school districts are subject to certain statutory limits less than ten mills to be eligible to participate in the state K-12 funding program (FEFP). For fiscal years 1982-83 through 1984-85 county and municipal millage rates, including dependent districts, were subject to certain statutory limitations restricting the rate of growth in revenues. (See s. 200.085, F.S. (1985)) Beginning in fiscal year 2007-08 and thereafter, county, city and special district tax rates were made subject to certain statutory limitations restricting the rate of growth in revenues. (See ss. 200.065(5) and 200.185, F.S.)

AD VALOREM TAXES

Average Millage Rates* (1 mill = .1 cent or \$.001; also expressed as \$1 per \$1,000 or .1%)

Fiscal Year	Total Counties	School Boards	Municipalities	Total Millage Levied*
2021-22	6.89	6.28	5.15	17.08
2020-21	6.87	6.40	5.01	17.16
2019-20	6.90	6.52	5.11	17.32
2018-19	6.88	6.46	5.08	17.27
2017-18	6.87	6.64	5.03	17.45
2016-17	6.88	6.96	4.99	17.79
2015-16	6.93	7.29	5.00	18.19
2014-15	6.95	7.43	5.01	18.37
2013-14	6.91	7.52	4.97	18.43
2012-13	6.77	7.60	4.97	18.37
2011-12	6.77	7.70	4.91	18.43
2010-11	6.83	7.73	4.87	18.62
2009-10	6.54	7.53	4.70	18.04
2008-09	5.80	7.25	4.40	16.82
2007-08	6.18	7.30	4.30	17.16
2006-07	7.01	7.50	4.76	18.58
2005-06	7.49	7.88	4.90	19.58
2004-05	7.76	8.17	4.90	20.19
2003-04	7.79	8.55	4.78	20.56
2002-03	7.85	8.67	4.79	20.59
2001-02	7.95	8.75	4.96	20.84
2000-01	8.00	8.92	4.94	21.00

* Includes both operating and debt service levies. Rates shown are weighted averages based on the sum of ad valorem taxes for each type of local government relative to their respective statewide taxable base. The school taxable base is used for both counties and school districts to allow comparability of rates. The Total Millage column includes special district levies not shown separately and is calculated to equal the millage rate which would raise the total taxes levied by all taxing authorities if applied against the statewide tax roll.

DISPOSITION:

To the Local Government levying the tax.

VALUE OF RATE CHANGE, EXEMPTIONS, DIFFERENTIALS, DISCOUNTS AND ALLOWANCES:

RATE CHANGE

Value of 1 mill levy on 2021-22 tax base (est.)

School Tax Base

\$2,443.2 million

AD VALOREM TAXES

County Tax Base	\$2,263.6 million	
<u>VALUE OF EXEMPTIONS, DIFFERENTIALS, ETC.</u>	<u>2022-23 Estimated Taxable Value</u>	<u>2022-23 Estimated Revenue Impacts#</u> (millions of dollars)
<u>Exclusions</u>		
Transportation vehicles	Indeterminate	Indeterminate
Property held for transshipment	Indeterminate	Indeterminate
<u>Differentials</u>		
Homestead assessment limitation (Save Our Homes) (s. 193.155) (Note 1)	384,003.0	6,559.0
Agricultural land (s. 193.461(6)(a))	58,800.0	1,004.3
Conservation easement, environmentally endangered lands and private park and recreational land (s. 193.501)	82.5	1.4
Historically significant (s. 193.505)	0.0	0.0
Pollution control devices (s. 193.621(1))	5,532.0	94.5
Building renovations for the physically handicapped (s. 193.623)	Indeterminate	Indeterminate
Annual agricultural crops*, non-bearing fruit trees and nursery stock (not assessed) (s. 193.451(3))	Indeterminate	Indeterminate
Nonhomestead residential assessment limitation (s. 193.1554)	25,617.0	276.6
Nonresidential assessment limitation (s. 193.1555)	55,202.0	596.2
Living Quarters for Parents or Grandparents (s. 193.703)	39.1	0.7
Working Waterfront	378.8	6.5
Renewable Energy Source Devices (Real Property) (s. 196.182)	865.4	14.8
<u>Exemptions</u>		
\$25,000 Homestead Exemption (s. 196.031(1)(a))	120,228.0	2,053.6
\$25,000 Homestead Exemption above \$50,000 in value (s. 196.031(1)(b)) (Note 1)	105,572.0	1,140.3
Deployed Military Personnel (s. 196.173)	93.8	1.6
Permanently and totally disabled veterans (s. 196.081)	12,911.6	220.5
Disabled veterans confined to wheelchairs (s. 196.091)	28.5	0.5
Totally and permanently disabled persons (s. 196.101) (Note 2)	907.1	15.5
\$25,000 Tangible Personal Property (s. 196.183)	7,979.6	136.3
Blind (s. 196.202)	1.8	0.03
\$500 Totally and permanently disabled persons (s. 196.202) (Note 2)	54.9	0.9
Widows' and Widowers exemption (s. 196.202)	213.0	3.6
Property used by hospitals, nursing homes and homes for special services (s. 196.197)	17,305.1	295.6
Property used by nonprofit homes for the aged (s. 196.1975)	2,578.5	44.0
Educational property (s. 196.198)	20,344.3	347.5
Labor organizations (s. 196.1985) (Note 3)	62.7	1.1
Community centers (s. 196.1986)	247.0	4.2
Institutional exempt property (Note 4)	51,780.1	884.4
Totally exempt & immune		
Government Property (s. 196.199) (Note 5)		
Federal property	30,971.2	529.0
State property	35,408.8	604.8

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Local government property	136,961.2	2,339.4
Government leaseholds	1,759.3	30.0
Local Option Economic Development (s. 196.1995) (Note 6)	1,130.4	10.7
Not-for-profit sewer and water company (s. 196.2001)	215.0	3.7
\$5,000 Disabled, Ex-Servicemen Exemption (s. 196.24)	763.2	13.0
Historic property (s. 196.1997) (Note 6)	Indeterminate	Indeterminate
Additional Homestead for 65 and older – up to \$50,000 (s. 196.075(2)(a)) (Note 8)	7,451.3	66.8
Additional Homestead for 65 and older – assessed value (s. 196.075(2)(b)) (Note 8)	1,018.9	9.0
Conservation lands (s. 196.26)	354.4	6.1
First Responders (s. 196.102)	149.6	2.6
Renewable Energy Source Devices (Tangible Personal Property) (s. 196.182)	865.4	14.8

VALUE OF DISCOUNTS AND ALLOWANCES

Discounts for early payments (s. 197.162)	1,231.2
Veterans discount (s. 196.082)	1,523.0

- # Revenue impacts are based on an aggregate average millage rate of 17.16 unless otherwise indicated.
- * Includes timber. Current administrative practice has resulted in the non-assessment of timber in virtually all counties, although timber is not an "annual agricultural crop," per the statutory requirement for exemption.

Notes

1. The revenue impact is calculated using total statewide millage minus the school millage.
2. Available to: quadriplegics and the following, if total household income does not exceed an annually adjusted income limit: (a) paraplegics; (b) hemiplegics; (c) other totally and permanently disabled persons confined to a wheelchair; and (d) other totally and permanently disabled persons who are blind. An inconsistency in the statutes has resulted in the administrative determination that blind persons who are not totally and permanently disabled may also receive the total exemption if they meet the income test.
3. The portions of labor union property used for educational purposes may be separately assessed, thus avoiding the predominant use requirement.
4. Applies to property used exclusively or predominantly (greater than 50 percent) for the following purposes: (a) charitable, (b) literary, (c) religious, (d) scientific, and (e) educational. Exemption is total if use for stated purposes is exclusive. For predominant use, exemption is proportional to use for stated purposes. Special statutory criteria exist for determining the eligibility of hospitals, nursing homes, homes for special services, homes for the aged, educational institutions, community centers, and labor union property.
5. U.S. government, state, county and school district property is immune from taxation. Other local government property is exempt if used exclusively by the government for municipal or public purposes. Government-owned property used by non-governmental lessees is exempt only when the lessee serves or performs a governmental or public purpose or function. The

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leasehold estate (i.e., the right or interest in the property created by virtue of the lease contract) is by law subject only to intangibles taxation.

6. Eligibility for exemption is determined separately for county taxes and municipal taxes. In no event does the exemption apply to school or independent district taxes. The revenue impact is calculated by assuming 50 percent of the taxable value reduction is also in cities, and applying county and city average millages to the respective amounts.
7. Computed using average county millage rate only.
8. Total value loss is for both counties and municipalities.

OTHER STATES:

All states and the District of Columbia impose local government property taxes.

DISCRETIONARY SURTAX ON DOCUMENTS

FLORIDA STATUTES: Sections 125.0167, 201.031, F.S.

ADMINISTERED BY: Department of Revenue

SUMMARY:

Each county, as defined by s. 125.011(1), F.S., (currently only Miami-Dade County), may levy a discretionary surtax on documents for the purpose of establishing and financing a Housing Assistance Loan Trust Fund. The surtax is \$0.45 per \$100 or fractional part thereof, and applies only to documents taxable under s. 201.02, F.S., which are “deeds, instruments, or writings whereby any lands, tenements, or other real property, or any interest therein, shall be granted, assigned, transferred, or otherwise conveyed to, or vested in, the purchaser or any other person by his or her direction...” The surtax is not imposed on any deed conveying a single-family residence, identified as a detached dwelling, a condominium unit, or a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a lease-hold initially in excess of 98 years.

REVENUE:

Fiscal Year	Collections	Annual Change %
2022-23*	34,707,722	-4.20%
2021-22*	36,229,355	-6.50%
2020-21	38,747,973	2.90%
2019-20	37,657,267	-3.81%
2018-19	39,147,953	14.15%
2017-18	34,294,141	-9.23%
2016-17	37,781,933	-17.22%

* Estimate

HISTORY:

In 1983, the Legislature enacted Chapter 83-220, L.O.F. (SB 56), creating s. 125.0167, F.S., authorizing the governing body of Miami-Dade County to levy a discretionary surtax on documents for the purpose of establishing and financing a Home Ownership Assistance Loan Trust Fund. Revenues in the fund assisted low and moderate income families in purchasing a home or an apartment. Not less than 1/2 of the funds were to be used to assist low-income families, defined as families whose income did not exceed 80 percent of the median income for the area. The remaining funds could be used to assist families whose income was in excess of 80 percent, but not more than 140 percent, of the median income for the area. The surtax could not exceed \$0.45 per \$100 or fractional part thereof, and could apply only to documents taxable under s. 201.02, F.S., except that no surtax could be imposed on a deed conveying a single-family residence, identified as a detached dwelling, a condominium unit, or a unit held through stock ownership or membership representing a proprietary interest in a corporation owning a fee or a leasehold initially in excess of 98 years.

The governing body was directed to adopt an ordinance to levy the discretionary surtax and create the trust fund. The ordinance was required to establish the policies and procedures of the assistance program. The county was directed to deposit revenues from the surtax into the trust fund to be used only for the purchase of a home or an apartment, or the rehabilitation of an existing home or apartment. The surtax could not be used for rent subsidies or grants.

Section 201.031, F.S., also enacted by Chapter 83-220, L.O.F. (SB 56), established the discretionary surtax and required the county levying the surtax to submit a financial report (under s. 218.32, F.S.)

DISCRETIONARY SURTAX ON DOCUMENTS

showing the revenues and expenses of the trust fund. The Department of Revenue was directed to distribute all surtaxes collected to that county's governing authority. The act was scheduled to sunset on October 1, 1993.

This authority granted to Miami-Dade county was set to expire on October 1, 1993, or ten years after the effective date of the act.

In 1984, Chapter 84-270, L.O.F. (SB 336), amended Chapter 83-220, L.O.F. (SB 56), changing the name of the Home Ownership Assistance Loan Trust Fund to the Housing Assistance Loan Trust Fund and increased the authorized uses of funds. With this amendment, the funds could be used for financing of construction, rehabilitation, or purchase of housing for low and moderate income families. Funds could also be used for first or second mortgages, and buying property to form housing cooperatives. Special consideration was to be given to neighborhood economic development programs of Community Development Corporations. Not more than 1/2 of the revenues collected each year could be used to finance new construction. This act also removed the statutory references to the program.

In 1989, the Legislature enacted Chapter 89-252, L. O. F. (SB 38), to extend the repeal date from October 1, 1993, to October 1, 2011.

In 1992, the Legislature enacted Chapter 92-317, L.O.F. (94-H), to provide that a portion of the discretionary surtax revenues deposited into the Housing Assistance Loan Trust Fund could be deposited into the Home Investment Trust Fund of the county as defined by and created under the requirements of federal law. These set-aside funds are to be used to finance the construction, rehabilitation, or purchase of housing for low-income and moderate-income families and to fund any local matching contributions required under federal law. In 1993, ss. 125.0167 and 201.031, F.S., were restored to the Florida Statutes.

In 2009, the Legislature enacted Chapter 2009-131, L.O.F. (SBs 2430 and 1960), to extend the sunset of the program until October 1, 2031. It also amended s. 125.0167, F.S., limiting the amount of surtax revenue that may be used for administrative costs to 10 percent of revenues collected, and specifying a minimum amount of surtax revenues to be used for providing low income and moderate income housing. It authorized the creation of a housing assistance voucher program, under which vouchers may be used for down payment assistance for the purchase of single-family residences by low-income or moderate-income persons. Also, the law amended s. 201.031, F.S., requiring Miami-Dade County to adopt a housing plan every three years, to have adopted an affordable housing element of its comprehensive plan, and to have a report prepared for the county's governing body that explains how the housing assistance program is being implemented.

BASE AND RATE:

Miami-Dade County levies a surtax on deeds and documents relating to realty at the rate of 45 cents for each \$100 or fractional part thereof, except for documents relating to single family residences.

DISPOSITION:

The department returns proceeds, less costs of administration, to the county's governing body. The funds must be deposited in the county's Housing Assistance Loan Trust Fund, and no less than 35 percent shall be used to provide home ownership assistance for low-income and moderate-income families, and no less than 35 percent shall be used for construction, rehabilitation, and purchase of rental housing units. The remaining amount may be allocated to provide for home ownership assistance or rental housing units.

DISCRETIONARY SURTAX ON DOCUMENTS

OTHER STATES:

California, Colorado, Connecticut, Delaware, Illinois, Maryland, Massachusetts, Michigan, Nevada, New York, North Carolina, Ohio, Oregon, Pennsylvania, Virginia, Washington, and West Virginia authorize some or all local governments to levy taxes on transfers of real estate or other assets.

	2022-23 (millions)
VALUE OF RATE CHANGE:	
Value of a 10 cent/\$100 levy on:	
1) All deeds	\$37.4
2) Deeds other than for documents related to single family dwellings	\$7.7
VALUE OF EXEMPTIONS:	
Exemption for documents related to single family dwellings	\$133.8
VALUE OF REFUNDS AND ALLOWANCES:	
Agents' commission at .5% of taxes collected	\$0.2

LOCAL COMMUNICATIONS SERVICES TAX

FLORIDA STATUTES: Chapter 202

ADMINISTERED BY: Department of Revenue

SUMMARY:

The governing authority of each county and municipality may, by ordinance, levy a local communications services tax on retail sales of communications services that originate or terminate in Florida and are billed to an address in the city or county imposing the tax. This tax replaces the public service tax on telecommunication services and franchise fees imposed on communications services providers for use of public rights-of-way plus the discretionary sales surtax previously imposed on telecommunications services. Communications services include all forms of telecommunication currently taxed by the gross receipts tax, except direct-to-home satellite services. The law also specifically applies the tax to communications services provided through any “other medium or method now in existence or hereafter devised.”

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	628,564,235	0.85%
2021-22*	623,266,470	-0.60%
2020-21	627,028,642	-1.49%
2019-20	636,544,622	-0.13%
2018-19	637,383,764	-2.89%
2017-18	656,338,801	1.28%
2016-17	648,037,238	-5.23%

* Estimate

HISTORY:

Prior to October 1, 2001, local and in-state telecommunication services were subject to the municipal utility tax under s. 166.231, F.S. This law allowed municipalities and charter counties to impose a tax of up to 10 percent or 7 percent, depending upon whether the tax was imposed on local service only or on local service plus in-state long-distance service. Cities and charter counties were also authorized to charge telecommunication service providers franchise fees for the use of public rights of way and all local governments could impose franchise fees on cable providers. Chapter 2000-260, L.O.F. (SB 1338), created the Communications Services Tax Simplification Law which provides for local communications services taxes to be administered by the Department of Revenue. The communications services tax rates in cities and counties were to provide as much revenue as had been generated by the municipal utilities tax and franchise fees, which were replaced by the new tax. The local communications services tax applies to services that had not been subject to the municipal utility tax, including cable television and all telecommunication services. Satellite television service is not subject to local communications services tax. Chapter 2001-140, L.O.F. (SB 1878), established revenue-neutral conversion tax rates for the statewide and local communication services taxes, and maximum allowable tax rates for each local government. These maximum allowable rates included any capacity which had existed but was not exercised under the taxes and fees which were replaced by the local communications services tax.

Chapter 2005-187, L.O.F. (SB 2070), repealed the tax on substitute communications systems and provided that the Department of Revenue will not assess this tax back to October 1, 2001, when the communications services tax was implemented. The bill created a task force of experts in the areas of telecommunications policy, taxation, law, or technology to study the implications of emerging

LOCAL COMMUNICATIONS SERVICES TAX

technologies on Florida's communication service tax. This task force was dissolved by Chapter 2006-311, L.O.F. (HB 7109).

Prior to July 1, 2012, dealers of communications services were held harmless from any liability, including tax, interest, and penalties associated with the incorrect assignment of taxing jurisdictions if they were exercising due diligence in applying specific methods, provided under s. 202.22, F.S., for determining the local taxing jurisdiction in which a service address is located. Chapter 2012-70, L.O.F. (HB 809), provides that even if the dealer of communications services is not using one of the methods from s. 202.22, F.S., they are not liable for any tax, interest, or penalty unless the department is able to determine a net aggregate underpayment for any tax period or periods in question. In order to determine if there has been a net aggregate underpayment the department shall take into account all underpayments and overpayments for the appropriate period or periods. The change to this process that was made by Chapter 2012-70, L.O.F. (HB 809), is both remedial and retroactive without creating a right to a refund or credit of any tax paid before the general effective date.

BASE AND RATE:

The local communications services tax is imposed on retail sales of communications services, including cable services, which originate or terminate in Florida and are billed to an address in the city or county imposing the tax. Private communications services provided within the county or municipality are also subject to the tax. Direct-to-home satellite service is not subject to local communications services tax. Local tax rates vary for each county and city. The maximum rate for municipalities or charter counties is 5.1 percent or 4.98 percent, if the municipality or charter county levies permit fees. The maximum rate for non-charter counties is 1.6 percent. Add-ons of .12 percent or .24 percent are authorized under s. 337.401, F.S., and temporary emergency rates may exceed the statutory limits.

DISPOSITION:

The local communications services tax is remitted by dealers to the Department of Revenue, which distributes monthly the appropriate amount to each municipality, county or school board, after deducting the department's costs of administration not to exceed 1 percent of the total revenue generated for all municipalities, counties, and school boards.

OTHER STATES:

Taxes imposed vary considerably from state to state.

LOCAL DISCRETIONARY SALES SURTAXES

LOCAL DISCRETIONARY SALES SURTAXES

FLORIDA STATUTES: Sections 212.054 and 212.055

ADMINISTERED BY: Department of Revenue

SUMMARY:

Nine different types of local discretionary sales surtaxes (also referred to as local option sales taxes) are currently authorized in law and represent potential revenue sources for county and municipal governments and school districts. The local discretionary sales surtaxes apply to all transactions subject to the state tax imposed on sales, use, services, rentals, admissions, and other authorized transactions authorized pursuant to ch. 212, F.S., and communications services as defined for purposes of ch. 202, F.S.

Surtax Name	Year Enacted	Statutory Authority
Charter County and Regional Transportation System Surtax	1976	s. 212.055(1), F.S.
Local Government Infrastructure Surtax	1987	s. 212.055(2), F.S.
Small County Surtax	1992	s. 212.055(3), F.S.
Indigent Care and Trauma Center Surtax	1991	s. 212.055(4), F.S.
County Public Hospital Surtax	1991	s. 212.055(5), F.S.
School Capital Outlay Surtax	1995	s. 212.055(6), F.S.
Voter-Approved Indigent Care Surtax	2000	s. 212.055(7), F.S.
Emergency Fire Rescue Services and Facilities Surtax	2009	s. 212.055(8), F.S.
Pension Liability Surtax	2016	s. 212.055(9), F.S.

The local discretionary sales surtax rate varies from county to county, depending on the particular levies authorized in that jurisdiction. Discretionary sales surtax must be collected when the transaction occurs in, or delivery is into, a county that imposes the surtax, and the sale is subject to state’s sales and use tax. The following table summarizes how the surtax is collected.

If a selling dealer located in any Florida county	with a discretionary surtax	sells and delivers	into the county where the selling vendor is located	surtax is collected at the county rate where the delivery is made
If a selling dealer located in any Florida county	with or without a discretionary surtax	sells and delivers	into counties with different discretionary surtax rates	surtax is collected at the county rate where the delivery is made
If a selling dealer located in any Florida county	with or without a discretionary surtax	sells and delivers	into counties without a discretionary surtax	surtax is not collected
If an out-of-state selling dealer		sells and delivers	into a Florida county with a discretionary surtax	surtax is collected at the county rate where delivery is made
If an out-of-state selling dealer		sells and delivers	into a Florida county without a discretionary surtax	surtax is not collected

Discretionary sales surtax applies to the first \$5,000 of any single taxable item, when sold to the same purchaser at the same time. Single items include items normally sold in bulk and items assembled to

LOCAL DISCRETIONARY SALES SURTAXES

comprise a working unit. The \$5,000 limitation does not apply to the rental of commercial real property, transient rentals, or services. With regard to the sale of motor vehicles, mobile homes, boats, or aircraft, the surtax applies only to the first \$5,000 of the total sales price. On the sale of a motor vehicle or mobile home, the tax rate is determined by the county where the purchaser resides as shown on the title or registration. On the sale of a boat or aircraft, the tax rate is determined by the county where the boat or aircraft is delivered.

The local discretionary sales surtax applies to communications services as broadly defined in ch. 202, F.S. Because the new communications services tax base is much larger than the base under prior law, discretionary sales surtax conversion rates were specified in law. For any county or school board that levies the surtax, the tax rate on communications services as authorized by s. 202.19(5), F.S., is expressed in law.

REVENUE:

Fiscal Year	Total Collections**	Annual Change %
2022-23*	5,479,052,954	3.00%
2021-22*	5,319,468,887	7.60%
2020-21	4,943,744,319	26.49%
2019-20	3,908,274,024	13.05%
2018-19	3,457,198,118	16.82%
2017-18	2,959,431,925	18.19%
2016-17	2,503,924,919	15.48%

* Estimate

** Includes collections where the taxing county cannot be identified when reported. These collections are not reflected in individual surtax collection totals.

Annual tax receipts by county can be found on the Office of Economic and Demographic Research's (EDR) Local Government Data webpage under the heading of Local Option Tax Receipts via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 76-284, L.O.F., created s. 212.055, F.S., to authorize counties, which adopted a charter before June 1, 1976, to levy an additional 1 percent tax on all transactions that are taxed at 4 percent. It limited the surtax to the first \$1,000 of any one transaction. The county was required to have a majority vote of the county's electorate in order to levy the surtax. The Department of Revenue was required to administer and collect the tax and distribute the revenues on a regular and periodic basis.

Chapter 82-154, L.O.F., changed the transactions eligible for the surtax from all transactions taxed at 4 percent to all transactions taxed at 3 or 5 percent under s. 212.055, F.S. Chapter 83-3, L.O.F., disallowed the surtax on motor fuel and special fuel as defined in s. 212.02(21) and (22), F.S., to s. 212.055, F.S. Chapter 85-342, L.O.F., transferred s. 125.0165, F.S., into s. 212.055, F.S. It eliminated references to the 1 percent surtax on all transactions taxed at 3 or 5 percent as well as the references to the \$1,000 limit, and the restrictions for motor fuels or special fuels. The references for the Department to administer and collect the tax and counties notifying the Department of Revenue after the approval of an ordinance were eliminated. The rate was 20 percent of any amount of tax imposed and paid to the state. In addition, Chapter 85-342, L.O.F., created s. 212.054, F.S., to specify the eligible counties and the tax rate, if levied, to that named in s. 212.055, F.S. The surtax was the rate times the amount of taxes imposed and rounded

LOCAL DISCRETIONARY SALES SURTAXES

to the nearest penny. Sales amount above \$1,000 and long distance telephone service were excluded from the surtax. Utility, telecommunications, and wired television billings after the effective date included the full surtax; billings after the last day that the surtax was in effect were not subject to the surtax. Contracts signed prior to the effective date were subject to the surtax if the work was not completed by the effective date. Contractors were to pay the surtax, but could apply for a refund. It was a second degree misdemeanor to fraudulently attempt to obtain a refund. A transaction was considered as occurring in the county imposing the surtax if the dealer was located in the county and the sale included tangible property except in the case of utilities, telecommunications, and wired television, in which case, it was the county where it was used. A charged event occurring in the county was also subject to the surtax. Imported vehicles requiring licensing or titling were subject to the surtax unless used for more than 6 months outside the county. Real property rentals and transient rental properties inside the county were also subject to the surtax. The Department of Revenue was to administer, collect, and enforce the tax and was authorized to deduct up to 3 percent for administrative costs. Discretionary sales surtaxes were only to take effect on January 1. The county was required to notify the Department within 10 days after ordinance adoption, and the notice was required to include the time period the surtax would be in effect.

Chapter 86-152, L.O.F., made two changes. First, if a dealer owing use tax on purchases or leases was located in a county subject to the surtax, then the sale or lease was considered as occurring in the county and was subject to the surtax. Second, the dealer was not required to separately state the surtax on the receipt. Chapter 87-6, L.O.F., included services, except those otherwise exempted, as a transaction subject to the surtax and increased the penalty of fraudulently attempting to obtain a refund from a second degree misdemeanor to a third degree felony. Chapter 87-548, L.O.F., changed the base from taxes collected to taxable sales. This base change occurred in tandem with the rate change in s. 212.055, F.S., from 20 percent to 1 percent. Also, the surtax became applicable to sales up to \$5,000; the prior limit was \$1,000. For vehicle sales, the county of the registration of the purchaser must be of the county with the surtax in order for the transaction to be eligible for the surtax. Chapter 88-119, L.O.F., required that a delivery had to be made to a location in a surtax county in order for the transaction to be eligible for the surtax. It also required that if tangible personal property was brought back into a surtax county, the customer was responsible to pay the surtax. Additionally, it required a dealer outside of a surtax county to collect the surtax on deliveries of tangible personal property from a Florida manufacturer or wholesaler into a surtax county. Chapter 89-356, L.O.F., restated the provision requiring a dealer outside of a surtax county to collect the surtax on deliveries of tangible personal property from a Florida manufacturer or wholesaler into a surtax county. The new version required the following. If a dealer located outside a surtax county delivered tangible personal property to a customer in a surtax county in which the manufacturer or wholesaler was located, the dealer was required to collect and remit the surtax.

Chapter 90-132, L.O.F. (HB 1299), revised references of “wired television” to “television system program” and exempted certain mail-order transactions from these surtaxes. Chapter 90-203, L.O.F. (SB 862), changed the name of the Surtax Trust Fund to the Surtax Clearing Trust Fund and stipulated that the Department distribute monies in the trust fund each month. Section 91-81, L.O.F. (SB 186), reenacted s. 212.054(2)(a), F.S., and excluded services from surtax levy. Chapter 91-112, L.O.F. (HB 2523), specified that two or more items sold simultaneously as a unit or in bulk would count as a single unit with respect to the \$5,000 limitation. Additionally, it subjected items imported into the county after six months that are provided for in s. 212.06(8)(b), F.S., and coin-operated amusement or vending machines located in the county to the surtax. It also required that any change in the distribution formula must take effect on the first day of any month beginning at least 60 days after written notification of the change had been sent to the Department. Chapter 92-319, L.O.F. (SB 26-H), revised the sales tax on boats and airplanes and expanded the sales tax base to include previously untaxed items. Chapter 92-320, L.O.F. (SB 68-H), required counties that locally administer local option taxes to distribute an annual report enumerating the tax proceeds and how the proceeds were expended. Chapter 93-222, L.O.F. (HB 729), provided for the application of surtaxes to services. It stated that the surtax was not levied if the property or service was

LOCAL DISCRETIONARY SALES SURTAXES

delivered within a non-surtax county. Unless there was reasonable documentation to the contrary, it was assumed that delivery was made to the location of the place of business. The \$5,000 limitation was not applicable to services other than rentals. The counties with surtax authorizations were required to report revenues to the Department in a timely manner.

Chapter 96-325, L.O.F. (SB 1094), revised provisions specifying when a transaction regarding the sale of tangible personal property by a florist is deemed to occur in a surtax county. Chapter 96-397, L.O.F. (SB 584), removed language concerning the distribution of surtax collections through June 30, 1994. Chapter 97-99, L.O.F. (SB 432), replaced reference of “transactions by this part” with “transactions by this chapter” in s. 212.054(2)(a), F.S. Chapter 98-141, L.O.F. (SB 1690), added provisions for partial exemptions from the surtax to vessels, railroad, and motor vehicle common carriers. Chapter 98-342, L.O.F. (HB 4413), provided for a number of administrative changes including specifying that any discretionary sales surtax rate increase or decrease could only take effect on January 1st and any termination only on December 31st.

Chapter 2001-140, L.O.F. (SB 1878), implemented Chapter 2000-260, L.O.F. (SB 1338), establishing the Communications Services Tax Simplification Law, which repealed the levy of a discretionary sales surtax on various communications services and replaced it with a local option component of the new communications services tax.

Chapter 2010-102, L.O.F. (SB 1412), deleted the requirement that the Department submit a written report that details the costs of administering the discretionary sales surtaxes to the Senate President, House Speaker, and the governing authority of each county levying a surtax. Chapter 2018-118, L.O.F., (CS/HB 7087) amended s. 212.055, F.S., to require that for any referendum to adopt a local discretionary sales surtax held on or after the legislation’s effective date, an independent certified public accountant, licensed pursuant to Chapter 473, F.S., must conduct a performance audit of the program associated with the surtax adoption proposed by the county or school district. This performance audit must be completed, and the findings made available to the public, at least 60 days before the referendum is held. Chapter 2019-64, L.O.F., (CS/CS/HB 5) further amended s. 212.055, F.S., to require, effective January 1, 2020, that any referendum to adopt or amend a local discretionary sales surtax be held at a general election, which is defined in s. 97.021, F.S., to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years. Upon adoption of an ordinance or a resolution by a county or school district to hold a local discretionary sales surtax referendum on or after January 1, 2020, the legislation requires the county or school district to provide the Florida Legislature’s Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. Additionally, the legislation maintains the requirement that OPPAGA select and pay for a certified public accountant to conduct a performance audit of the program associated with the proposed surtax and the requirement that the performance audit be completed and made available on the county or school district website at least 60 days prior to the referendum. OPPAGA is required to procure the certified public accountant to conduct the performance audit within 60 days of receiving the final resolution or ordinance. Furthermore, the legislation declares void any local discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit on its website at least 60 days before the referendum is held.

Chapter 2021-2, L.O.F. (CS/CS/SB 50), required marketplace providers and persons located outside of this state to remit discretionary sales surtax when delivering tangible personal property to a county imposing a surtax.

LOCAL DISCRETIONARY SALES SURTAXES

ADMINISTRATIVE PROCEDURES:

Legislation enacted in 2018 required the completion of a performance audit prior to any referendum to adopt a local discretionary sales surtax held on or after March 23, 2018. Legislation enacted in 2019 amended that requirement. For any surtax referendum held on or after January 1, 2020, an independent certified public accountant (CPA), licensed pursuant to Chapter 473, F.S., must conduct a performance audit of the program associated with the proposed surtax. At least 180 days prior to the referendum date, the county or school district must provide the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final resolution or ordinance. Within 60 days after receiving the final resolution or ordinance, OPPAGA must procure the CPA and may use carryforward funds to pay for the CPA's services. The performance audit must be completed at least 60 days before the referendum is held. The audit report, including any findings, recommendations, or other accompanying documents, must be made available on the county or school district's official website and kept on the website for two years from the date posted. A county or school district's failure to comply with the requirements of providing OPPAGA with a copy of the final resolution or ordinance at least 180 days prior to the referendum date, or publishing the performance audit results on its website at least 60 days before the referendum date, will render the referendum void.

The term *performance audit* means an examination of the program conducted according to applicable government auditing standards or auditing and evaluation standards of other appropriate authoritative bodies. At a minimum, a performance audit must address the following issues.

1. The economy, efficiency, or effectiveness of the program.
2. The program's structure or design to accomplish its goals and objectives.
3. Alternative methods of providing program services or products.
4. Goals, objectives, and performance measures used by the program to monitor and report program accomplishments.
5. The accuracy or adequacy of public documents, reports, and requests prepared by the county or school district that relate to the program.
6. The program's compliance with appropriate policies, rules, and laws.

The administrative procedures relevant to local discretionary sales surtaxes are outlined in s. 212.054, F.S. The Department of Revenue (DOR) administers, collects, and enforces the surtaxes. The governing body of any county levying a local discretionary sales surtax enacts an ordinance levying the surtax in accordance with the procedures described in s. 125.66(2), F.S. Current law requires that any initial levy or rate change can only take effect on January 1st, and any levy termination can only take effect on December 31st.

The proceeds of each county's discretionary sales surtax collections are transferred to the Discretionary Sales Surtax Clearing Trust Fund [hereinafter, the Trust Fund]. A separate account in the Trust Fund is established for each county imposing the surtax. The DOR is authorized to take an administrative cost deduction not to exceed 3 percent of the total surtax revenue generated by all levying counties. The administrative cost deduction is used only for those costs solely and directly attributable to the surtax, and the costs are prorated among those counties levying the surtax on the basis of the amount collected for a particular county to the total amount collected for all counties.

REPORTING REQUIREMENTS:

The governing body of any county or school board that levies the surtax shall notify the Department within 10 days after the final adoption by ordinance or referendum of an imposition, termination, or rate change. The Department must receive this notice no later than November 16th prior to the January 1st effective date. The notice must specify the rate as well as the time period during which the surtax will be in effect and must include a copy of the ordinance and such other information required by departmental

LOCAL DISCRETIONARY SALES SURTAXES

rule. Failure to timely provide such notification to the Department shall result in the delay of the effective date for a period of one year.

Additionally, the governing body of any county or school board proposing to levy the surtax shall notify the Department by October 1st if the referendum or consideration of the ordinance that would result in the imposition, termination, or rate change of a surtax is scheduled to occur on or after October 1st of that year. Failure to timely provide such notification to the Department shall result in the delay of the effective date for a period of one year.

DISPOSITION:

The Department shall distribute funds using a distribution factor determined for each levying county that is multiplied by the amount available for distribution. The county's distribution factor shall equal the product of the county's latest official population, pursuant to s. 186.901, F.S.; the county's surtax rate; and the number of months the county has levied the surtax during the most recent distribution period divided by the sum of all such products of the counties levying the surtax during the most recent distribution period. The Department shall compute distribution factors for eligible counties once each quarter and make appropriate quarterly distributions. A county that fails to provide timely information waives its rights to challenge the Department's determination of the county's share of the revenues.

OTHER STATES:

According to the Tax Foundation, 38 states collect local sales taxes as of July 2021. A listing of those states can be found in the Tax Foundation's article entitled *State and Local Sales Tax Rates, Midyear 2021* via the following link:

<https://files.taxfoundation.org/20210707180456/State-and-Local-Sales-Tax-Rates-Midyear-2021.pdf>

ADDITIONAL INFORMATION:

A table summarizing the counties eligible to levy the various surtaxes and the 2021 county tax rates immediately follows this section. Summaries of the nine individual surtax authorizations can be found in the sections immediately following the surtax rate table.

Annual tax distributions by county as well as a historical summary of surtax impositions, expirations, extensions, rate changes, and repeals can be found on the EDR's Local Government Data webpage under the heading of Local Option Sales Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of each surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

2021 Local Discretionary Sales Surtax Rates in Florida's Counties

County Government Levies

County	Certain Levy Combinations Are Subject to Tax Rate Caps - See Notes Below										School District Levy			
	Charter County and Regional Transportation System Surtax s. 212.055(1), F.S. Up to 1%	Local Gov't Infrastructure Surtax s. 212.055(2), F.S. 0.5% or 1%	Small County Surtax s. 212.055(3), F.S. 0.5% or 1%	Indigent Care and Trauma Center Surtax s. 212.055(4), F.S. Up to 0.25%, 0.5% or 1%	County Public Hospital Surtax s. 212.055(5), F.S. 0.5%	Voter-Approved Indigent Care Surtax s. 212.055(7), F.S. Up to 0.5%, 1% or 1.5%	Pension Liability Surtax s. 212.055(9), F.S. Up to 0.5%	Emergency Fire Rescue Services and Facilities Surtax s. 212.055(8), F.S. Up to 1%	Maximum Potential Tax Rate	Current Tax Rate	Unutilized Tax Rate	School Capital Outlay Surtax s. 212.055(6), F.S. Up to 0.5%	Maximum Potential Tax Rate	Current Tax Rate
Alachua		0.5										0.5	0.5	0.0
Baker			1									0.5	0.0	0.5
Bay		0.5										0.5	0.5	0.0
Bradford			1									0.5	0.5	0.0
Brevard		0.5										0.5	0.5	0.0
Broward	1											0.5	0.5	0.0
Calhoun			1									0.5	0.5	0.0
Charlotte												0.5	0.5	0.0
Citrus												0.5	0.5	0.0
Clay		1										0.5	0.5	0.0
Collier		1										0.5	0.5	0.0
Columbia			1									0.5	0.5	0.0
DeSoto			1									0.5	0.5	0.0
Dixie			1									0.5	0.5	0.0
Duval	0.5											0.5	0.5	0.0
Escambia		1										0.5	0.5	0.0
Flagler			0.5									0.5	0.5	0.0
Franklin			1									0.5	0.5	0.0
Gadsden			1							0.5		0.5	0.5	0.0
Glenlivet			1									0.5	0.5	0.0
Glades			1									0.5	0.5	0.0
Gulf			1									0.5	0.5	0.0
Hamilton			1									0.5	0.5	0.0
Hardee			1									0.5	0.5	0.0
Hendry			1									0.5	0.5	0.0
Hernando												0.5	0.5	0.0
Highlands		1										0.5	0.5	0.0
Hillsborough		0.5										0.5	0.5	0.0
Holmes			1									0.5	0.5	0.0
Indian River												0.5	0.5	0.0
Jackson		1										0.5	0.5	0.0
Jefferson			1									0.5	0.5	0.0
Lalayette			1									0.5	0.5	0.0
Lake		1										0.5	0.5	0.0
Lee												0.5	0.5	0.0
Leon		1										0.5	0.5	0.0
Levy			1									0.5	0.5	0.0
Liberty			1									0.5	0.5	0.0
Madison			1									0.5	0.5	0.0
Manatee		0.5										0.5	0.5	0.0
Manon		1										0.5	0.5	0.0
Martin												0.5	0.5	0.0
Miami-Dade		0.5										0.5	0.5	0.0
Monroe		1										0.5	0.5	0.0
Nassau												0.5	0.5	0.0
Okaloosa		0.5										0.5	0.5	0.0
Okeechobee			1									0.5	0.5	0.0
Orange												0.5	0.5	0.0
Osceola		1										0.5	0.5	0.0
Palm Beach		1										0.5	0.5	0.0
Pasco		1										0.5	0.5	0.0
Pinellas		1										0.5	0.5	0.0
Polk												0.5	0.5	0.0
Puunam		1										0.5	0.5	0.0
St. Johns												0.5	0.5	0.0
St. Lucie		0.5										0.5	0.5	0.0
Santa Rosa												0.5	0.5	0.0
Sarasota		1										0.5	0.5	0.0
Seminole		1										0.5	0.5	0.0
Sumter			1									0.5	0.5	0.0
Suwannee			1									0.5	0.5	0.0
Taylor			1									0.5	0.5	0.0
Union			1									0.5	0.5	0.0
Volusia			1									0.5	0.5	0.0
Wakulla			1									0.5	0.5	0.0
Walton		1										0.5	0.5	0.0
Washington			1									0.5	0.5	0.0

2021 Local Discretionary Sales Surtax Rates in Florida's Counties

County	County Government Levies										School District Levy			
	Certain Levy Combinations Are Subject to Tax Rate Caps - See Notes Below										School Capital Outlay Surtax			
	Charter County and Regional Transportation System Surtax s. 212.055(1), F.S. Up to 1%	Local Gov't Infrastructure Surtax s. 212.055(2), F.S. 0.5% or 1%	Small County Surtax s. 212.055(3), F.S. 0.5% or 1%	Indigent Care and Trauma Center Surtax s. 212.055(4), F.S. Up to 0.25%, 0.5%	County Public Hospital Surtax s. 212.055(5), F.S. 0.5%	Indigent Care and Trauma Center Surtax s. 212.055(7), F.S. Up to 0.5%, 1%	Emergency Fire Rescue Services and Facilities Surtax s. 212.055(8), F.S. Up to 1%	Pension Liability Surtax s. 212.055(9), F.S. Up to 0.5%	County Public Hospital Surtax s. 212.055(10), F.S. Up to 0.5%	Maximum Potential Tax Rate	Current Tax Rate	Unutilized Tax Rate	Maximum Potential Tax Rate	Current Tax Rate
# Eligible to Levy:	30	67	31	65	1	1	60	28	65	67	67	67	67	67
# Levying:	3	28	29	1	1	5	0	1	60	60	26	26	26	26

- Notes:**
- Boxed areas indicate those counties eligible to impose particular surtaxes authorized for county governments or school districts eligible to impose the School Capital Outlay Surtax.
 - The Indigent Care and Trauma Center Surtax consists of two separate levies for different groups of eligible counties. Non-consolidated counties with a total population of 800,000 or more may impose, either by an extraordinary vote of the county's governing body or voter approval in a countywide referendum, a surtax not to exceed 0.5% for the purpose of funding health care services for qualified residents. Non-consolidated counties with a total population of less than 800,000 may impose, subject to voter approval in a countywide referendum, a surtax not to exceed 0.25% for the sole purpose of funding trauma services provided by a trauma center licensed pursuant to Chapter 395, Florida Statutes.
 - Pursuant to ss. 212.055(2)(h) and 212.055(3)(f), F.S., a county cannot levy the Local Government Infrastructure, Small County, Indigent Care and Trauma Center, and County Public Hospital surtaxes in excess of a combined rate of 1%.
 - Pursuant to s. 212.055(4)(b)5., F.S., a county cannot levy the Local Government Infrastructure, Small County, and Indigent Care and Trauma Center surtaxes in excess of a combined rate of 1%.
 - Pursuant to s. 212.055(5)(f), F.S., a county cannot levy the Local Government Infrastructure, Small County, and County Public Hospital surtaxes in excess of a combined rate of 1%.
 - Subject to referendum approval, the Voter-Approved Indigent Care Surtax may be levied by counties with less than 800,000 residents at a rate not to exceed 0.5%. However, if a publicly supported medical school is located within the qualifying county, the rate cannot exceed 1%, pursuant to s. 212.055(7)(a), F.S. Currently, Florida has publicly supported medical schools at the following universities: Florida International University in Miami-Dade County; Florida State University in Leon County; University of Central Florida in Orange County; University of Florida in Alachua County; and the University of South Florida in Hillsborough County. The Florida International University, University of Central Florida, and University of South Florida medical schools are each located in counties having a resident population greater than 800,000; therefore, Hillsborough, Miami-Dade, and Orange counties are not eligible to levy the surtax. Only Alachua and Leon counties could levy the surtax at the maximum 1% rate. Additionally, the governing body of any county that has a population of less than 50,000 residents may levy the surtax, at a rate not to exceed 1%, subject to voter approval in a countywide referendum pursuant to Chapter 2005-242, Laws of Florida. Consequently, if a publicly supported medical school is located in the county, or the county has a population of less than 50,000 residents, the combined tax rate of this levy and any Local Government Infrastructure Surtax and Small County Surtax levies cannot exceed 1.5%, pursuant to s. 212.055(7)(f), F.S. For all other counties eligible to levy this surtax, the combined tax rate cannot exceed 1%.
 - Effective July 1, 2009, Chapter 2009-146, L.O.F., renamed the Charter County Transit System Surtax as the Charter County Transportation System Surtax and extended eligibility for surtax levy to 13 additional charter counties.
 - Effective July 1, 2010, Chapter 2010-225, L.O.F., renamed the Charter County Transportation System Surtax as the Charter County and Regional Transportation System Surtax and extended eligibility for surtax levy to each county that is within or under an interlocal agreement with a regional transportation or transit authority created under Chapters 343 or 349, Florida Statutes (i.e., South Florida Regional Transportation Authority, Central Florida Regional Transportation Authority, Northwest Florida Transportation Corridor Authority, Tampa Bay Area Regional Transit Authority, and Jacksonville Transportation Authority). As a result of the legislation, seven counties within the Northwest Florida Transportation Corridor Authority (i.e., Bay, Escambia, Franklin, Gulf, Okaloosa, Santa Rosa, and Walton) and three counties of the Tampa Bay Area Regional Transit Authority (i.e., Hernando, Manatee, and Pasco) are eligible to levy this surtax.
 - Effective July 1, 2009, Chapter 2009-182, L.O.F., created the Emergency Fire Rescue Services and Facilities Surtax. A county's governing body, other than a county that has imposed two separate discretionary surtaxes without expiration, may levy this surtax at a rate of up to 1%, subject to voter approval in a countywide referendum. Madison and Miami-Dade counties are not eligible to levy this surtax since each county has imposed two separate discretionary surtaxes without expiration. The remaining 65 counties are eligible to levy this surtax. However, if Orange or Osceola impose the surtax, neither county can levy the surtax within the boundaries of the Reedy Creek Improvement District pursuant to s. 212.055(8)(j), F.S.
 - Since both the Charter County and Regional Transportation System Surtax and Emergency Fire Rescue Services and Facilities Surtax are not subject to any tax rate limitations, the maximum potential tax rates for nearly all county governments have increased since July 1, 2009. For Madison and Miami-Dade counties, the maximum potential tax rate did not change. For 24 counties (i.e., Alachua, Bay, Brevard, Charlotte, Citrus, Clay, Columbia, Escambia, Franklin, Gulf, Hernando, Lee, Leon, Manatee, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Polk, Santa Rosa, Seminole, Wakulla, and Walton), the maximum potential tax rate increased by 2%. For all other counties, the maximum potential tax rate increased by 1%. Currently, Alachua, Franklin, Gulf, Leon, and Wakulla counties have the highest maximum potential tax rate for county government levies at 3.5%.
 - Effective July 1, 2016, Chapter 2016-146, L.O.F., created the Pension Liability Surtax and specified that a county considering a Pension Liability Surtax levy must currently levy the Local Government Infrastructure Surtax, which is scheduled to terminate and is not subject to renewal. Additionally, the legislation created a number of preconditions that must be satisfied prior to a Pension Liability Surtax levy and specified that a county may not levy this surtax as well as the Local Government Infrastructure Surtax, Small County Surtax, Indigent Care and Trauma Center Surtax, and County Public Hospital Surtax, in excess of a combined rate of 1%.
 - New surtax levies for 2021: Clay, Duval, and Okaloosa counties levy the School Capital Outlay Surtax, and Holmes County levies the Voter-Approved Indigent Care Surtax. New surtax levies for 2022: Glades County will levy the Small County Surtax.
 - The following levies were recently extended. Liberty County's levy of the Emergency Fire Rescue Services and Facilities Surtax, which was originally scheduled to expire on December 31, 2021, was extended until December 31, 2026. Santa Rosa County's levy of the Local Government Infrastructure Surtax, which was originally scheduled to expire on December 31, 2021, was extended until December 31, 2026.
 - Effective March 15, 2021, the 1% Charter County and Regional Transportation System Surtax in Hillsborough County was terminated after the Florida Supreme Court ruled that the county's levy was unconstitutional.
 - The following levies are scheduled to expire in 2021 or 2022. Effective December 31, 2021, the Local Government Infrastructure Surtax levy in Glades County is scheduled to expire. Effective December 31, 2022, the School Capital Outlay Surtax levy in Flagler County is scheduled to expire.

Data Sources: Florida Department of Revenue's "History of Local Sales Tax and Current Rates" (Last Updated: July 1, 2021) available at <https://floridarevenue.com/taxes/Documents/HistorySalesTaxRates.pdf>

**CHARTER COUNTY AND REGIONAL TRANSPORTATION
SYSTEM SURTAX**

FLORIDA STATUTES: Section 212.055(1)

ADMINISTERED BY: Department of Revenue

SUMMARY:

Each charter county that has adopted a charter, each county the government of which is consolidated with that of one or more municipalities, and each county that is within or under an interlocal agreement with a regional transportation or transit authority created under ch. 343 or 349, F.S., may levy the Charter County and Regional Transportation System Surtax at a rate of up to 1 percent. The levy is subject to approval by a majority vote of the county’s electorate or by a charter amendment approved by a majority vote of the county’s electorate. Generally, the use of the proceeds is for the development, construction, operation, and maintenance of fixed guideway rapid transit systems, bus systems, on-demand transportation services, and roads and bridges. Broward, Duval, and Miami-Dade counties will be levying this surtax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	848,664,053	3.00%
2021-22*	823,945,682	7.60%
2020-21	765,748,775	4.09%
2019-20	735,669,070	41.50%
2018-19	519,913,422	64.87%
2017-18	315,351,099	4.79%
2016-17	300,930,667	0.77%

* Estimate

HISTORY:

Chapter 76-284, L.O.F., authorized charter counties, which adopted a charter prior to June 1, 1976, to levy a 1 percent surtax subject to voter approval in a countywide referendum. The surtax proceeds were restricted to costs associated with the development and construction of fixed guideway rapid transit systems.

Chapter 85-180, L.O.F., authorized the expenditure of surtax proceeds for countywide bus systems that function as supportive services for a fixed guideway rapid transit system. Chapters 87-99 and 87-100, L.O.F., authorized counties to remit surtax proceeds to an expressway or transportation authority for the development, construction, operation, and maintenance of roads or bridges, or for the operation and maintenance of a bus system. Chapter 87-548, L.O.F., authorized any county, which was consolidated with one or more municipalities, to levy the surtax at the rate of 1 percent.

Chapter 99-385, L.O.F. (HB 591), authorized the surtax proceeds to be applied to as many or as few of the authorized uses in whatever combination the county’s governing body deems appropriate.

Chapter 2002-20, L.O.F. (HB 261), expanded levy eligibility by authorizing any county that adopted a charter prior to January 1, 1984, to levy this surtax. Chapter 2003-254, L.O.F. (SB 1176), authorized a number of expanded uses for the surtax proceeds. Chapter 2004-66, L.O.F. (SB 2264), authorized all charter counties eligible to levy this surtax to use up to 25 percent of the proceeds for non-transit purposes. Chapter 2009-146, L.O.F. (HB 1205), renamed the surtax as the Charter County Transportation System Surtax and extended eligibility for surtax levy to 13 additional charter counties and allowed for

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the surtax proceeds to be remitted to transit authorities. Additionally, it required interlocal agreements specifying the distribution of surtax proceeds with one or more municipalities to be revised no less than every five years to reflect recent municipal incorporations.

Chapter 2010-225, L.O.F. (HB 1271), renamed the surtax as the Charter County and Regional Transportation System Surtax and extended eligibility for surtax levy to counties within or under an interlocal agreement with a regional transportation or transit authority. The surtax proceeds could be expended for the planning, development, construction, expansion, operation, and maintenance of statutorily-defined, on-demand transportation services. Chapter 2019-64, L.O.F., (CS/CS/HB 5) amends s. 212.055(1), F.S., to require, effective January 1, 2020, that any proposal to adopt this surtax must be approved in a referendum held at a general election in accordance with s. 212.055(10), F.S. For any proposal to adopt this surtax by initiative, the legislation requires the petition sponsor to provide the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. OPPAGA must procure a certified public accountant, in accordance with s. 212.055(11), F.S., for the performance audit. Additionally, the petition sponsor must file the initiative petition and its required signatures with the county supervisor of elections, who must verify signatures and retain signature forms in the same manner as required for initiatives under s. 100.371(11), F.S. Furthermore, the failure of an initiative sponsor to comply with these requirements renders any referendum held void. Chapter 2019-169, L.O.F., (CS/CS/CS/HB 385) changed the authorized uses of the surtax proceeds, effective October 1, 2022.

Chapter 2020-10, L.O.F., (CS/HB 7097) required that any levy of this surtax, pursuant to a referendum held on or after July 1, 2020, shall not be levied for more than 30 years.

IMPOSITION AND RATE:

Any county that has adopted a home rule charter, any county government that has consolidated with one or more municipalities, and any county that is within or under an interlocal agreement with a regional transportation or transit authority created under ch. 343 or 349, F.S., may levy this surtax at a rate of up to 1 percent, subject to approval by a majority vote of the county's electorate or a charter amendment approved by a majority vote of the county's electorate.

Based on these criteria, 30 counties (i.e., Alachua, Bay, Brevard, Broward, Charlotte, Clay, Columbia, Duval, Escambia, Franklin, Gulf, Hernando, Hillsborough, Lee, Leon, Manatee, Miami-Dade, Okaloosa, Orange, Osceola, Palm Beach, Pasco, Pinellas, Polk, Santa Rosa, Sarasota, Seminole, Volusia, Wakulla, and Walton) are eligible to levy the surtax. During the 2021 calendar year, Broward County will be levying at 1 percent, and Duval and Miami-Dade counties will be levying at 0.5 percent. Effective March 15, 2021, the surtax levy in Hillsborough County was terminated after the Florida Supreme Court ruled that the county's levy was unconstitutional. This surtax, in addition to the Emergency Fire Rescue Services and Facilities Surtax and the School Capital Outlay Surtax, is not subject to a combined rate limitation that impacts the other discretionary sales surtax levies.

DISPOSITION AND USES:

The Department of Revenue shall distribute the surtax proceeds to the county government for deposit into the county trust fund or remittance by the county's governing body to an expressway, transit, or transportation authority created by law. Generally, the surtax proceeds may be expended by the county government or an expressway, transit or transportation authority created by law for the planning, development, construction, operation, and maintenance of roads and bridges in the county; for the planning, development, expansion, operation, and maintenance of bus and fixed guideway systems; for the planning, development, construction, operation, and maintenance of on-demand transportation

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SYSTEM SURTAX**

services; and for the payment of principal and interest on bonds issued for the construction of fixed guideway rapid transit systems, bus systems, roads, or bridges. Effective October 1, 2022, the authorized uses of the surtax proceeds will change.

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

**EMERGENCY FIRE RESCUE SERVICES
AND FACILITIES SURTAX**

FLORIDA STATUTES: Section 212.055(8)

ADMINISTERED BY: Florida Department of Revenue

SUMMARY:

The Emergency Fire Rescue Services and Facilities Surtax may be levied at the rate of up to 1 percent pursuant to an ordinance enacted by a majority vote of the county’s governing body and approved by voters in a countywide referendum. However, any county that has imposed two separate discretionary surtaxes without expiration cannot levy this surtax. The proceeds must be expended for specified emergency fire rescue services and facilities. Liberty County will be levying this surtax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	130,860	3.00%
2021-22*	127,049	7.60%
2020-21	118,075	0.40%
2019-20	117,607	0.73%
2018-19	116,757	9.30%
2017-18	106,821	144.23%
2016-17	43,737	-

HISTORY:

Chapter 2009-182, L.O.F. (SB 1000), created the Emergency Fire Rescue Services and Facilities Surtax. It authorized a county’s governing body, other than a county that has imposed two separate discretionary surtaxes without expiration, to levy a discretionary sales surtax of up to 1 percent, subject to voter approval in a countywide referendum, for emergency fire rescue services and facilities.

Chapter 2015-169, L.O.F., (CS/CS/HB 209) removed the requirement for the county government to enter into an interlocal agreement as a prerequisite for holding a referendum on the surtax. If the surtax is approved by referendum, the proceeds will be distributed to all local government entities providing emergency fire rescue services in the county. Surtax proceeds will be distributed to all participating entities providing emergency fire rescue services in the county based on each entity’s pro rata share of spending on such services in the county over the five preceding fiscal years. Local government entities receiving any share of the surtax proceeds are required to reduce ad valorem taxes by the amount of revenue projected from surtax collections. If the surtax raises more revenue than the amount that would reduce the millage rate to zero, the funds are applied to non-ad valorem assessments by the entity, with any excess surtax proceeds transferred to the county to reduce the county’s millage rate. If any entity declines its share of surtax proceeds, those proceeds are redistributed proportionally to participating entities on a pro rata basis. Chapter 2019-64, L.O.F., (CS/CS/HB 5) amends s. 212.055, F.S., to require, effective January 1, 2020, that any referendum to adopt or amend a local discretionary sales surtax be held at a general election, which is defined in s. 97.021, F.S., to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years. Upon adoption of an ordinance or a resolution by a county or school district to hold a local discretionary sales surtax referendum on or after January 1, 2020, the legislation requires the county or school district to provide the Florida Legislature’s Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. Additionally, the legislation maintains the requirement that OPPAGA select and pay for a certified

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public accountant to conduct a performance audit of the program associated with the proposed surtax and the requirement that the performance audit be completed and made available on the county or school district website at least 60 days prior to the referendum. OPPAGA is required to procure the certified public accountant to conduct the performance audit within 60 days of receiving the final resolution or ordinance. Furthermore, the legislation declares void any local discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit on its website at least 60 days before the referendum is held.

IMPOSITION AND RATE:

The rate is up to 1 percent. Any county, except Madison, Miami-Dade, and certain portions of Orange and Osceola, is eligible to levy the surtax, subject to voter approval in a countywide referendum. The rate is up to 1 percent. Madison and Miami-Dade counties are not eligible to levy this surtax because both counties currently levy two separate discretionary surtaxes without expiration. Madison County levies both the Small County Surtax and Voter-Approved Indigent Care Surtax without expiration dates, and Miami-Dade County levies both the Charter County and Regional Transportation System Surtax and County Public Hospital Surtax without expiration dates. During the 2021 calendar year, Liberty County will be levying at the 0.5 percent rate.

Additionally, the legislation provides that, notwithstanding s. 212.054, F.S., if a multicounty independent special district created pursuant to Chapter 67-764, L.O.F., levies ad valorem taxes on district property to fund emergency fire rescue service within the district and is required by s.2, Art. VII of the State Constitution to maintain a uniform ad valorem tax rate throughout the district, the county may not levy the surtax within the district's boundaries. This provision relates specifically to the Reedy Creek Improvement District, which is located within portions of Orange and Osceola counties. The cities of Bay Lake and Lake Buena Vista as well as the Walt Disney World Resort Complex are located within the district. This provision prevents either county from levying the surtax within the district's boundaries if an ad valorem tax is levied to fund emergency fire rescue services. Currently, Reedy Creek Improvement District levies such an ad valorem tax and maintains a uniform ad valorem tax rate throughout the district. Consequently, Orange and Osceola counties are prohibited from levying the surtax within the district's boundaries.

In addition to the Charter County and Regional Transportation System Surtax and the School Capital Outlay Surtax, this surtax is not subject to a combined rate limitation that impacts the other discretionary sales surtaxes.

DISPOSITION AND USES:

The surtax proceeds, less an administrative fee that may be retained by the Department of Revenue, are distributed by the Department to the county. The county distributes the surtax proceeds it receives from the Department to each local government entity providing emergency fire rescue services in the county. The surtax proceeds, less an administrative fee not to exceed 2 percent of the surtax collected, must be distributed by the county based on each entity's average annual expenditures for fire control and emergency fire rescue services in the five fiscal years preceding the fiscal year in which the surtax takes effect in proportion to the average annual total of the expenditures for such entities in the five fiscal years preceding the fiscal year in which the surtax takes effect. The county must revise the distribution proportions to reflect a change in the service area of an entity receiving a distribution of the surtax proceeds. If an entity declines its share of surtax revenue, such revenue must be redistributed proportionally to the entities that are participating in the sharing of such revenue based on each participating entity's average annual expenditures for fire control and emergency fire rescue services in the preceding five fiscal years in proportion to the average annual total of the expenditures for the participating entities in the preceding five fiscal years.

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The surtax shall be expended for emergency fire rescue services and facilities, which includes but is not limited to the following: 1) preventing and extinguishing fires; 2) protecting and saving life and property from fires, natural or intentional acts, or disasters; 3) enforcing municipal, county, or state fire protection codes and laws pertaining to the prevention and control of fires; and 4) providing pre-hospital emergency medical treatment.

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

LOCAL GOVERNMENT INFRASTRUCTURE SURTAX

FLORIDA STATUTES: Section 212.055(2)

ADMINISTERED BY: Department of Revenue

SUMMARY:

The Local Government Infrastructure Surtax may be levied at the rate of 0.5 or 1 percent pursuant to an ordinance enacted by a majority vote of the county's governing body and approved by voters in a countywide referendum. Generally, the proceeds must be expended to finance, plan, and construct infrastructure; to acquire land for public recreation, conservation, or protection of natural resources; or to finance the closure of local government-owned solid waste landfills that have been closed or are required to be closed by order of the Department of Environmental Protection (DEP). Additional expenditure authority exists for select counties. All counties are eligible to levy this surtax, and 28 counties will be levying this surtax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	2,394,152,002	3.00%
2021-22*	2,324,419,420	7.60%
2020-21	2,160,241,096	60.83%
2019-20	1,343,198,190	0.77%
2018-19	1,332,906,178	8.16%
2017-18	1,232,355,442	29.60%
2016-17	950,864,795	26.70%

* Estimate

HISTORY:

Chapter 87-239, L.O.F., created the Local Government Infrastructure Surtax, which authorized county governments, pursuant to voter approval in a countywide referendum, to levy a surtax of up to 1 percent in increments of ¼ cent for a period of up to 15 years. The distribution of proceeds was to be governed by interlocal agreement or default formula methodology, and the proceeds could be expended only for the financing, planning, and construction of infrastructure. Local government could not use the proceeds to supplant user fees or reduce existing ad valorem taxes. Chapter 87-548, L.O.F., authorized the surtax levy at a rate of 0.5 or 1 percent. Additionally, one or more municipalities representing a majority of the county's municipal population were authorized to place a surtax levy referendum on the ballot by adopting uniform resolutions to that effect.

Chapter 90-132, L.O.F. (HB 1299), authorized the surtax proceeds to also be used to acquire land for public recreation or conservation, or for the protection of natural resources. Chapter 90-203, L.O.F. (SB 862), required that municipalities adopting uniform resolutions called for a surtax levy referendum represent a majority of the county's population. Chapter 90-282, L.O.F. (HB 475), authorized school districts to share in the surtax proceeds pursuant to an interlocal agreement, subject to the consent of the county's governing body and the governing bodies of municipalities representing a majority of the county's municipal population. Chapter 92-309, L.O.F. (HB 193-H), limited the combined rate, in varying combinations of this and several other surtaxes to 1 percent. In addition, counties having a total population of 50,000 or less on April 1, 1992, were authorized to use the surtax proceeds for any public purpose if several conditions were met. Chapter 93-207, L.O.F. (HB 461), authorized local governments to use the surtax proceeds to finance the closure of county or municipal-owned solid waste landfills that were already closed or required to be closed. In addition, counties having a total population of less than

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50,000 were authorized to use the surtax proceeds for long-term maintenance costs associated with landfill closures. Chapter 93-222, L.O.F. (HB 729), limited the length of surtax levy and specified that any levy could only be extended by referendum approval. Also, the definition of infrastructure was expanded to include emergency vehicles and equipment. Chapter 94-459, L.O.F. (HB 475), authorized the Clay County BOCC to use the surtax proceeds to retire or service bond indebtedness incurred prior to July 1, 1987, and subsequently refunded, for the purpose of financing infrastructure. Chapter 94-487, L.O.F. (HB 2091), authorized the Alachua County BOCC and the county's municipalities to use surtax proceeds for the operation and maintenance of parks and recreation programs. Chapter 96-240, L.O.F. (SB 2334), authorized any county designated as an area of critical state concern to use the surtax proceeds for any public purpose if several conditions were met. In addition, any county in which 40 percent or more of the just value of real property is exempt or immune from ad valorem taxation (and the municipalities within such a county) was authorized to use the surtax proceeds for operation and maintenance of parks and recreation programs. Chapter 96-410, L.O.F. (HB 751), specified that once a county having a total population of 50,000 or less was qualified to use the surtax proceeds for long-term maintenance costs associated with the closure of solid waste landfills, the county would retain that qualification until its population exceeds 75,000. Chapter 98-342, L.O.F. (HB 4413), provided for an additional authorized use of the surtax that is imposed or extended after July 1, 1998, by authorizing that no more than 15 percent of surtax proceeds may be allocated for the purpose of funding economic development projects of a general public purpose targeted to improve local economies. Such funding could include the operational costs and incentives related to such economic development. Chapter 98-258, L.O.F. (HB 1589), increased the maximum population limit from 50,000 to 75,000 for a small county to qualify to use the surtax proceeds for long-term maintenance costs associated with landfill closure. Chapter 99-340, L.O.F. (HB 289), authorized charter counties to use the surtax proceeds to retire or service indebtedness for bonds issued prior to July 1, 1987, for infrastructure purposes as well as for bonds subsequently issued to refund such bonds. Additionally, the use of such proceeds for retiring or servicing indebtedness incurred for such refunding bonds issued prior to July 1, 1999, was ratified.

Chapter 2003-254, L.O.F. (SB 1176), eliminated the restrictions on the use of surtax proceeds to supplant or replace user fees or to reduce ad valorem taxes. Chapter 2003-402, L.O.F. (HB 113-A), expanded the allowable uses of the surtax proceeds to include the construction, lease, or maintenance of, provision of utilities or security for, those court facilities as defined in s. 29.008, F.S. Chapter 2006-66, L.O.F. (HB 737), modified the definition of infrastructure to include any fixed capital expenditure or fixed capital outlay associated with the improvement of private facilities that have a life expectancy of five or more years and that the owner agrees to make available for use on a temporary basis as needed by a local government as a public emergency shelter or staging area for emergency response equipment during an emergency officially declared by the state or local government. Chapter 2006-223, L.O.F. (HB 1299), authorized a county, which was designated as an area of critical state concern for at least 20 consecutive years prior to removal of the designation and qualified to use the surtax proceeds for any public purpose at the time of the designation's removal, to continue to use up to 10 percent of the surtax proceeds for any public purpose other than for infrastructure purposes for 20 years. After the 20 year period expires, a county could adopt an ordinance providing for such continued use of surtax proceeds. Chapter 2007-196, L.O.F. (SB 1974), deleted a provision prohibiting a school district, county, or municipality from issuing bonds more than once each year pledging the surtax proceeds. Chapter 2009-96, L.O.F. (SB 360), expanded the definition of infrastructure to include any land-acquisition expenditure for a residential housing project in which at least 30 percent of the units are affordable to individual or families whose total annual household income does not exceed 120 percent of the area median income adjusted for household size, if the land is owned by a local government or special district that enters into a written agreement with the local government to provide such housing.

Chapter 2012-117, L.O.F. (HB 7117), authorized the surtax proceeds to be used for the additional purpose of providing loans, grants, or rebates to residential or commercial property owners who make energy

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efficiency improvements to their residential or commercial property, if a local government ordinance authorized such use is approved by referendum. Chapter 2013-198, L.O.F. (HB 579), expanded the definition of energy efficiency improvement to include the installation of systems for natural gas fuels as defined in s. 206.9951, F.S. This change allows a local government to provide loans, grants, or rebates to residential or commercial property owners who install a defined natural gas fueling system, if a local ordinance authorizing such use is approved by referendum. Chapter 2016-225, L.O.F., (CS/CS/HB 447) expanded the purposes for which the surtax proceeds and accrued interest can be used to include the prevention or satisfaction of private property rights claims resulting from limitations imposed by the designation of an area of critical state concern. Additionally, the legislation expanded the definition of infrastructure in s. 212.055(2)(d)1.a., F.S. Prior to this law change, the statute limited the definition, in part, to mean any fixed capital expenditure or fixed capital outlay associated with the construction, reconstruction, or improvement of public facilities that have life expectancies of 5 or more years, related land acquisition, land improvement, design, and engineering costs. The legislation expanded this definition to include all other professional and related costs required to bring public facilities into service. As used here, the term public facilities means facilities as defined in ss. 163.3164(38), 163.3221(13), or 189.012(5), F.S. Chapter 2018-118, L.O.F., (CS/HB 7087) amends the definition of infrastructure to clarify that public facilities also includes facilities that are necessary to carry out governmental purposes, including, but not limited to, fire stations, general governmental office buildings, and animal shelters. Additionally, the legislation amends the definition of infrastructure to include instructional technology used solely in a school district's classrooms. Instructional technology is defined as an interactive device that assists a teacher in instructing a class or group of students. The hardware and software necessary to operate the interactive device and support systems in which an interactive device may mount are also included as authorized expenditures. Chapter 2019-64, L.O.F., (CS/CS/HB 5) amends s. 212.055, F.S., to require, effective January 1, 2020, that any referendum to adopt or amend a local discretionary sales surtax be held at a general election, which is defined in s. 97.021, F.S., to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years. Upon adoption of an ordinance or a resolution by a county or school district to hold a local discretionary sales surtax referendum on or after January 1, 2020, the legislation requires the county or school district to provide the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. Additionally, the legislation maintains the requirement that OPPAGA select and pay for a certified public accountant to conduct a performance audit of the program associated with the proposed surtax and the requirement that the performance audit be completed and made available on the county or school district website at least 60 days prior to the referendum. OPPAGA is required to procure the certified public accountant to conduct the performance audit within 60 days of receiving the final resolution or ordinance. Furthermore, the legislation declares void any local discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit on its website at least 60 days before the referendum is held.

IMPOSITION AND RATE:

Local governments may levy this surtax at a rate of 0.5 or 1 percent. This levy shall be pursuant to an ordinance enacted by a majority of the members of the county's governing body and approved by the voters in a countywide referendum. In lieu of action by the county's governing body, municipalities representing a majority of the county's population may initiate the surtax through the adoption of uniform resolutions calling for a countywide referendum on the issue. If the proposal to levy the surtax is approved by a majority of the electors, the levy shall take effect.

Additionally, the surtax may not be levied beyond the time established in the ordinance if the surtax was levied pursuant to a referendum held before July 1, 1993. If the pre-July 1, 1993 ordinance did not limit the period of the levy, the surtax may not be levied for more than 15 years. There is no state-mandated

LOCAL GOVERNMENT INFRASTRUCTURE SURTAX

limit on the length of levy for those surtax ordinances enacted after July 1, 1993. The levy may only be extended by voter approval in a countywide referendum.

During the 2021 calendar year, 9 counties will be levying at the 0.5 percent rate and 19 counties will be levying at the 1 percent rate. This surtax is one of several surtaxes subject to a combined rate limitation. A county shall not levy this surtax and the Small County Surtax, Indigent Care and Trauma Center Surtax, and County Public Hospital Surtax in excess of a combined rate of 1 percent.

DISPOSITION AND USES:

The Department of Revenue shall distribute the surtax proceeds to the county and its respective municipalities pursuant to distribution percentages specified in a locally determined interlocal agreement, which may include a school district, or the default formula methodology based on the Local Government Half-cent Sales Tax formulas provided in s. 218.62, F.S.

The surtax proceeds and any accrued interest shall be expended by the school district, within the county and municipalities within the county, or, in the case of a negotiated joint county agreement, within another county, to: 1) finance, plan, and construct infrastructure; 2) acquire any interest in land for public recreation, conservation, or protection of natural resources or to prevent or satisfy private property rights claims resulting from limitations imposed by the designation of an area of critical state concern; 3) provide loans, grants, or rebates to residential or commercial property owners who make energy efficiency improvements to their residential or commercial property, if a local government ordinance authorizing such use is approved by referendum; or 4) finance the closure of county or municipal-owned solid waste landfills that have been closed or are required to be closed by order of the DEP.

A county with a total population of 50,000 or less on April 1, 1992, or any county designated as an area of critical state concern that imposed the surtax before July 1, 1992, may use the proceeds and accrued interest of the surtax for any public purpose if the county satisfies all of the following criteria: 1) the debt service obligations for any year are met; 2) the county's comprehensive plan has been determined to be in compliance with part II of ch. 163, F.S; and 3) the county has adopted an amendment to the surtax ordinance pursuant to the procedure provided in s. 125.66, F.S., authorizing additional uses of the proceeds and accrued interest. Additional expenditure authority exists for select counties.

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

SMALL COUNTY SURTAX

FLORIDA STATUTES: Section 212.055(3)

ADMINISTERED BY: Department of Revenue

SUMMARY:

Any county with a total population of 50,000 or less on April 1, 1992, is authorized to levy the Small County Surtax at the rate of 0.5 or 1 percent. County governments may impose the levy by either an extraordinary vote of the governing body if the proceeds are to be expended for operating purposes or by voter approval in a countywide referendum if the proceeds are to be used to service bonded indebtedness. If the surtax is enacted by an extraordinary vote of the county's governing body, the proceeds may be used for the operational expenses of any infrastructure or for any public purpose authorized in the ordinance. If the surtax is enacted by countywide referendum, the proceeds may be used to service bonded indebtedness to finance, plan, and construct infrastructure, and to acquire land for public recreation, conservation, or natural resource preservation. Twenty-nine counties will be levying this surtax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	142,478,994	3.00%
2021-22*	138,329,121	7.60%
2020-21	128,558,662	19.79%
2019-20	107,316,698	3.31%
2018-19	103,873,588	11.19%
2017-18	93,416,835	4.45%
2016-17	89,436,867	1.48%

* Estimate

HISTORY:

Chapter 92-309, L.O.F. (HB 193-H), created the Small County Surtax. It authorized counties with a total population of 50,000 or less on April 1, 1992, to levy a surtax of 0.5 or 1 percent, pursuant to an extraordinary vote of the county's governing body if the proceeds were to be used for operating purposes or voter approval in a countywide referendum if the proceeds were to be used for bonded indebtedness. The proceeds were to be shared with municipalities located within the county, and if levied pursuant to referendum, sharing with the county school district or shared with another county for joint county project as conditioned by the referendum. In addition, it limited the combined rate, in varying combinations, of this surtax and the Local Government Infrastructure Surtax, Indigent Care Surtax, County Public Hospital Surtax, and the then Small County Indigent Care Surtax.

Chapter 2019-64, L.O.F., (CS/CS/HB 5) amends s. 212.055, F.S., to require, effective January 1, 2020, that any referendum to adopt or amend a local discretionary sales surtax be held at a general election, which is defined in s. 97.021, F.S., to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years. Upon adoption of an ordinance or a resolution by a county or school district to hold a local discretionary sales surtax referendum on or after January 1, 2020, the legislation requires the county or school district to provide the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. Additionally, the legislation maintains the requirement that OPPAGA select and pay for a certified public accountant to conduct a performance audit of the program associated with the proposed surtax and the requirement that

SMALL COUNTY SURTAX

the performance audit be completed and made available on the county or school district website at least 60 days prior to the referendum. OPPAGA is required to procure the certified public accountant to conduct the performance audit within 60 days of receiving the final resolution or ordinance. Furthermore, the legislation declares void any local discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit on its website at least 60 days before the referendum is held.

IMPOSITION AND RATE:

Only those counties, defined as having a total population of 50,000 or less on April 1, 1992, are eligible to levy this surtax at a rate of 0.5 or 1 percent. Based on the population criterion, 31 counties (i.e., Baker, Bradford, Calhoun, Columbia, DeSoto, Dixie, Flagler, Franklin, Gadsden, Gilchrist, Glades, Gulf, Hamilton, Hardee, Hendry, Holmes, Jackson, Jefferson, Lafayette, Levy, Liberty, Madison, Nassau, Okeechobee, Sumter, Suwannee, Taylor, Union, Wakulla, Walton and Washington) are eligible to levy the surtax.

During the 2021 calendar year, 29 of 31 eligible counties will be levying this surtax. Flagler County will be levying at the 0.5 percent rate and 28 counties will be levying at the 1 percent rate. This surtax is one of several surtaxes subject to a combined rate limitation. A county shall not levy this surtax and the Local Government Infrastructure Surtax, Indigent Care and Trauma Center Surtax, and County Public Hospital Surtax in excess of a combined rate of 1 percent.

DISPOSITION AND USES:

The Department of Revenue shall distribute the surtax proceeds to the county and its respective municipalities pursuant to distribution percentages specified in a locally determined interlocal agreement, which may include a school district, or the default formula methodology based on the Local Government Half-cent Sales Tax formulas provided in s. 218.62, F.S.

If the surtax is levied as a result of voter approval in a countywide referendum, the proceeds and any accrued interest may be used by the school district, county, or municipalities within the county, or municipalities within another county in the case of a negotiated joint county agreement, for the purpose of servicing bonded indebtedness to finance, plan, and construct infrastructure and to acquire land for public recreation, conservation, or protection of natural resources. In this case, infrastructure means any fixed capital expenditure or cost associated with the construction, reconstruction, or improvement of public facilities having a life expectancy of five or more years and any related land acquisition, land improvement, design, and engineering costs. If the surtax is levied pursuant to an ordinance approved by an extraordinary vote of the county's governing body, the proceeds and accrued interest may be used for operational expenses of any infrastructure or for any public purpose authorized in the ordinance. School districts, counties, and municipalities may pledge the surtax proceeds for the purpose of servicing new bonded indebtedness.

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

INDIGENT CARE AND TRAUMA CENTER SURTAX

FLORIDA STATUTES: Section 212.055(4)

ADMINISTERED BY: Department of Revenue

SUMMARY:

This surtax consists of two separate levies for different groups of eligible counties. Non-consolidated counties with a total population of 800,000 or more may impose, either by an extraordinary vote of the county's governing body or voter approval in a countywide referendum, a surtax not to exceed 0.5 percent for the purpose of funding health care services for qualified residents. Non-consolidated counties with a total population of less than 800,000 may impose, subject to voter approval in a countywide referendum, a surtax not to exceed 0.25 percent for the sole purpose of funding trauma services provided by a trauma center licensed pursuant to ch. 395, F.S. Hillsborough County will be levying this surtax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	231,152,197	3.00%
2021-22*	224,419,609	7.60%
2020-21	208,568,410	-2.41%
2019-20	213,724,219	31.33%
2018-19	162,735,826	44.17%
2017-18	112,874,165	4.54%
2016-17	107,971,286	4.28%

* Estimate

HISTORY:

Chapter 91-81, L.O.F. (SB 156), created the Indigent Care Surtax. It authorized any non-consolidated county having a total population of 800,000 or more to levy a 0.5 percent surtax, pursuant to an ordinance adopted by an extraordinary vote of the county's governing body or voter approval in a countywide referendum. The surtax proceeds were to be used to fund health care services for indigent and medically poor persons and to supplement funding of the county public general hospital. Chapter 92-309, L.O.F. (HB 193-H), set an October 1, 1998 repeal date for the surtax. In addition, it limited the combined rate, in varying combinations, of this surtax in addition to the Local Government Infrastructure Surtax, Small County Surtax, County Public Hospital Surtax, and the then Small County Indigent Care Surtax to 1 percent. Chapter 97-83, L.O.F. (SB 392), extended the surtax's repeal date to October 1, 2005.

Chapters 2000-312 and 318, L.O.F. (HB 509 and HB 591), renamed the Indigent Care Surtax as the Indigent Care and Trauma Center Surtax and required that the county's plan setting forth the use of the surtax proceeds should also address the services to be provided by the Level I trauma center. In addition, requirements for the disbursement of funds to health care service providers were modified. Chapter 2003-77, L.O.F. (HB 457), repealed the October 1, 2005 sunset provision and imposed the requirement of a biennial audit of the county's indigent care trust fund. Chapter 2004-259, L.O.F. (SB 1762), authorized non-consolidated counties having a total population of less than 800,000 to impose, subject to voter approval in a countywide referendum, a surtax not to exceed 0.25 percent for the sole purpose of funding trauma services provided by a trauma center.

Chapter 2019-64, L.O.F., (CS/CS/HB 5) amends s. 212.055, F.S., to require, effective January 1, 2020, that any referendum to adopt or amend a local discretionary sales surtax be held at a general election,

INDIGENT CARE AND TRAUMA CENTER SURTAX

which is defined in s. 97.021, F.S., to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years. Upon adoption of an ordinance or a resolution by a county or school district to hold a local discretionary sales surtax referendum on or after January 1, 2020, the legislation requires the county or school district to provide the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. Additionally, the legislation maintains the requirement that OPPAGA select and pay for a certified public accountant to conduct a performance audit of the program associated with the proposed surtax and the requirement that the performance audit be completed and made available on the county or school district website at least 60 days prior to the referendum. OPPAGA is required to procure the certified public accountant to conduct the performance audit within 60 days of receiving the final resolution or ordinance. Furthermore, the legislation declares void any local discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit on its website at least 60 days before the referendum is held.

IMPOSITION AND RATE:

As previously mentioned, this surtax consists of two separate levies for different groups of eligible counties. First, non-consolidated counties having a total population of 800,000 or more are eligible to levy a surtax at a rate not to exceed 0.5 percent. This surtax can be imposed by either an extraordinary vote of the county's governing body or voter approval in a countywide referendum. Based on the population criterion, only the five non-consolidated counties of Broward, Hillsborough, Orange, Palm Beach, and Pinellas are eligible to levy the 0.5 percent surtax. Duval County is not eligible to levy because it is a consolidated county government. Although Miami-Dade County is a non-consolidated county having a total population greater than 800,000, the county is prohibited from levying the 0.5 percent surtax because it already has authority to levy the County Public Hospital Surtax.

Second, non-consolidated counties having a total population of less than 800,000 are eligible to levy a surtax at a rate not to exceed 0.25 percent. This surtax can only be imposed subject to voter approval in a countywide referendum. Based on the population criterion, 60 counties are eligible to levy the 0.25 percent surtax.

In total, 65 counties are eligible to levy this surtax. During the 2021 calendar year, only Hillsborough County will be levying at the 0.5 percent rate. Both of these surtaxes are subject to a combined rate limitation. A county eligible to levy either the 0.5 or 0.25 percent surtax shall not levy it along with the Local Government Infrastructure Surtax and Small County Surtax in excess of a combined rate of 1 percent.

DISPOSITION AND USES:

The Department of Revenue distributes the surtax proceeds on a regular and periodic basis to the Clerk of Circuit Court as the designated custodian of the proceeds. The clerk shall maintain the monies in an indigent health care or trauma services trust fund, invest any funds held on deposit in the trust fund, disburse the funds to the appropriate provider upon directive from the authorizing county, and prepare on a biennial basis an audit of the trust fund.

The 0.5 percent surtax proceeds shall be used to fund a broad range of health care services for both indigent persons and the medically poor, including, but not limited to, primary care and preventive care as well as hospital care. The 0.25 percent surtax proceeds shall be used for the sole purpose of funding trauma services provided by a trauma center licensed pursuant to ch. 395, F.S.

INDIGENT CARE AND TRAUMA CENTER SURTAX

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

COUNTY PUBLIC HOSPITAL SURTAX

FLORIDA STATUTES: Section 212.055(5)

ADMINISTERED BY: Department of Revenue

SUMMARY:

Any county, as defined in s. 125.011(1), F.S., [i.e., Miami-Dade County] is authorized to levy the County Public Hospital Surtax at a rate of 0.5 percent. The levy may be authorized either by an extraordinary vote of the county's governing body or voter approval in a countywide referendum. Proceeds shall be used to supplement the operation, maintenance, and administration of the county public general hospital. Miami-Dade County will be levying this surtax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	261,154,986	3.00%
2021-22*	253,548,530	7.60%
2020-21	235,639,898	3.50%
2019-20	227,670,956	-7.23%
2018-19	245,416,554	3.85%
2017-18	236,321,800	4.69%
2016-17	225,730,018	2.06%

* Estimate

HISTORY:

Chapter 91-81, L.O.F. (SB 186), created the County Public Hospital Surtax. It authorized any county, as defined in s. 125.011(1), F.S., [i.e., Miami-Dade County] to levy the surtax at the rate of 0.5 percent pursuant to an extraordinary vote of the county's governing body or voter approval in a countywide referendum. The surtax proceeds were designated for the operation, maintenance, and administration of the county public general hospital. Chapter 92-309, L.O.F. (HB 193-H), limited the combined tax rate, in varying combinations, of this surtax and the Local Government Infrastructure Surtax, Small County Surtax, Indigent Care Surtax, and the then Small County Indigent Care Surtax to 1 percent.

Chapter 2000-312, L.O.F. (HB 509), reduced the county's proportional contribution for the county public general hospital's operation, administration, and maintenance. The monies were redirected for the development and implementation of a county plan for indigent health care services. Additionally, the surtax was scheduled for repeal on October 1, 2005. Chapter 2005-96, L.O.F. (SB 300), reenacted the surtax, which had been set to repeal on October 1, 2005.

Chapter 2019-64, L.O.F., (CS/CS/HB 5) amends s. 212.055, F.S., to require, effective January 1, 2020, that any referendum to adopt or amend a local discretionary sales surtax be held at a general election, which is defined in s. 97.021, F.S., to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years. Upon adoption of an ordinance or a resolution by a county or school district to hold a local discretionary sales surtax referendum on or after January 1, 2020, the legislation requires the county or school district to provide the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. Additionally, the legislation maintains the requirement that OPPAGA select and pay for a certified public accountant to conduct a performance audit of the program associated with the proposed surtax and the requirement that the performance audit be completed and made available on the county or school district website at least

COUNTY PUBLIC HOSPITAL SURTAX

60 days prior to the referendum. OPPAGA is required to procure the certified public accountant to conduct the performance audit within 60 days of receiving the final resolution or ordinance. Furthermore, the legislation declares void any local discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit on its website at least 60 days before the referendum is held.

IMPOSITION AND RATE:

Any county, as defined in s. 125.011(1), F.S., [i.e., Miami-Dade County] is authorized to levy the County Public Hospital Surtax at a rate of 0.5 percent. The levy may be authorized either by an extraordinary vote of the county's governing body or voter approval in a countywide referendum.

Only Miami-Dade County is eligible to levy this surtax, and the county will be levying at the 0.5 percent rate during the 2021 calendar year. This surtax is one of several surtaxes subject to a combined rate limitation. An eligible county shall not levy this surtax along with the Local Government Infrastructure Surtax and Small County Surtax in excess of a combined rate of 1 percent.

DISPOSITION AND USES:

The surtax proceeds shall be distributed by the Department of Revenue to the county for deposit into a special fund set aside from other county funds. The proceeds are designated to supplement the operation, maintenance, and administration of the county public general hospital.

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

VOTER-APPROVED INDIGENT CARE SURTAX

FLORIDA STATUTES: Section 212.055(7)

ADMINISTERED BY: Department of Revenue

SUMMARY:

Counties with a total population of less than 800,000 are eligible to levy the Voter-Approved Indigent Care Surtax subject to voter approval in a countywide referendum. If a publicly supported medical school is located within the county, the tax rate shall not exceed 1 percent. If no such medical school is located within the county, the tax rate is capped at 0.5 percent. However, any county with a total population of less than 50,000 may levy the surtax at a rate not to exceed 1 percent. The proceeds are to be used to fund health care services for the medically poor. Five counties will be levying this surtax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	57,063,001	3.00%
2021-22*	55,400,972	7.60%
2020-21	51,487,892	13.25%
2019-20	45,464,002	-0.93%
2018-19	45,890,683	11.88%
2017-18	41,016,118	6.43%
2016-17	38,539,271	5.11%

* Estimate

HISTORY:

Chapter 92-309, L.O.F. (HB 193-H), created the Small County Indigent Care Surtax within s. 212.055(6), F.S., which authorized counties with a total population of 50,000 or less on April 1, 1992, to levy a 0.5 percent pursuant to an extraordinary vote of the governing body to fund health services for indigent or medically poor county residents. The surtax was scheduled to repeal on October 1, 1998. Chapter 99-4, L.O.F., repealed s. 212.055(6), F.S., since the surtax had expired on October 1, 1998.

Chapter 2000-312, L.O.F. (HB 509), created the Voter-Approved Indigent Care Surtax within s. 212.055(7), F.S., which authorized counties with a total population of less than 800,000 to the surtax subject to voter approval in a countywide referendum. If a publicly supported medical school was located within the county, the surtax rate could not exceed 1 percent. If no such medical school was located within the county, the tax rate was capped at 0.5 percent. The surtax proceeds were to be used to fund health care services for the medically poor. The surtax was scheduled to repeal on October 1, 2005. Chapter 2005-96, L.O.F. (SB 300), reenacted s. 212.055(7), F.S., which was set to repeal on October 1, 2005. Chapter 2005-242, L.O.F. (SB 470), authorized any county with a total population of less than 50,000 to levy this surtax, subject to referendum approval, at a rate not to exceed 1 percent. The surtax proceeds could be pledged to service new or existing bond indebtedness incurred to finance, plan, construct, or reconstruct a public or not-for-profit hospital in the county and any land acquisition, land improvement, design, or engineering costs related to the hospital if the county's governing body determined that a public or not-for-profit hospital existing at the time of the bond issuance would, more likely than not, cease to operate.

Chapter 2019-64, L.O.F., (CS/CS/HB 5) amends s. 212.055, F.S., to require, effective January 1, 2020, that any referendum to adopt or amend a local discretionary sales surtax be held at a general election,

VOTER-APPROVED INDIGENT CARE SURTAX

which is defined in s. 97.021, F.S., to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years. Upon adoption of an ordinance or a resolution by a county or school district to hold a local discretionary sales surtax referendum on or after January 1, 2020, the legislation requires the county or school district to provide the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. Additionally, the legislation maintains the requirement that OPPAGA select and pay for a certified public accountant to conduct a performance audit of the program associated with the proposed surtax and the requirement that the performance audit be completed and made available on the county or school district website at least 60 days prior to the referendum. OPPAGA is required to procure the certified public accountant to conduct the performance audit within 60 days of receiving the final resolution or ordinance. Furthermore, the legislation declares void any local discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit on its website at least 60 days before the referendum is held.

IMPOSITION AND RATE:

Counties with a total population of less than 800,000 are eligible to levy this surtax subject to voter approval in a countywide referendum. If a publicly supported medical school is located within the county, the tax rate shall not exceed 1 percent. If no such medical school is located within the county, the tax rate is capped at 0.5 percent. However, any county with a total population of less than 50,000 may levy the surtax at a rate not to exceed 1 percent. The rate is capped at 0.5 percent or 1 percent if a publicly supported medical school is located in the county.

Due to the population criterion, only 60 counties are eligible to levy this surtax. During the 2021 calendar year, DeSoto, Gadsden, Holmes, Madison, and Polk counties will be levying at 0.5 percent. This surtax is one of several surtaxes subject to a combined rate limitation. A county eligible to levy this surtax shall not levy it along with the Local Government Infrastructure Surtax and Small County Surtax in excess of a combined rate of 1 percent with the following exceptions. If a publicly supported medical school is located within the county or the county has a total population of less than 50,000, the combined rate cannot exceed 1.5 percent.

DISPOSITION AND USES:

The Department of Revenue distributes the surtax proceeds on a regular and periodic basis to the Clerk of Circuit Court as the designated custodian of the proceeds. The clerk shall maintain the monies in an indigent health care trust fund, invest any funds held on deposit in the trust fund, and disburse the funds to any provider of health care services or to service the authorized bonded indebtedness, subject to statutory provisions and upon directive from the authorizing county. The clerk must maintain the moneys in an Indigent Health Care Trust Fund, to be used to fund a broad range of health care services for both indigent and medically poor people.

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

PENSION LIABILITY SURTAX

FLORIDA STATUTES: Section 212.055(9)

ADMINISTERED BY: Florida Department of Revenue

SUMMARY:

The county's governing body may levy the Pension Liability Surtax, at a rate not to exceed 0.5 percent, pursuant to an ordinance conditioned to take effect upon approval by a majority vote of county electors voting in a referendum. The surtax proceeds must be used to fund an underfunded defined benefit retirement plan or system. However, in order to impose this surtax, a county must satisfy five prerequisites. Twenty-eight counties are potentially eligible to levy this surtax; however, no county will be levying this surtax during the 2021 calendar year.

REVENUE:

This surtax was enacted in 2016, and no eligible county has yet levied.

HISTORY:

Chapter 2016-146, L.O.F., (CS/HB 1297) created the Pension Liability Surtax.

IMPOSITION AND RATE:

Eligible county governments may levy this surtax at a rate not to exceed 0.5 percent pursuant to an ordinance conditioned to take effect upon approval by a majority vote of electors in a countywide referendum. A county may not impose the surtax unless the underfunded defined benefit retirement plan or system is below 80 percent of actuarial funding at the time the ordinance or referendum is passed. The most recent actuarial report submitted to the Department of Management Services (DMS) pursuant to s. 112.63, F.S., must be used to establish the level of actuarial funding for purposes of determining eligibility to impose the surtax.

The county's governing body may only impose the surtax if the following five prerequisites are satisfied. First, an employee, including a police officer or firefighter, who enters employment on or after the date when the local government certifies that the defined benefit retirement plan or system formerly available to such an employee has been closed may not enroll in a defined benefit retirement plan or system that will receive surtax proceeds. Second, the local government and the collective bargaining representative for the members of the underfunded defined benefit retirement plan or system or, if there is no representative, a majority of the members of the plan or system, mutually consent to requiring each member to make an employee retirement contribution of at least 10 percent of each member's salary for each pay period beginning with the first pay period after the plan or system is closed. Third, the pension board of trustees for the underfunded defined benefit retirement plan or system, if such board exists, is prohibited from participating in the collective bargaining process and engaging in the determination of pension benefits. Fourth, the county currently levies a Local Government Infrastructure Surtax pursuant to s. 212.055(2), F.S., which is scheduled to terminate and is not subject to renewal. Fifth, the Pension Liability Surtax does not take effect until the Local Government Infrastructure Surtax is terminated.

The surtax can only be imposed by a county that currently levies a Local Government Infrastructure Surtax, which is scheduled to terminate and not subject to renewal. The county must then terminate the Local Government Infrastructure Surtax as a prerequisite to imposition of the Pension Liability Surtax. As of January 1, 2021, there are 28 counties levying a Local Government Infrastructure Surtax. Consequently, these counties (i.e., Alachua, Bay, Brevard, Charlotte, Clay, Collier, Duval, Escambia, Glades, Highlands, Hillsborough, Indian River, Lake, Leon, Manatee, Marion, Monroe, Okaloosa, Osceola, Palm Beach, Pasco, Pinellas, Putnam, St. Lucie, Santa Rosa, Sarasota, Seminole, and Wakulla)

PENSION LIABILITY SURTAX

are potentially eligible to levy the Pension Liability Surtax, assuming the other prerequisites are satisfied. During the 2021 calendar year, no county will be levying this surtax.

This surtax is one of several surtaxes subject to a combined rate limitation. A county eligible to levy this surtax cannot levy it along with the Local Government Infrastructure Surtax, Small County Surtax, Indigent Care and Trauma Center Surtax, and County Public Hospital Surtax in excess of a combined rate of 1 percent.

DISPOSITION AND USES:

The surtax proceeds, less an administrative fee that may be retained by the Department of Revenue (DOR), are distributed back to the local government that generated the proceeds.

The surtax proceeds are to be used in the following manner. If the surtax proceeds have been actuarially recognized as provided in s. 112.64(6), F.S., the local government must distribute the proceeds to an eligible defined benefit retirement plan or system, not including the Florida Retirement System. However, if the surtax proceeds have not been actuarially recognized, the local government is authorized to distribute the proceeds to an eligible defined benefit retirement plan or system, not including the Florida Retirement System, to pledge the surtax proceeds to repay debts incurred for the purpose of making advanced payments toward the unfunded liability of an underfunded defined benefit retirement plan or system and to reimburse itself from the surtax proceeds for any borrowing costs associated with such debts.

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

SCHOOL CAPITAL OUTLAY SURTAX

FLORIDA STATUTES: Section 212.055(6)

ADMINISTERED BY: Department of Revenue

SUMMARY:

Florida's school districts may authorize the levy of the School Capital Outlay Surtax at a rate of up to 0.5 percent pursuant to a resolution conditioned to take effect only upon voter approval in a countywide referendum. The proceeds must be expended for school-related capital projects, technology implementation, and bond financing of such projects. Twenty-six of 67 counties will be levying this surtax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	920,035,979	3.00%
2021-22*	893,238,815	7.60%
2020-21	830,147,597	8.71%
2019-20	763,622,300	13.11%
2018-19	675,125,887	23.85%
2017-18	545,127,596	9.41%
2016-17	498,262,148	11.97%

* Estimate

HISTORY:

Chapter 95-258, L.O.F. (SB 562), created the School Capital Outlay Surtax. It authorized district school boards to levy the surtax, pursuant to resolution conditioned to take effect only upon approval by a majority vote in a countywide referendum, at a rate of up to 0.5 percent. The surtax proceeds were to be expended for school-related capital projects, technology implementation, and bond financing of such projects; however, the proceeds and any accrued interest could not be used for operational expenses. Any school board imposing the surtax was required to implement a freeze on non-capital local school property taxes, at the millage rate imposed in the year prior to surtax implementation, for a period of at least three years from the imposition date.

Chapter 2005-56, L.O.F. (SB 388), provided that a required freeze on certain taxes does not apply to taxes authorized in the General Appropriations Act.

Chapter 2010-154, L.O.F. (HB 5101), deleted the requirement that a district school board imposing the school capital outlay surtax implement a freeze on non-capital local school property taxes. Chapter 2019-64, L.O.F., (CS/CS/HB 5) amends s. 212.055, F.S., to require, effective January 1, 2020, that any referendum to adopt or amend a local discretionary sales surtax be held at a general election, which is defined in s. 97.021, F.S., to mean an election held on the first Tuesday after the first Monday in November in the even-numbered years. Upon adoption of an ordinance or a resolution by a county or school district to hold a local discretionary sales surtax referendum on or after January 1, 2020, the legislation requires the county or school district to provide the Florida Legislature's Office of Program Policy Analysis and Government Accountability (OPPAGA) with a copy of the final ordinance or resolution calling for the referendum at least 180 days before the referendum is held. Additionally, the legislation maintains the requirement that OPPAGA select and pay for a certified public accountant to conduct a performance audit of the program associated with the proposed surtax and the requirement that the performance audit be completed and made available on the county or school district website at least

SCHOOL CAPITAL OUTLAY SURTAX

60 days prior to the referendum. OPPAGA is required to procure the certified public accountant to conduct the performance audit within 60 days of receiving the final resolution or ordinance. Furthermore, the legislation declares void any local discretionary sales surtax referendum if the county or school district fails to provide notice to OPPAGA or fails to publish the results of the performance audit on its website at least 60 days before the referendum is held.

Chapter 2020-10, L.O.F., (CS/HB 7097) required that surtax levies authorized on or after July 1, 2020, must be shared with eligible charter schools based on their proportionate share of the total school district enrollment.

IMPOSITION AND RATE:

District school boards may levy, pursuant to a resolution conditioned to take effect only upon voter approval in a countywide referendum, this surtax at a rate of up to 0.5 percent. The resolution shall set forth a plan for use of the surtax proceeds in accordance with authorized uses.

All 67 counties are eligible to levy this surtax. Effective January 1, 2021, 26 counties will be levying at the 0.5 percent rate: Alachua, Bay, Brevard, Calhoun, Clay, Duval, Escambia, Flagler, Hernando, Highlands, Hillsborough, Jackson, Lee, Leon, Manatee, Martin, Monroe, Okaloosa, Orange, Osceola, Polk, St. Johns, St. Lucie, Santa Rosa, Volusia, and Washington. In addition to the Charter County and Regional Transportation System Surtax and Emergency Fire Rescue Services and Facilities Surtax, this surtax is not subject to a combined rate limitation that impacts the other discretionary sales surtaxes.

DISPOSITION AND USES:

The surtax revenues collected by the Department of Revenue shall be distributed to the school board imposing the surtax. The surtax proceeds shall be used to fund fixed capital expenditures or fixed capital costs associated with the construction, reconstruction, or improvement of school facilities and campuses which have a useful life expectancy of five or more years, as well as any related land acquisition, land improvement, design and engineering costs. Additionally, the proceeds shall be used to fund the costs of retrofitting and providing for technology implementation, including hardware and software, for the various sites within the school district. The proceeds may be used for the purpose of servicing bonded indebtedness used to finance authorized projects, and any accrued interest may be held in trust to finance such projects. However, the surtax proceeds and any accrued interest shall not be used for operational expenses.

Surtax revenues shared with charter schools must be expended by the charter school in a manner consistent with the allowable uses set forth in s. 1013.62(4), F.S. All revenues and expenditures must be accounted for in a charter school's monthly or quarterly financial statement pursuant to s. 1002.33(9), F.S. The charter school's eligibility to receive surtax funds shall be determined in accordance with s. 1013.62(1), F.S. If a school's charter is not renewed or is terminated and the school is dissolved under the provisions of law under which the school was organized, any unencumbered surtax funds shall revert to the sponsor.

ADDITIONAL INFORMATION:

A more detailed description of this surtax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

LOCAL MOTOR FUEL AND DIESEL FUEL TAXES

2021 Federal, State, and County Tax Rates on Motor Fuel and Diesel Fuel in Florida's Counties

County	Motor Fuel Tax Rates (# of Cents Per Gallon)											Diesel Fuel Tax Rates (# of Cents Per Gallon)											Total Tax										
	Federal					State			County (Local Option)			Unutilized County-Imposed					Federal			State				County (Local Option)									
	Fuel Tax	Excise Tax	Fuel Tax	Excise Tax	Fuel Tax	SCETS Tax	Const. Fuel Tax	County Fuel Tax	Municipal Fuel Tax	Ninth-cent Fuel Tax	1-6 Cents Fuel Tax	1-5 Cents Fuel Tax	Total Unutilized Tax	Fuel Excise Tax	Fuel Sales Tax	SCETS Tax	Fuel Excise Tax	Fuel Tax	Ninth-cent Fuel Tax	1-6 Cents Fuel Tax	1-5 Cents Fuel Tax	Total Unutilized Tax		Fuel Excise Tax	Fuel Sales Tax	SCETS Tax	Fuel Excise Tax	Fuel Tax	Ninth-cent Fuel Tax	1-6 Cents Fuel Tax	1-5 Cents Fuel Tax	Total Tax	
Alachua	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Baker	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Bay	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Bradford	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Brevard	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Broward	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Broward	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Calhoun	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Charlotte	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Citrus	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Clay	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Collier	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Columbia	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
DeSoto	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Dixie	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Duval	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	4	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Escambia	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	4	55.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Flagler	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Franklin	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Gadsden	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Gadsden	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Gilchrist	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Glades	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Glades	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Gulf	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Hamilton	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Hamilton	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Hardee	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Hendry	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	2	53.9	0	0	0	24.4	14.5	8.0	4	1	6	3	3	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Hendry	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Hernando	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Hernando	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Highlands	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Highlands	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Hillsborough	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Holmes	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Indian River	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Indian River	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Jackson	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Jackson	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Jefferson	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Jefferson	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	50.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Lafayette	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Lafayette	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Lake	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	0	51.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Lake	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Lee	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Lee	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4	14.5	8.0	4	1	6	n/a	57.9
Leon	18.4	8.0	14.5	8.0	2	1	1	1	1	1	6	5	56.9	0	0	0	24.4	14.5	8.0	4	1	6	0	0	0	24.4							

NINTH-CENT FUEL TAX

FLORIDA STATUTES: Sections 206.41(1)(d), 206.87(1)(b), and 336.021

ADMINISTERED BY: Department of Revenue

SUMMARY:

The Ninth-Cent Fuel Tax is a local option tax of 1 cent on every net gallon of motor and diesel fuel sold within a county. The tax may be authorized by an ordinance adopted by an extraordinary vote of the governing body or voter approval in a countywide referendum. Generally, the tax proceeds may be used to fund transportation expenditures. Since January 1, 1994, the tax has been imposed on diesel fuel in every county as the result of statewide equalization. All counties are eligible to levy this tax on motor fuel, and 54 counties will be levying the tax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	99,196,284	1.91%
2021-22*	97,337,145	7.62%
2020-21	90,445,219	-0.24%
2019-20	90,658,952	-4.41%
2018-19	94,842,804	1.69%
2017-18	93,267,453	1.52%
2016-17	91,872,897	3.22%

* Estimate

Annual tax receipts by county can be found on the Office of Economic and Demographic Research's (EDR) Local Government Data webpage under the heading of Local Option Tax Receipts via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 72-384, L.O.F., authorized county governments to levy a 1 cent per gallon tax on motor and special fuels subject to referendum approval. Chapter 77-390, L.O.F., allowed the county's governing body to limit the number of years that tax would be in effect and expanded the authorized uses of the tax proceeds.

Chapter 80-397, L.O.F., authorized the county and municipalities within the county's boundaries to negotiate a joint agreement for the purpose of allowing the tax proceeds to be used in both the incorporated and unincorporated areas of the county. Chapter 83-3, L.O.F., designated the name of this tax as the voted gas tax. Chapter 83-137, L.O.F., required official notification of the ordinance proposing the tax levy to be sent to the Department within 10 days after approval by the county's governing body and also 10 days after voter approval by referendum. Chapter 85-342, L.O.F., established a dealer collection allowance of three percent of the first \$1,000 of tax due and one percent of any remaining tax due. Chapter 87-99, L.O.F., specified the tax's effective date as 60 days after passage of the referendum.

Chapter 90-351, L.O.F. (SB 2984), required all counties to impose this tax on special fuel by January 1, 1994 (i.e., statewide equalization). Chapter 92-184, L.O.F. (HB 833), changed the system of motor fuel tax collections by requiring motor fuel taxpayers to report fuel purchases based on the net amount of fuel pumped from the loading rack rather than on the gross amount of fuel. Chapter 92-309, L.O.F. (HB 193-H), changed the name of this tax from voted gas tax to ninth-cent gas tax and authorized counties having a

NINTH-CENT FUEL TAX

total population of 50,000 or less on April 1, 1992, to levy the tax by an extraordinary vote of the governing body. If enacted by this method, the tax proceeds could not be used to service bonded indebtedness. Chapter 93-206, L.O.F. (HB 2315), authorized any county to impose the tax by an extraordinary vote of the governing body, in addition to the existing method of voter approval in a countywide referendum. In addition, counties with a total population of 50,000 or less were no longer precluded from using these funds for bonding purposes. Chapter 94-146, L.O.F. (HB 1317), authorized the Department to deduct administrative costs from the tax proceeds and limited the deduction to 2 percent of total collections. The deduction would be phased-in over several fiscal years. Administrative costs would be prorated among the levying counties according to a formula based on each county's proportional share of active taxpayer accounts (weighted by two-thirds) and collections (weighted by one-third), and the formula would be revised on July 1st of each year. Chapter 95-417, L.O.F. (HB 1639), constituted a major rewrite of the state statutes dealing with state and local fuel tax implementation and administration in order to adopt fuel taxing procedures used by the federal government with the goals of reducing tax evasion and fraud and increasing administrative efficiency. References to gas tax and special fuel were changed to fuel tax and diesel fuel, respectively. The point of tax collection on diesel fuel was moved to the terminal rack. The point of tax collection of all local option and SCETS taxes on motor fuel was moved from collection by retailers to collection by wholesalers or terminal suppliers on deliveries to retail service stations and end users. The effective date for all local option fuel tax levies was changed from September 1st to January 1st of the following year. Chapter 95-428, L.O.F. (HB 2553), authorized any county having a total population of 10,000 or less on April 1, 1993, to transfer and use legally restricted fuel tax (including all local option fuel taxes) for unrestricted purposes for all fiscal years prior to and through 1994-95. Chapter 96-323, L.O.F. (SB 330), changed the procedure for the distribution of local option taxes collected on sales and use of diesel fuel. Chapter 97-54, L.O.F. (HB 81), provided a technical change to allow counties to correct expiration problems with local option fuel tax levies. Additionally, it authorized county and municipal governments to use the Ninth-Cent Fuel Tax proceeds to transportation expenditures as defined in s. 336.025(7), F.S., in order to allow the authorized uses for this tax and the 1-6 Cents Local Option Fuel Tax to be identical.

Chapter 2002-218, L.O.F. (SB 426), revised time limitations on impositions and rate changes for all local option fuel taxes. All impositions and rate changes were to be levied before July 1st of each year to be effective January 1st of the following year. All tax impositions and rescissions were required to end on December 31st of a year, and any rescission required a minimum 60 days' notice to the Department. Chapter 2003-254, L.O.F. (SB 1176), revised certain dates for purposes of qualifying new retail stations with respect to diesel fuel and required local option fuel taxes on motor fuel reported by wholesalers to be included in the distribution process. Additionally, it expanded the definition of transportation expenditures to include expenditures for sidewalks.

Chapter 2010-138, L.O.F. (HB 7157), authorized the Department to make distributions of the Ninth-Cent Fuel Tax collected on diesel fuel that more accurately reflect the current fuel market. Chapter 2012-174, L.O.F. (HB 599), revised time limitations on impositions and rate changes for all local option fuel taxes. All impositions and rate changes were to be levied before October 1st of each year to be effective January 1st of the following year. Additionally, the legislation incorporated the installation, operation, maintenance, and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings as permitted uses of the tax proceeds.

IMPOSITION AND RATE:

Any county government may levy a 1 cent per gallon tax on motor and diesel fuels sold in the county by extraordinary vote of the county's governing body or voter approval in a countywide referendum. Since January 1, 1994, this tax has been imposed on diesel fuel in every county as the result of statewide equalization. During the 2021 calendar year, 54 counties will be levying the tax on motor fuel.

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All impositions of the tax shall be levied before October 1st to be effective January 1st of the following year. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31st of any year may be reimposed at the current authorized rate to be effective September 1st of the year of expiration. A decision to rescind the tax shall not take effect on any other date than December 31st and shall require a minimum of 60 days notice to the Department of Revenue of such decision.

DISPOSITION AND USES:

The Department of Revenue returns the proceeds to the county where the tax is levied. The county's governing body may provide by joint agreement with one or more of its respective municipalities for the authorized transportation purposes and the distribution of tax proceeds within both the incorporated and unincorporated areas of the county. However, the county is not required to share the tax proceeds with municipalities. Even if the county does not levy the tax on motor fuel, it still receives proceeds from the levy on diesel fuel. County and municipal governments may use the tax proceeds for transportation expenditures as defined in s. 336.025(7), F.S.

OTHER STATES:

According to the American Petroleum Institute (API), a number of states have local option fuel taxes as of July 2021. A listing of those states can be found in the API's report entitled *State Gasoline Tax Reports* via the following link:

<http://www.api.org/oil-and-natural-gas/consumer-information/motor-fuel-taxes>

ADDITIONAL INFORMATION:

Annual tax distributions by county can be found on the EDR's Local Government Data webpage under the heading of Local Option Fuel Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

1 TO 6 CENTS LOCAL OPTION FUEL TAX

FLORIDA STATUTES: Sections 206.41(1)(e), 206.87(1)(c), and 336.025(1)(a)

ADMINISTERED BY: Department of Revenue

SUMMARY:

Local governments are authorized to levy a tax of 1 to 6 cents on every net gallon of motor fuel sold in a county. The tax is imposed on diesel fuel in each county at the maximum rate of 6 cents per gallon. The tax on motor fuel may be authorized by an ordinance adopted by a majority vote of the governing body or voter approval in a countywide referendum. Generally, the proceeds may be used to fund transportation expenditures. Since 1993, the tax has been imposed on diesel fuel in every county at the maximum rate of 6 cents per gallon as the result of statewide equalization. All counties are eligible to levy this tax on motor fuel and will be levying the tax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	650,878,141	1.91%
2021-22*	638,679,365	7.62%
2020-21	593,457,875	-0.51%
2019-20	596,495,954	-4.81%
2018-19	626,663,879	2.06%
2017-18	614,004,961	1.46%
2016-17	605,159,124	2.44%

* Estimate

Annual tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 83-3, L.O.F., authorized county governments to levy a local option gas tax of up to 4 cents per gallon on motor and special fuels. Chapter 83-339, L.O.F., increased the General Revenue Service Charge on the Local Option Gas Tax Trust Fund from 4 to 6 percent. Chapter 84-369, L.O.F., required a certified copy of the interlocal agreement establishing the distribution of the tax proceeds be sent to the Department. Chapter 85-180, L.O.F., increased the rate at which the tax could be levied by 2 cents. Chapter 85-342, L.O.F., established a dealer collection allowance of three percent of the first \$1,000 of tax due and one percent of any remaining tax due. Chapter 86-152, L.O.F., changed the requirements for authorizing the levy of optional gas tax and those regarding interlocal agreements and distribution of tax proceeds. Chapter 86-243, L.O.F., allowed for the entire proceeds to be pledged toward bonds.

Chapters 90-110 and 90-132, L.O.F. (HB 149 and HB 3695), had the combined effect of increasing the General Revenue Service Charge on the Local Option Gas Tax Trust Fund from 6 to 7.3 percent. Chapter 90-351, L.O.F. (SB 2984), equalized the tax rate on special fuel in all counties at 4 cents in 1991, 5 cents in 1992, and 6 cents in 1993. Chapter 92-184, L.O.F. (HB 833), changed the system of motor fuel tax collections by requiring motor fuel taxpayers to report fuel purchases based on the net amount of fuel pumped from the loading rack rather than on the gross amount of fuel. Chapter 92-309, L.O.F. (HB 193-H), authorized counties having a total population of 50,000 or less on April 1, 1992, to use the tax proceeds to fund infrastructure projects if designated projects were consistent with the local government's approved comprehensive plan and all transportation needs as identified in the comprehensive plan had

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been met. Chapter 93-164, L.O.F. (SB 1328), authorized local governments to use the tax proceeds to fund the costs of structures used for the storage and maintenance of road equipment. Chapter 93-222, L.O.F. (HB 729), modified the definition of infrastructure to include official emergency responder vehicles, which expanded the uses to which small counties could use the tax proceeds. Chapter 94-146, L.O.F. (HB 1317), authorized the Department to deduct administrative costs from the tax proceeds and limited the deduction to 2 percent of total collections. The deduction would be phased-in over several fiscal years. Administrative costs would be prorated among the levying counties according to a formula based on each county's proportional share of active taxpayer accounts (weighted by two-thirds) and collections (weighted by one-third), and the formula would be revised on July 1st of each year. Chapter 94-237, L.O.F. (SB 2156), provided for biennial review and public hearing requirements by local governments of the distribution method for local option gas tax proceeds specified in interlocal agreements. Chapter 95-257, L.O.F. (SB 510), provided that interlocal agreements that included provision for automatic adjustment of the revenue distribution were not subject to biennial review and public hearing requirements. Chapter 95-343, L.O.F. (HB 1919), authorized any county having a total population of 50,000 or less on April 1, 1992, and subject to a court-ordered refund of special assessments to use the proceeds of up to 4 cents of gas tax to finance the refund. (Note: Legislation provided Madison County with a source of funds to finance a court-ordered refund of \$2.2 million in special assessments.)

Chapter 95-417, L.O.F. (HB 1639), constituted a major rewrite of the state statutes dealing with state and local fuel tax implementation and administration in order to adopt fuel taxing procedures used by the federal government with the goals of reducing tax evasion and fraud and increasing administrative efficiency. References to gas tax and special fuel were changed to fuel tax and diesel fuel, respectively. The point of tax collection on diesel fuel was moved to the terminal rack. The point of tax collection of all local option and SCETS taxes on motor fuel was moved from collection by retailers to collection by wholesalers or terminal suppliers on deliveries to retail service stations and end users. The effective date for all local option fuel tax levies was changed from September 1st to January 1st of the following year. Chapter 95-428, L.O.F. (HB 2553), authorized any county having a total population of 10,000 or less on April 1, 1993, to transfer and use legally restricted fuel tax (including all local option fuel taxes) for unrestricted purposes for all fiscal years prior to and through 1994-95. Chapter 96-323, L.O.F. (SB 330), authorized any inland county with a population greater than 500,000 as of July 1, 1996, and an interlocal agreement with one or more municipalities within the county, to utilize the most recent official population estimates for dividing the fuel tax proceeds. (Note: At the time of enactment, Orange County was the only county eligible to use this new authority.) Additionally, it changed the procedure for the distribution of local option taxes collected on sales and use of diesel fuel. Chapter 97-54, L.O.F. (HB 81), provided a technical change to allow counties to correct expiration problems with local option fuel tax levies.

Chapter 2002-20, L.O.F. (HB 261), amended s. 339.12, F.S., to provide that any county with a population greater than 50,000 that levies the full 6 cents of fuel tax for improvements to the state transportation system or local projects directly upgrading the state transportation system within the county's boundaries shall receive preference for receipt of any transportation grant for which the county applies. Chapter 2002-218, L.O.F. (SB 426), revised time limitations on impositions and rate changes for all local option fuel taxes. All impositions and rate changes were to be levied before July 1st of each year to be effective January 1st of the following year. All tax impositions and rescissions were required to end on December 31st of a year, and any rescission required a minimum 60 days notice to the Department. Chapter 2003-86, L.O.F. (HB 1813), expanded the definition of transportation expenditures to include expenditures for sidewalks and authorized municipalities in certain less-populated counties to expend the proceeds for additional uses. Chapter 2003-254, L.O.F. (SB 1176), revised certain dates for purposes of qualifying new retail stations with respect to diesel fuel and required local option fuel taxes on motor fuel reported by wholesalers to be included in the distribution process. Additionally, it expanded the definition of transportation expenditures to include expenditures for sidewalks. Chapter 2007-196, L.O.F. (HB 985),

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deleted a provision prohibiting counties and municipalities from issuing bonds more than once each year pledging the tax proceeds.

Chapter 2012-174, L.O.F. (HB 599), revised time limitations on impositions and rate changes for all local option fuel taxes. All impositions and rate changes were to be levied before October 1st of each year to be effective January 1st of the following year. Additionally, the legislation incorporated the installation, operation, maintenance, and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings as permitted uses of the tax proceeds.

IMPOSITION AND RATE:

Any county government may levy 1 to 6 cents per gallon tax on motor fuel sold in the county by majority vote of the county's governing body or voter approval in a countywide referendum. In lieu of action by the county, municipal governments within the county can adopt uniform resolutions to initiate a countywide referendum. Since 1993, this tax has been imposed on diesel fuel at the rate of 6 cents per gallon in every county as the result of statewide equalization. During the 2021 calendar year, all counties will be levying the tax on motor fuel at the maximum rate of 6 cents per gallon.

All impositions and rate changes shall be levied before October 1st to be effective January 1st of the following year for a period not to exceed 30 years. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31st of any year may be reimposed at the current authorized rate to be effective September 1st of the year of expiration. A decision to rescind the tax shall not take effect on any other date than December 31st and shall require a minimum of 60 days notice to the Department of Revenue of such decision.

DISPOSITION AND USES:

The Department shall distribute the tax proceeds according to the distribution factors determined at the local level by interlocal agreement between the county and municipalities within the county's boundaries. If no interlocal agreement has been established, then the distribution shall be based on the transportation expenditures of each local government for the immediately preceding 5 fiscal years, as a proportion of the total of such expenditures for the county and all municipalities within the county. These proportions shall be recalculated every 10 years based on the transportation expenditures of the immediately preceding 5 years.

County and municipal governments may use the tax proceeds for transportation expenditures as defined in s. 336.025(7), F.S. Small counties, which are defined as having a total population of 50,000 or less on April 1, 1992, and municipalities within such counties are authorized to use the proceeds to fund infrastructure projects, if such projects are consistent with the local government's approved comprehensive plan. Except as provided for in s. 336.025(7), F.S., such funds shall not be used for the operational expenses of any infrastructure.

OTHER STATES:

According to the American Petroleum Institute (API), a number of states have local option fuel taxes as of July 2021. A listing of those states can be found in the API's report entitled *State Gasoline Tax Reports* via the following link:

<http://www.api.org/oil-and-natural-gas/consumer-information/motor-fuel-taxes>

ADDITIONAL INFORMATION:

Annual tax distributions by county can be found on the EDR's Local Government Data webpage under the heading of Local Option Fuel Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

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A more detailed description of this tax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

1 TO 5 CENTS LOCAL OPTION FUEL TAX

FLORIDA STATUTES: Sections 206.41(1)(e) and 336.025(1)(b)

ADMINISTERED BY: Department of Revenue

SUMMARY:

County governments are authorized to levy a tax of 1 to 5 cents upon every net gallon of motor fuel sold within a county. Diesel fuel is not subject to this tax. This tax shall be levied by an ordinance adopted by a majority plus one vote of the county's governing body or voter approval in a countywide referendum. Generally, the tax proceeds may be used for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted local government comprehensive plan. All counties are eligible to levy this tax on motor fuel, and 36 counties will be levying the tax during the 2021 calendar year.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	255,002,667	1.91%
2021-22*	250,223,400	7.62%
2020-21	232,506,412	-8.14%
2019-20	253,104,591	3.14%
2018-19	245,394,311	-4.30%
2017-18	256,421,742	0.90%
2016-17	254,131,857	6.69%

* Estimate

Annual tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 93-206, L.O.F. (HB 2315), authorized county governments to impose a tax of 1 to 5 cents per gallon of motor fuel sold at the retail level within the county. Chapter 94-146, L.O.F. (HB 1317), authorized the Department to deduct administrative costs from the tax proceeds and limited the deduction to 2 percent of total collections. The deduction would be phased-in over several fiscal years. Administrative costs would be prorated among the levying counties according to a formula based on each county's proportional share of active taxpayer accounts (weighted by two-thirds) and collections (weighted by one-third), and the formula would be revised on July 1st of each year. Chapter 94-237, L.O.F. (SB 2156), provided for biennial review and public hearing requirements by local governments of the distribution method for local option gas tax proceeds specified in interlocal agreements. Chapter 95-257, L.O.F. (SB 510), provided that interlocal agreements that included provision for automatic adjustment of the revenue distribution were not subject to biennial review and public hearing requirements. Chapter 95-417, L.O.F. (HB 1639), constituted a major rewrite of the state statutes dealing with state and local fuel tax implementation and administration in order to adopt fuel taxing procedures used by the federal government with the goals of reducing tax evasion and fraud and increasing administrative efficiency. References to gas tax and special fuel were changed to fuel tax and diesel fuel, respectively. The point of tax collection on diesel fuel was moved to the terminal rack. The point of tax collection of all local option and SCETS taxes on motor fuel was moved from collection by retailers to collection by wholesalers or terminal suppliers on deliveries to retail service stations and end users. The effective date for all local option fuel tax levies was changed from September 1st to January 1st of the

1 TO 5 CENTS LOCAL OPTION FUEL TAX

following year. Chapter 95-428, L.O.F. (HB 2553), authorized any county having a total population of 10,000 or less on April 1, 1993, to transfer and use legally restricted fuel tax (including all local option fuel taxes) for unrestricted purposes for all fiscal years prior to and through 1994-95. Chapter 96-323, L.O.F. (SB 330), changed the procedure for the distribution of local option taxes collected on sales and use of diesel fuel. Chapter 97-54, L.O.F. (HB 81), provided a technical change to allow counties to correct expiration problems with local option fuel tax levies. Additionally, it authorized county and municipal governments to include additional projects, such as the construction of new roads and reconstruction or resurfacing of existing paved roads, in the capital improvements element of an adopted comprehensive plan thereby expanding the authorized uses on the tax proceeds.

Chapter 2000-266, L.O.F. (SB 772), authorized the tax proceeds to be used for the paving of existing graded roads when undertaken in part to relieve or mitigate existing or potential adverse environmental impacts. Chapter 2001-201, L.O.F. (HB 1225), provided that the relief or mitigation of existing or potential adverse environmental impacts was no longer a condition for using tax proceeds to pave existing graded roads. Chapter 2002-218, L.O.F. (SB 426), revised time limitations on impositions and rate changes for all local option fuel taxes. All impositions and rate changes were to be levied before July 1st of each year to be effective January 1st of the following year. All tax impositions and rescissions were required to end on December 31st of a year, and any rescission required a minimum 60 days notice to the Department. Chapters 2003-86 and 2003-254, L.O.F. (HB 1813 and SB 1176), expanded the authorized uses to include expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures critical for building comprehensive roadway networks. Chapter 2007-196, L.O.F. (HB 985), deleted a provision prohibiting counties and municipalities from issuing bonds more than once each year pledging the tax proceeds.

Chapter 2012-174, L.O.F. (HB 599), revised time limitations on impositions and rate changes for all local option fuel taxes. All impositions and rate changes were to be levied before October 1st of each year to be effective January 1st of the following year. Additionally, the legislation incorporated the installation, operation, maintenance, and repair of street lighting, traffic signs, traffic engineering, signalization, and pavement markings as permitted uses of the tax proceeds.

IMPOSITION AND RATE:

Any county government may levy 1 to 5 cents per gallon tax on motor fuel sold in the county by majority plus one vote of the county's governing body or voter approval in a countywide referendum. Diesel fuel is not subject to this tax. During the 2021 calendar year, 32 counties will be levying the tax on motor fuel at the maximum rate of 5 cents per gallon, 1 county will be levying at 4 cents, 2 counties will be levying at 3 cents, and 1 county will be levying at 2 cents.

All impositions and rate changes shall be levied before October 1st to be effective January 1st of the following year for a period not to exceed 30 years. However, levies of the tax which were in effect on July 1, 2002, and which expire on August 31st of any year may be reimposed at the current authorized rate to be effective September 1st of the year of expiration. A decision to rescind the tax shall not take effect on any other date than December 31st and shall require a minimum of 60 days notice to the Department of Revenue of such decision.

DISPOSITION AND USES:

The tax proceeds shall be distributed by the Department according to the distribution factors determined at the local level by interlocal agreement between the county and municipalities within the county's boundaries. If no interlocal agreement is established, then the distribution shall be based on the transportation expenditures of each local government for the immediately preceding five fiscal years as a proportion of the total of such expenditures for the county and all municipalities within the county.

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The tax proceeds shall be used for transportation expenditures needed to meet the requirements of the capital improvements element of an adopted comprehensive plan or for expenditures needed to meet immediate local transportation problems and for other transportation-related expenditures that are critical for building comprehensive roadway networks by local governments. Expenditures for the construction of new roads, the reconstruction or resurfacing of existing paved roads, or the paving of existing graded roads shall be deemed to increase capacity and such projects shall be included in the capital improvements element of an adopted comprehensive plan. Routine maintenance of roads is not considered an authorized expenditure.

OTHER STATES:

According to the American Petroleum Institute (API), a number of states have local option fuel taxes as of July 2021. A listing of those states can be found in the API's report entitled *State Gasoline Tax Reports* via the following link:

<http://www.api.org/oil-and-natural-gas/consumer-information/motor-fuel-taxes>

ADDITIONAL INFORMATION:

Annual tax distributions by county can be found on the EDR's Local Government Data webpage under the heading of Local Option Fuel Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as estimated revenue distributions to county and municipal governments can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

LOCAL OPTION FOOD AND BEVERAGE TAXES

LOCAL OPTION FOOD AND BEVERAGE TAX

FLORIDA STATUTES: Section 212.0306(1)(b)

ADMINISTERED BY: Self-administered by Miami-Dade County

SUMMARY:

Any county, as defined in s. 125.011(1), F.S., [i.e., Miami-Dade County] may impose a 1 percent tax on the sale of food, beverages, and alcoholic beverages in establishments that are licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels. Not less than 15 percent of the tax proceeds shall be used for construction and operation of domestic violence centers. The remainder shall be used for programs to assist the homeless or those about to become homeless. Miami-Dade County will levy this tax during the 2021 calendar year.

REVENUE:

Because the tax is self-administered, the following revenue figures were obtained from current and prior years' county budget documents.

Fiscal Year	Total Collections	Annual Change %
2021-22*	25,677,000	1.6%
2020-21*	25,260,642	16.1%
2019-20	21,761,086	-25.9%
2018-19	29,355,204	6.3%
2017-18	27,604,368	8.2%
2016-17	25,501,847	4.4%
2015-16	24,434,038	5.8%

* Estimate

HISTORY:

Chapter 93-233, L.O.F. (HB 557), authorized any county, as defined in s. 125.011(1), F.S., to impose a 1 percent tax on food, beverages, and alcoholic beverages sold in county establishments, except hotels and motels, having a state-issued alcoholic beverage license for on-premises consumption. For the first 12 months of levy, the proceeds were to be used for programs to assist the homeless. Thereafter, a portion of the proceeds were to be made available for construction and operation of domestic violence centers with the remainder used for programs to assist the homeless or those about to become homeless. The county was required to self-administer the tax, and the tax was scheduled for repeal on October 1, 2008. Chapters 94-351 and 94-353, L.O.F. (HB 2509 and HB 2557), clarified that the tax was not to be applied to alcoholic beverages sold by the package for off-premises consumption. It revised an exemption related to establishments with gross annual revenues of \$400,000 or less and eliminated an exemption for sales in fraternal clubs licensed under s. 565.02(4), F.S. Additionally, it removed the October 1, 2008 repeal date.

IMPOSITION AND RATE:

Any county, as defined in s. 125.011(1), F.S., [i.e., Miami-Dade County] may impose a 1 percent tax on the sale of food, beverages, and alcoholic beverages in establishments that are licensed by the state to sell alcoholic beverages for consumption on the premises, except for hotels and motels, pursuant to an ordinance adopted by a majority vote of the county's governing body. However, the tax does not apply to any alcoholic beverage sold by the package for off-premise consumption. Miami-Dade County is the only county that satisfies the statutory definition of s. 125.011(1), F.S., and therefore eligible to levy the tax.

LOCAL OPTION FOOD AND BEVERAGE TAX

DISPOSITION AND USES:

The county must locally administer the tax using the powers and duties enumerated for local administration of the tourist development tax. The tax proceeds shall be distributed by the county by the county pursuant to the guidelines provided in the approved plans for addressing homeless needs as well as the construction and operation of domestic violence centers. The county and its respective municipalities shall continue to contribute each year at least 85 percent of aggregate expenditures from the respective county or municipal general fund budget for county-operated or municipally-operated homeless shelter services at or above the average level of such expenditures in the two fiscal years preceding the levy date of this tax.

For the first 12 months of the levy, the proceeds shall be used by the county to assist persons who have become or are about to become homeless. These funds shall be made available for emergency homeless shelters, food, clothing, medical care, counseling, alcohol and drug abuse treatment, mental health treatment, employment and training, education, and housing. Thereafter, not less than 15 percent of the proceeds shall be made available for construction and operation of domestic violence centers. The remainder shall be used for programs to assist the homeless or those about to become homeless. In addition, the proceeds and accrued interest may be used as collateral, pledged, or hypothecated for authorized projects, including bonds issued in connection with such authorized projects.

OTHER STATES:

Counties and/or municipalities in other states have established food and beverage taxes that are consumed on the premises including hotels and motels.

ADDITIONAL INFORMATION:

A more detailed description of this tax in its present form can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

LOCAL OPTION FOOD AND BEVERAGE TAX HOTEL/MOTEL

FLORIDA STATUTES: Section 212.0306(1)(a)

ADMINISTERED BY: Self-administered by Miami-Dade County

SUMMARY:

Any county, as defined in s. 125.011(1), F.S., [i.e., Miami-Dade County] may impose a 2 percent tax on the sale of food, beverages, and alcoholic beverages in hotels and motels, pursuant to an ordinance adopted by a majority of the county’s governing body. The proceeds shall be used for promoting the county and its constituent municipalities as a destination site for conventions, trade shows, and pleasure travel. Miami-Dade County will levy this tax during the 2021 calendar year.

REVENUE:

Because the tax is self-administered, the following revenue figures were obtained from current and prior years’ county budget documents.

Fiscal Year	Total Collections	Annual Change %
2021-22*	4,598,000	1.7%
2020-21*	4,523,068	-18.2%
2019-20	5,529,196	-34.5%
2018-19	8,442,888	5.0%
2017-18	8,038,029	2.6%
2016-17	7,834,467	-0.9%
2015-16	7,907,546	4.3%

* Estimate

HISTORY:

Chapter 89-362, L.O.F., authorized any county, as defined in s. 125.011(1), F.S., to impose a 2 percent tax on the sale of food, beverages, or alcoholic beverages in hotels and motels for use in promoting the county and its constituent municipalities as destinations for conventions, trade shows, and pleasure travel. Chapter 93-233, L.O.F. (HB 557), amended and renumbered s. 125.0104(3)(n), F.S., as s. 212.0306, F.S., authorizing the continued levy of this tax and requiring the county to self-administer the tax. The tax was scheduled for repeal on October 1, 2008. Chapters 94-351 and 94-353, L.O.F. (HB 2509 and HB 2557), clarified that the tax was not to be applied to alcoholic beverages sold by the package for off-premises consumption. It revised an exemption related to establishments with gross annual revenues of \$400,000 or less and eliminated an exemption for sales in fraternal clubs licensed under s. 565.02(4), F.S. Additionally, it removed the October 1, 2008 repeal date.

IMPOSITION AND RATE:

Any county, as defined in s. 125.011(1), F.S., [i.e., Miami-Dade County] may impose a 2 percent tax on the sale of food, beverages, and alcoholic beverages in hotels and motels, pursuant to an ordinance adopted by a majority vote of the county’s governing body. Miami-Dade County is the only county that satisfies the statutory definition of s. 125.011(1), F.S., and therefore eligible to levy the tax.

DISPOSITION AND USES:

The county must locally administer the tax using the powers and duties enumerated for local administration of the tourist development tax. The tax proceeds shall be distributed to a countywide convention and visitors’ bureau, which by interlocal agreement and contract with the county has been given primary responsibility for tourist and convention promotion. If the county is not a party to such an

LOCAL OPTION FOOD AND BEVERAGE TAX HOTEL/MOTEL

interlocal agreement or contract with a countywide convention and visitors' bureau, the county must spend the proceeds as specified in statute.

The tax proceeds shall be used to promote and advertise tourism in the state, nationally, and internationally; and fund convention bureaus, tourist bureaus, tourist information centers, and new bureaus as county agencies or by contract with the chambers of commerce or similar associations in the county.

OTHER STATES:

Counties and/or municipalities in other states have established food and beverage taxes that are consumed on the premises including hotels and motels.

ADDITIONAL INFORMATION:

A more detailed description of this tax in its present form can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

PUBLIC SERVICE TAX

FLORIDA STATUTES: Sections 166.231, 166.232, 166.233, 161.234, and 166.235, F.S.

ADMINISTERED BY: Municipalities and Charter Counties

SUMMARY:

Municipalities and charter counties may levy by ordinance a public service tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service. The tax is levied only upon purchases within the municipality or charter county's unincorporated area and cannot exceed 10 percent of the payments received by the seller of the taxable item. Services competitive with those listed above, as defined by ordinance, can be taxed on a comparable base at the same rates; however, the tax rate on fuel oil cannot exceed 4 cents per gallon. The tax proceeds are considered general revenue for the municipality or charter county.

REVENUE: MUNICIPALITIES

Fiscal Year	Total Collections	Annual Change (%)	Electricity	Water	Other**
2022-23*	1,085,057,756	3.4%	886,630,938	151,739,594	46,687,225
2021-22*	1,069,808,463	2.0%	874,170,315	149,607,061	46,031,087
2020-21*	1,049,739,981	0.1%	857,771,799	146,800,589	45,167,592
2019-20*	1,048,655,663	-0.6%	856,885,773	146,648,953	45,120,937
2018-19	1,055,333,683	4.6%	862,342,569	147,582,839	45,408,275
2017-18	1,009,388,315	3.2%	819,665,461	138,278,533	51,444,321
2016-17	978,303,023	1.6%	789,670,754	137,170,079	51,462,190
2015-16	962,934,205	2.9%	790,301,260	128,511,899	44,121,046

CHARTER COUNTIES

Fiscal Year	Total Collections	Annual Change (%)	Electricity	Water	Other**
2022-23*	332,675,842	3.4%	289,187,772	31,983,096	11,504,974
2021-22*	328,000,449	2.0%	285,123,556	31,533,609	11,343,285
2020-21*	321,847,506	0.1%	279,774,938	30,942,071	11,130,496
2019-20*	321,515,057	-0.6%	279,485,947	30,910,110	11,118,999
2018-19	323,562,520	4.1%	281,265,762	31,106,951	11,189,807
2017-18	310,694,271	4.0%	270,066,050	29,592,648	11,035,573
2016-17	298,837,744	2.2%	259,276,088	29,359,839	10,201,817
2015-16	292,422,209	4.0%	254,621,610	27,799,079	10,001,520

* Estimate

** Includes natural gas, propane gas, fuel oil, and kerosene.

HISTORY:

On June 11, 1945, Chapter 22829, L.O.F., provided municipalities with the authority to tax public services. This tax, originally levied on electricity, metered or bottled gas, water service, and telephone and telegraph service, was called the municipal utility tax. In 1972, the Florida Supreme Court ruled that the Florida Constitution granted charter counties the authority to levy the municipal service tax. Specifically, the Court determined that charter counties have the "authority to levy any tax not

PUBLIC SERVICE TAX

inconsistent with general or special law as is permitted municipalities." Volusia County v. Dickinson, 269 So.2d 9 (Fla. 1972) and McLeod v. Orange County, 19 Fla L. Weekly 5536 (Oct, 1994). Charter counties may levy the tax only within the respective county's unincorporated area.

In 1985, telecommunications services, rather than telephone services, were made taxable by municipalities. A municipality could tax local telecommunications services alone at up to 10 percent or up to 7 percent on local service plus intrastate long distance service which originated or terminated within the municipality and was billed to a person, telephone number or device, or telecommunications number or device within the municipality (s. 166.231(9), F.S.). Authority to levy a tax upon cable TV service was removed effective October 1, 1977, unless the tax was necessary to pay off bonds (s. 166.231(1), F.S.). In 1978, municipalities were authorized to levy the tax on a physical unit basis, provided that upon conversion the effective tax rate for each type of service was preserved in the first year. Subsequently, rates may be amended by ordinance (s. 166.232, F.S.). In 1993, the municipalities were authorized to exempt metered or bottled gas or fuel oil used for agricultural purposes. In 1996, municipalities were authorized to exempt electricity and gas used directly in manufacturing. In 1997, the Legislature provided an exemption for Internet and similar computer on-line services by removing them from the definition of telecommunications services.

Chapter 2000-260, L.O.F. (SB 1338), rewrote Florida's communications tax laws by replacing the existing taxes imposed on telecommunications and cable television services with a statewide tax and local taxes to be administered by the Department of Revenue. Effective October 1, 2001, s. 166.231(9), F.S., was repealed to be replaced by the local communications services tax under s. 202.19, F.S. The law provided that rates would be set to replace revenue that would have been generated by the public service tax plus other sources of local revenue replaced by the new tax. Chapter 2001-140, L.O.F. (SB 1878), established the revenue-neutral local communications services tax and maximum allowable rates. Local governments adopted their communications services tax rates on July 15, 2001. Chapter 2005-287, L.O.F., (HB 1725), repealed the tax on substitute communications systems and provided that the Department would not assess this tax back to October 1, 2001, when the communications services tax was implemented. The law created a task force of experts in the areas of telecommunications policy, taxation, law, or technology to study implications of emerging technologies on Florida's communications services tax.

BASE AND RATE:

Municipalities and charter counties may levy up to a 10 percent tax on purchases of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service. (s. 166.231(1), F.S.)

DISPOSITION:

The tax is collected by the seller of the service from the purchaser at the time of payment for such service and remitted to the municipality or charter county imposing the tax as prescribed by local ordinance.

OTHER STATES:

Information relating to other states that may have authorized local governments to impose a public service tax is not available.

ADDITIONAL INFORMATION:

Taxing authorities are required to furnish information to the Department, including the services taxed, the tax rate applied to each service, and the effective date of the levy or repeal as well as other additional information. The Department maintains an online database, which is available via the following link:

<http://floridarevenue.com/taxes/governments/Pages/mpst.aspx>

PUBLIC SERVICE TAX

Summaries of prior years' revenues, as reported by municipalities and charter counties in their respective Annual Financial Reports submitted to the Department of Financial Services, have been compiled by the Office of Economic and Demographic Research (EDR) and are available on the EDR's website via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/m-r.cfm>.

VALUE OF RATE CHANGE:	<u>2022-23</u> (millions)
<p>Many municipalities and charter counties levy utility taxes of 10 percent. Some jurisdictions that tax less than 10 percent do so on a sliding scale (e.g., 10 percent on the first \$25; 5 percent on the next \$50; and 2 percent thereafter. Many jurisdictions tax different services at different rates. Each municipality must be examined individually to arrive at an estimate of the value of a tax rate change. However, an overall change of 10 percent in current rates would have the following impact on municipalities and charter counties.</p>	\$141.8
<p>Fuel Adjustment Charges (s. 166.231(1)(b), F.S.) All increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility, subsequent to October 1, 1973, are exempt from taxation.</p>	\$208.2
<p>Fuel Oil (s. 166.231(2), F.S.) Fuel oil shall be taxed at a rate not to exceed 4 cents per gallon. For municipalities levying less than 10 percent on other services, the tax on fuel oil must be reduced proportionately.</p>	\$0.2
<p>Government Purchases (s. 166.231(5), F.S.) Purchases by the U.S. Government, the State of Florida, all counties, school districts, and municipalities in the state, and public bodies exempted by law or court order, are exempt from taxation.</p>	Indeterminate
<p>Church Purchases (s. 166.231(5), F.S.) Purchases of service by any recognized church in this state, for use exclusively for church purchases, are exempt from taxation.</p>	Indeterminate
<p>Enterprise Zones (s. 166.231(8), F.S.) From July 1, 1995 to December 31, 2015, municipalities may exempt not less than 50 percent of the tax imposed on purchasers of electricity located within enterprise zones. However, any qualified business that satisfied the requirements of s. 166.231(8), F.S., prior to December 31, 2015, shall be allowed the full benefit of the exemption as if the expiration had not occurred.</p>	Indeterminate

**TOURIST AND CONVENTION DEVELOPMENT
TAXES**

2021 Local Option Tourist / Food and Beverage / Tax Rates in Florida's Counties

Local Option Taxes on Transient Rental Transactions

County	Tourist Development Taxes s. 125.0104(3), F.S.			Tourist Impact Tax s. 125.0108, F.S. (1%)	Convention Development Taxes s. 212.0305(4), F.S.			Food and Beverage Taxes s. 212.0306, F.S.		Local Option Food and Beverage Taxes Hotels and Beverages in Other Establishments (1%)
	Original Tax (1 or 2%)	Additional Tax (1%)	Professional Sports Franchise Tax (up to 1%)		High Tourism Impact Tax (1%)	Professional Sports Franchise Tax (up to 1%)	Consolidated County Convention Tax (2%)	Charter County Convention Tax (3%)	Special District, Subcounty Convention Tax (up to 3%)	
Alachua *	2	1	1	1	1					
Baker *	2	1	1	1	1					
Bay *	2	1	1	1	1					
Bradford	2	1	1	1	1					
Brevard *	2	1	1	1	1					
Broward *	2	1	1	1	1					
Calhoun	2	1	1	1	1					
Charlotte *	2	1	1	1	1					
Citrus	2	1	1	1	1					
Clay *	2	1	1	1	1					
Collier *	2	1	1	1	1					
Columbia	2	1	1	1	1					
DeSoto	2	1	1	1	1					
Dixie	2	1	1	1	1					
Duval *	2	1	1	1	1		2			
Escambia *	2	1	1	1	1					
Flagler *	2	1	1	1	1					
Franklin	2	1	1	1	1					
Gadsden	2	1	1	1	1					
Gilchrist	2	1	1	1	1					
Glades	2	1	1	1	1					
Gulf *	2	1	1	1	1					
Hamilton	2	1	1	1	1					
Hardee	2	1	1	1	1					
Hendry	2	1	1	1	1					
Hernando *	2	1	1	1	1					
Highlands	2	1	1	1	1					
Hillsborough *	2	1	1	1	1					
Holmes	2	1	1	1	1					
Indian River *	2	1	1	1	1					
Jackson	2	1	1	1	1					
Jefferson	2	1	1	1	1					
Lafayette	2	1	1	1	1					
Lake *	2	1	1	1	1					
Lee *	2	1	1	1	1					
Leon *	2	1	1	1	1					
Levy	2	1	1	1	1					
Liberty	2	1	1	1	1					
Madison	2	1	1	1	1					
Manatee *	2	1	1	1	1					
Marion *	2	1	1	1	1					
Martin *	2	1	1	1	1					
Miami-Dade *	2	1	1	1	1					
Montro *	2	1	1	1	1					
Nassau *	2	1	1	1	1					
Okaloosa	2	1	1	1	1					
Okeechobee	2	1	1	1	1					
Orange *	2	1	1	1	1					
Osceola *	2	1	1	1	1					
Palm Beach *	2	1	1	1	1					
Pasco *	2	1	1	1	1					

2021 Local Option Tourist / Food and Beverage / Tax Rates in Florida's Counties

Local Option Taxes on Transient Rental Transactions

County	Tourist Development Taxes s. 125.0104(3), F.S.			Tourist Impact Tax s. 125.0108, F.S. (1%)	Convention Development Taxes s. 212.0305(4), F.S.			Local Option Food and Beverage Taxes s. 212.0306, F.S.	
	Original Tax (1 or 2%)	Additional Tax (1%)	Professional Sports Franchise Facility Tax (up to 1%)		High Tourism Impact Tax (1%)	Consolidated County Tax (2%)	Charter County Convention Tax (3%)	Special District, Subcounty Convention Tax (up to 3%)	Food and Beverages in Hotels and Motels (2%)
Pinellas*	2	1	1	1					
Polk *	2	1	1	1					
Putnam *	2	1	1	1					
St. Johns *	2	1	1	1					
St. Lucie *	2	1	1	1					
Santa Rosa *	2	1	1	1					
Sarasota *	2	1	1	1					
Seminole *	2	1	1	1					
Sumter									
Suwannee *	2	1	1	1					
Taylor *	2	1	1	1					
Union									
Volusia *	2	1	1	1					
Wakulla	2	1	1	1					
Walton *	2	1	1	1					
Washington	2	1	1	1					
# Eligible to Levy:	67	59	67	9	1	1	1	1	1
# Levying:	62	56	45	8	1	1	1	1	1

Notes:

- 1) County names followed by an asterisk indicate those counties that self-administer these taxes, and boxed areas indicate those counties eligible to impose a particular tax.
- 2) Pursuant to s. 125.0104(3)(d), F.S., no county can levy the Additional Tax unless the county has imposed the Original Tax [i.e., s. 125.0104(3)(c), F.S.] for a minimum of three years prior to the effective date of the levy and imposition of the Additional Tax.
- 3) Pursuant to s. 125.0104(3)(b), F.S., no county authorized to levy a convention development tax pursuant to s. 212.0305, F.S., (i.e., Duval, Miami-Dade, and Volusia) is allowed to levy more than 2% of tourist development taxes. However, pursuant to s. 125.0104(3)(l), F.S., this prohibition does not apply to the levy of the Professional Sports Franchise Facility Tax. In addition, this prohibition does not apply in a county authorized to levy the Consolidated County Convention Development Tax if such county also levies the Additional Professional Sports Franchise Facility Tax, pursuant to s. 125.0104(3)(n), F.S. This exemption is applicable only to Duval County.
- 4) Pursuant to s. 125.0104(3)(n), F.S., only a county that has levied the Professional Sports Franchise Facility Tax [i.e., s. 125.0104(3)(l), F.S.] is eligible to levy the Additional Professional Sports Franchise Facility Tax. Consequently, the levy of the Professional Sports Franchise Facility Tax must occur prior to the levy of the Additional Professional Sports Franchise Facility Tax.
- 5) The county-wide tourist development tax rate for Miami-Dade County is 3% except within the municipal jurisdictions of Bal Harbour, Miami Beach, and Surfside, which are eligible to impose the Municipal Resort Tax.
- 6) The tourist development tax levies in Bay, Nassau, Okaloosa, and Walton counties are less than countywide.
- 7) In Santa Rosa County, the countywide tourist development tax rate is 2%. The rate in the special taxing district of Navarre Beach is 3%; however, the funds generated from this levy go to Escambia County pursuant to an agreement adopted when this area was transferred to Santa Rosa County by Escambia County.
- 8) Pursuant to s. 125.0104(3)(m), F.S., a county is considered to be a high tourism impact county after the Department of Revenue has certified to such county that the sales subject to the tax levied pursuant to this section exceeded \$600 million during the previous calendar year or were at least 18% of the county's total taxable sales under Ch. 212, F.S., where the sales subject to the tax levied pursuant to this section were a minimum of \$200 million. No county authorized to levy a Convention Development Tax shall be considered a high tourism impact county. Once a county qualifies as a high tourism impact county, it shall retain this designation for the period of the tax levy. Broward, Hillsborough, Monroe, Orange, Osceola, Palm Beach, Pinellas and Walton counties levy this tax, and each county retains this designation until its tax levy ends. According to the Department's Office of Tax Research, Lee County appears to have had sufficient sales in calendar year 2020 to be eligible to levy the tax in 2021. Lee County has not requested certification by the Department.
- 9) New tax levies for 2021: Effective April 1, 2021, Escambia County's tourist development tax rate increased to 5%. Effective July 1, 2021, Franklin County's tourist development tax rate increased to 3%. Although Walton County's tourist development tax rate is 5% in select zip codes, the countywide tax rate increased to 2%, effective March 1, 2021.

Data Source: Florida Department of Revenue's "History of Local Sales Tax and Current Rates" (Last Updated: July 1, 2021) available at <https://floridarevenue.com/taxes/Documents/HistorySalesTaxRates.pdf>

1 OR 2 PERCENT TOURIST DEVELOPMENT TAX

FLORIDA STATUTES: Section 125.0104(3)(c)

ADMINISTERED BY: Department of Revenue or self-administered by levying counties

SUMMARY:

Section 125.0104, F.S., authorizes the levy of five separate local option taxes on rental charges subject to the transient rentals tax under s. 212.03, F.S., to be used in various ways to promote tourism within the county. Generally, the revenues from these levies may be used for capital construction of tourist-related facilities, tourist promotion, and beach and shoreline maintenance; however, the authorized uses vary according to the particular levy. No tourist development tax may be levied in any municipality imposing the Municipal Resort Tax authorized under Chapter 67-930, L.O.F., (i.e., Miami Beach, Bal Harbour and Surfside). There is a prohibition against any county levying a convention development tax from levying tourist development taxes at a rate of more than 2 percent; however, this prohibition does not apply to a county's levy of the Professional Sports Franchise Facility Tax and Duval County's levy of the Additional Professional Sports Franchise Facility Tax.

The 1 or 2 Percent Tourist Development Tax was the original of the five tourist development taxes authorized under s. 125.0104, F.S. If adopted, the rate must be either 1 or 2 percent. Under certain conditions, the tax may be levied in a sub-county area. The county ordinance levying the tax must be approved by a vote of the electors. Authorized uses are contained in s. 125.0104(5), F.S. Generally, such uses include the capital construction of tourist-related facilities, tourist promotion, and beach and shoreline maintenance, including the funding and refunding of revenue bonds.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	420,246,669	7.10%
2021-22*	392,387,179	19.80%
2020-21*	327,535,208	-1.90%
2019-20	333,878,907	-18.02%
2018-19	407,265,495	11.17%
2017-18	366,356,365	10.00%
2016-17	333,062,403	1.10%

* Estimate

Annual tourist development tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 77-209, L.O.F., authorized any county subject to voter approval to levy a tourist development tax at the rate of 1 or 2 percent (i.e., the 1 or 2 Percent Tax). The proceeds were to be used to promote tourism, finance tourist-related facilities, or fund tourist promotion bureaus.

Chapter 87-175, L.O.F., gave levying counties the option of collecting and administering the tax at the local level and restricted self-administering counties from retaining more than 3 percent of total collections for administrative costs. Chapter 87-280, L.O.F., authorized counties with a total population of less than 500,000 to use the tax proceeds for museums, zoological parks, fishing piers, or nature centers.

1 OR 2 PERCENT TOURIST DEVELOPMENT TAX

Chapters 92-175 and 92-204, L.O.F. (SB 2178 and HBs 147, 1551, and 1967), authorized any county to use the tax proceeds to fund museums, which was a use previously limited to those counties having a total population of less than 500,000. Additionally, it authorized a county to create a tourism promotion agency to undertake advertising and marketing research studies and provide booking and reservations services and created a joint legislative interim study committee to review current tourist-related tax issues and laws. Chapter 94-353, L.O.F. (HB 2557), clarified legislative intent regarding those transient rental transactions subject to tax. Chapter 95-133, L.O.F. (SB 1082), revised an exemption from public records requirements for county tourism promotion agencies. Chapter 95-360, L.O.F. (HB 485), authorized counties to use the tax proceeds for promotion of zoological parks.

Chapter 2000-312, L.O.F. (HB 509), authorized counties that self-administer the tax to use certified public accountants to perform those functions associated with self-administration. Chapter 2001-252, L.O.F. (SB 1132), authorized certain counties to continue using a tourist development tax after retirement of applicable bonds under certain circumstances. Chapter 2003-34, L.O.F. (SB 1162), increased the population threshold from 500,000 to 750,000 for eligible counties to expend the tax proceeds for optional uses. Chapter 2003-37, L.O.F. (SB 1566), limited the use of tax proceeds, which were specifically designated for beach improvement, maintenance, renourishment, restoration, and erosion control. Chapter 2003-78, L.O.F. (HB 533), made administrative changes pertaining to county tourism promotion agencies. Chapter 2005-96, L.O.F. (SB 300), reenacted provisions related to referenda and local administration that had been scheduled for repeal. Chapter 2009-133, L.O.F. (HB 61), provided for the application of tourist development taxes to short-term stays at timeshare resorts.

Chapter 2012-180, L.O.F. (HB 1015), authorized additional uses by allowing county governments to spend tax proceeds for purposes related to publicly owned and operated aquariums, including acquisition, construction, maintenance, or promotion. Chapter 2013-168, L.O.F. (SB 336), authorized additional uses by allowing county governments to spent tax proceeds for purposes related to aquariums owned and operated by not-for-profit organizations and clarified the automatic expiration of the tax upon the retirement of all bonds issued to finance certain facilities. Chapter 2016-6, L.O.F., (CS/CS/SB 182) reenacted a public records exemption of trade secret information held by a county tourism promotion agency to conform to the definition of trade secret, which expressly includes financial information within the definition. This exemption protected financial information deemed to be a trade secret from public disclosure. Chapter 2016-220, L.O.F., (HB 7099) specified additional uses for tourist development tax revenues for certain coastal counties. The legislation provided that, under specified conditions, a county located adjacent to the Gulf of Mexico or the Atlantic Ocean, except a county that receives revenue from taxes levied pursuant to s. 125.0108, F.S., (i.e., the Tourist Impact Tax levied only by Monroe County) may use up to 10 percent of tourist development tax revenues to reimburse expenses incurred in providing public safety services, including emergency medical services as defined in s. 401.107(3), F.S., and law enforcement services, which are needed to address impacts related to increased tourism and visitors to an area, as long as such funds are not used to supplant pre-existing expenditures on such services. To receive reimbursement, a county must: 1) generate a minimum of \$10 million in annual proceeds from any tax, or any combination of taxes, authorized to be levied pursuant to s. 125.0104, F.S.; 2) have at least three municipalities; and 3) have an estimated population of less than 225,000, according to the most recent population estimate prepared pursuant to s. 186.901, F.S., excluding the inmate population. The board of county commissioners must, by majority vote, approve reimbursement upon receipt of a recommendation from the tourist development council. Chapter 2017-36, L.O.F., (HB 7109) expanded the authorized uses of tourist development tax revenues to include the acquisition, construction, extension, enlargement, remodel, repair, improvement, maintenance, operation, or promotion of auditoriums that are publicly owned and open to the public, but operated by an organization that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) and within the boundaries of the county or subcounty special taxing district in which the tax is levied. Chapter 2018-118, L.O.F., (CS/HB 7087) extended the current authorization to use tourist development tax revenues on such things as restoration and maintenance of beaches, inland

1 OR 2 PERCENT TOURIST DEVELOPMENT TAX

lakes and rivers, to expressly include the same types of expenditures for channels, estuaries, and lagoons as well as the construction of beach groins. Additionally, the legislation allowed counties to use tax revenues in connection with developing or operating public facilities within the boundaries of the county or subcounty special taxing district in which the tax was levied if the public facilities were needed to increase tourist-related business activities in the county or subcounty special district and were recommended by the county tourist development council. Tax revenues may also be used for any related land acquisition, land improvement, design, and engineering costs and all other professional and related costs required to bring the public facilities into service. Finally, tax revenues can only be used for these authorized public facilities if several preconditions were satisfied.

Chapter 2020-10, L.O.F., (CS/HB 7097) increased a population limit from 750,000 to 950,000 for counties that may use certain tourist development tax revenues (i.e., 1 or 2 Percent Tax, Additional 1% Tax, and High Tourism Impact Tax) for certain uses.

IMPOSITION AND RATE:

If levied, the rate must be either 1 or 2 percent. The tax is levied on all rental charges subject to the transient rental tax pursuant to s. 212.03, F.S. All counties are eligible to levy this tax, and 62 counties levy at the maximum rate of 2 percent.

DISPOSITION AND USES:

In counties for which the tax is administered by the Department of Revenue, collections are returned monthly to the county levying the tax, less costs of administration, for use by the county in accordance with the provisions of s. 125.0104, F.S. In counties self-administering the tax pursuant to s. 125.0104(10), F.S., collections are retained by the county, less cost of administration not to exceed 3 percent, for use in accordance with the provisions of s. 125.0104, F.S.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

ADDITIONAL 1 PERCENT TOURIST DEVELOPMENT TAX

FLORIDA STATUTES: Section 125.0104(3)(d)

ADMINISTERED BY: Department of Revenue or self-administered by levying counties

SUMMARY:

Section 125.0104, F.S., authorizes the levy of five separate local option taxes on rental charges subject to the transient rentals tax under s. 212.03, F.S., to be used in various ways to promote tourism within the county. Generally, the revenues from these levies may be used for capital construction of tourist-related facilities, tourist promotion, and beach and shoreline maintenance; however, the authorized uses vary according to the particular levy. No tourist development tax may be levied in any municipality imposing the Municipal Resort Tax authorized under Chapter 67-930, L.O.F., (i.e., Miami Beach, Bal Harbour and Surfside). There is a prohibition against any county levying a convention development tax from levying tourist development taxes at a rate of more than 2 percent; however, this prohibition does not apply to a county's levy of the Professional Sports Franchise Facility Tax and Duval County's levy of the Additional Professional Sports Franchise Facility Tax.

The Additional 1 Percent Tourist Development Tax is one of the five tourist development taxes authorized under s. 125.0104, F.S. It may be levied by extraordinary vote of the county governing board or by referendum; however, it may only be levied after the 1 or 2 percent tourist development tax has been levied for a minimum of 3 years. If levied, the tax must be levied at the rate of 1 percent. Uses of the revenue are the same as for the 1 or 2 percent tax, except that revenues cannot be used for certain debt service or refinancing unless approved by an extraordinary vote of the governing board.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	176,678,326	7.10%
2021-22*	164,965,757	19.80%
2020-21*	137,700,966	-1.90%
2019-20	140,367,957	-17.98%
2018-19	171,138,379	3.25%
2017-18	165,744,159	10.02%
2016-17	150,644,792	5.45%

* Estimate

Annual tourist development tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 86-4, L.O.F., authorized an additional 1 percent tax levy for those counties that had imposed the 1 or 2 Percent Tax for the previous three years and prohibited the tax proceeds from being used for the refinancing of debt service on existing facilities unless approved by an extraordinary vote of the county's governing body. In addition, it prohibited counties that levy a convention development tax from levying more than 2 percent of tourist development tax. Chapter 87-175, L.O.F., gave levying counties the option of collecting and administering the tax at the local level and restricted self-administering counties from retaining more than 3 percent of total collections for administrative costs. Chapter 87-280, L.O.F., authorized counties with a total population of less than 500,000 to use the tax proceeds for museums,

ADDITIONAL 1 PERCENT TOURIST DEVELOPMENT TAX

zoological parks, fishing piers, or nature centers. Chapter 88-243, L.O.F., authorized any county, which had imposed the tax for a period of one year to impose an additional 2 percent tax (later repealed) for economic development projects.

Chapters 92-175 and 92-204, L.O.F. (SB 2178 and HBs 147, 1551, and 1967), authorized any county to use the tax proceeds to fund museums, which was a use previously limited to those counties having a total population of less than 500,000. Additionally, it authorized a county to create a tourism promotion agency to undertake advertising and marketing research studies and provide booking and reservations services and created a joint legislative interim study committee to review current tourist-related tax issues and laws. Chapter 94-353, L.O.F. (HB 2557), clarified legislative intent regarding those transient rental transactions subject to tax. Chapter 95-133, L.O.F. (SB 1082), revised an exemption from public records requirements for county tourism promotion agencies. Chapter 95-360, L.O.F. (HB 485), authorized counties levying the tax to use the proceeds for promotion of zoological parks. Chapter 96-397, L.O.F. (SB 584), repealed the 2 percent tax for economic development projects authorized by Chapter 88-243, L.O.F.

Chapter 2000-312, L.O.F. (HB 509), clarified that the tax could not be repealed by referendum until outstanding bonds supported by such taxes were satisfied. It authorized counties that self-administer the tax to use certified public accountants to perform those functions associated with self-administration. Chapter 2001-252, L.O.F. (SB 1132), authorized certain counties to continue using a tourist development tax after retirement of applicable bonds under certain circumstances. Chapter 2003-34, L.O.F. (SB 1162), increased the population threshold from 500,000 to 750,000 for eligible counties to expend tax proceeds for optional uses. Chapter 2003-37, L.O.F. (SB 1566), limited the use of tax proceeds, which were specifically designated for beach improvement, maintenance, renourishment, restoration, and erosion control. Chapter 2003-78, L.O.F. (HB 533), made administrative changes pertaining to county tourism promotion agencies. Chapter 2005-96, L.O.F. (SB 300), reenacted provisions related to referenda and local administration that had been scheduled for repeal. Chapter 2009-133, L.O.F. (HB 61), provided for the application of tourist development taxes to short-term stays at timeshare resorts.

Chapter 2012-180, L.O.F. (HB 1015), authorized additional uses by allowing county governments to spend tax proceeds for purposes related to publicly owned and operated aquariums, including acquisition, construction, maintenance, or promotion. Chapter 2013-168, L.O.F. (SB 336), authorized additional uses by allowing county governments to spend tax proceeds for purposes related to aquariums owned and operated by not-for-profit organizations and clarified the automatic expiration of the tax upon the retirement of all bonds issued to finance certain facilities. Chapter 2016-6, L.O.F., (CS/CS/SB 182) reenacted a public records exemption of trade secret information held by a county tourism promotion agency to conform to the definition of trade secret, which expressly includes financial information within the definition. This exemption protected financial information deemed to be a trade secret from public disclosure. Chapter 2016-220, L.O.F., (HB 7099) specified additional uses for tourist development tax revenues for certain coastal counties. The legislation provided that, under specified conditions, a county located adjacent to the Gulf of Mexico or the Atlantic Ocean, except a county that receives revenue from taxes levied pursuant to s. 125.0108, F.S., (i.e., the Tourist Impact Tax levied only by Monroe County) may use up to 10 percent of tourist development tax revenues to reimburse expenses incurred in providing public safety services, including emergency medical services as defined in s. 401.107(3), F.S., and law enforcement services, which are needed to address impacts related to increased tourism and visitors to an area, as long as such funds are not used to supplant pre-existing expenditures on such services. To receive reimbursement, a county must: 1) generate a minimum of \$10 million in annual proceeds from any tax, or any combination of taxes, authorized to be levied pursuant to s. 125.0104, F.S.; 2) have at least three municipalities; and 3) have an estimated population of less than 225,000, according to the most recent population estimate prepared pursuant to s. 186.901, F.S., excluding the inmate population. The board of county commissioners must, by majority vote, approve reimbursement upon receipt of a recommendation

ADDITIONAL 1 PERCENT TOURIST DEVELOPMENT TAX

from the tourist development council. Chapter 2017-36, L.O.F., (HB 7109) expanded the authorized uses of tourist development tax revenues to include the acquisition, construction, extension, enlargement, remodel, repair, improvement, maintenance, operation, or promotion of auditoriums that are publicly owned and open to the public, but operated by an organization that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) and within the boundaries of the county or subcounty special taxing district in which the tax is levied. Chapter 2018-118, L.O.F., (CS/HB 7087) extended the current authorization to use tourist development tax revenues on such things as restoration and maintenance of beaches, inland lakes and rivers, to expressly include the same types of expenditures for channels, estuaries, and lagoons as well as the construction of beach groins. Additionally, the legislation allowed counties to use tax revenues in connection with developing or operating public facilities within the boundaries of the county or subcounty special taxing district in which the tax was levied if the public facilities were needed to increase tourist-related business activities in the county or subcounty special district and were recommended by the county tourist development council. Tax revenues may also be used for any related land acquisition, land improvement, design, and engineering costs and all other professional and related costs required to bring the public facilities into service. Finally, tax revenues can only be used for these authorized public facilities if several preconditions were satisfied.

Chapter 2020-10, L.O.F., (CS/HB 7097) increased a population limit from 750,000 to 950,000 for counties that may use certain tourist development tax revenues (i.e., 1 or 2 Percent Tax, Additional 1% Tax, and High Tourism Impact Tax) for certain uses.

IMPOSITION AND RATE:

If levied, the rate must be 1 percent. The tax is levied on all rental charges subject to the transient rental tax pursuant to s. 212.03, F.S. Fifty-nine counties are eligible to levy this tax, and 56 counties levy this tax.

DISPOSITION AND USES:

In counties for which the tax is administered by the Department of Revenue, collections are returned monthly to the county levying the tax, less costs of administration, for use by the county in accordance with the provisions of s. 125.0104, F.S. In counties self-administering the tax pursuant to s. 125.0104(10), F.S., collections are retained by the county, less cost of administration not to exceed 3 percent, for use in accordance with the provisions of s. 125.0104, F.S.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

**PROFESSIONAL SPORTS FRANCHISE FACILITY
TOURIST DEVELOPMENT TAX**

FLORIDA STATUTES: Section 125.0104(3)(l)

ADMINISTERED BY: Department of Revenue or self-administered by levying counties

SUMMARY:

Section 125.0104, F.S., authorizes the levy of five separate local option taxes on rental charges subject to the transient rentals tax under s. 212.03, F.S., to be used in various ways to promote tourism within the county. Generally, the revenues from these levies may be used for capital construction of tourist-related facilities, tourist promotion, and beach and shoreline maintenance; however, the authorized uses vary according to the particular levy. No tourist development tax may be levied in any municipality imposing the Municipal Resort Tax authorized under Chapter 67-930, L.O.F., (i.e., Miami Beach, Bal Harbour and Surfside). There is a prohibition against any county levying a convention development tax from levying tourist development taxes at a rate of more than 2 percent; however, this prohibition does not apply to a county's levy of the Professional Sports Franchise Facility Tax and Duval County's levy of the Additional Professional Sports Franchise Facility Tax.

The Professional Sports Franchise Facility Tax may be levied at a rate up to 1 percent by a majority vote of the governing board of the county. Uses of the revenues from this tax are contained in s. 125.0104(3)(l), F.S. Generally, proceeds can be used to pay debt service on bonds for the construction or renovation of professional sports franchise facilities, spring training facilities of professional sports franchises and convention centers, and to promote and advertise tourism.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	197,467,435	7.10%
2021-22*	184,376,690	19.80%
2020-21*	153,903,748	-1.90%
2019-20	156,884,554	-18.28%
2018-19	191,985,277	11.26%
2017-18	172,548,398	12.12%
2016-17	153,895,429	1.03%

* Estimate

Annual tourist development tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 88-226, L.O.F., authorized certain counties to impose an additional 1 percent tax (i.e., Professional Sports Franchise Facility Tax) to pay debt service on bonds issued to finance the construction, reconstruction, or renovation of a professional sports franchise facility. Chapter 89-217, L.O.F., clarified that any county could impose the tax.

Chapter 90-349, L.O.F. (SB 1624), authorized those counties levying more than 2 percent of convention development tax to levy the Professional Sports Franchise Facility Tax to pay debt service on a professional sports franchise facility. Chapter 94-353, L.O.F. (HB 2557), clarified legislative intent regarding those transient rental transactions subject to tax. Chapter 95-133, L.O.F. (SB 1082), revised an

PROFESSIONAL SPORTS FRANCHISE FACILITY TOURIST DEVELOPMENT TAX

exemption from public records requirements for county tourism promotion agencies. Chapter 95-304, L.O.F. (HB 1757), expanded the authorized uses to include paying debt service on bonds issued to finance the construction, reconstruction, or renovation of a convention center. Chapter 95-416, L.O.F. (HB 1523), expanded the authorized uses to include planning and design costs incurred for the facility prior to the issuance of bonds and for facilities that are publicly owned and operated, or publicly owned and operated by the professional sports franchise facility owner or another qualified lessee. Chapter 96-397, L.O.F. (SB 584), authorized a county levying the tax to use the proceeds for convention center planning and design costs. Chapter 98-106, L.O.F. (SB 884), authorized any county levying the tax to use the proceeds for operation and maintenance of a convention center for a period of up to ten years, conditioned on the county's levy of the tax to pay debt service on a convention center. Chapter 99-287, L.O.F. (HB 519), authorized the use of the tax proceeds to pay the debt service on bonds issued to finance a retained spring training franchise facility.

Chapter 2000-312, L.O.F. (HB 509), clarified that the tax could not be repealed by referendum until outstanding bonds supported by such taxes were satisfied. It authorized counties that self-administer the tax to use certified public accountants to perform those functions associated with self-administration. Chapter 2000-351, L.O.F. (SB 1604), authorized any county that levies the tax after July 1, 2000, for the purpose of paying debt service on bonds related to convention centers to use the tax proceeds to pay the operation and maintenance costs of a convention center for the life of the bonds. Chapter 2001-252, L.O.F. (SB 1132), authorized certain counties to continue using a tourist development tax after retirement of applicable bonds under certain circumstances. Chapter 2002-265, L.O.F. (SB 1844), authorized the tax proceeds to be used to promote and advertise tourism. Chapter 2003-78, L.O.F. (HB 533), made administrative changes pertaining to county tourism promotion agencies. Chapter 2005-96, L.O.F. (SB 300), reenacted provisions related to referenda and local administration that had been scheduled for repeal. Chapter 2009-133, L.O.F. (HB 61), provided for the application of tourist development taxes to short-term stays at timeshare resorts.

Chapter 2012-180, L.O.F. (HB 1015), authorized additional uses by allowing county governments to spend tax proceeds for purposes related to publicly owned and operated aquariums, including acquisition, construction, maintenance, or promotion. Chapter 2013-168, L.O.F. (SB 336), clarified the automatic expiration of the tax upon the retirement of all bonds issued to finance certain facilities. Chapter 2016-6, L.O.F., (CS/CS/SB 182) reenacted a public records exemption of trade secret information held by a county tourism promotion agency to conform to the definition of trade secret, which expressly includes financial information within the definition. This exemption protected financial information deemed to be a trade secret from public disclosure.

IMPOSITION AND RATE:

The tax may be levied at a rate up to 1 percent. It is levied on all rental charges subject to the transient rental tax pursuant to s. 212.03, F.S. All counties are eligible to levy this tax, and 45 counties levy the tax.

DISPOSITION AND USES:

In counties for which the tax is administered by the Department of Revenue, collections are returned monthly to the county levying the tax, less costs of administration, for use by the county in accordance with the provisions of s. 125.0104, F.S. In counties self-administering the tax pursuant to s. 125.0104(10), F.S., collections are retained by the county, less cost of administration not to exceed 3 percent, for use in accordance with the provisions of s. 125.0104, F.S.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>.

**PROFESSIONAL SPORTS FRANCHISE FACILITY
TOURIST DEVELOPMENT TAX**

These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

HIGH TOURISM IMPACT TOURIST DEVELOPMENT TAX

FLORIDA STATUTES: Section 125.0104(3)(m)

ADMINISTERED BY: Department of Revenue or self-administered by levying counties

SUMMARY:

Section 125.0104, F.S., authorizes the levy of five separate local option taxes on rental charges subject to the transient rentals tax under s. 212.03, F.S., to be used in various ways to promote tourism within the county. Generally, the revenues from these levies may be used for capital construction of tourist-related facilities, tourist promotion, and beach and shoreline maintenance; however, the authorized uses vary according to the particular levy. No tourist development tax may be levied in any municipality imposing the Municipal Resort Tax authorized under Chapter 67-930, L.O.F., (i.e., Miami Beach, Bal Harbour and Surfside). There is a prohibition against any county levying a convention development tax from levying tourist development taxes at a rate of more than 2 percent; however, this prohibition does not apply to a county's levy of the Professional Sports Franchise Facility Tax and Duval County's levy of the Additional Professional Sports Franchise Facility Tax.

The High Tourism Impact Tax is one of the five tourist development taxes authorized under s. 125.0104, F.S. It may be levied by any county in which sales subject to the tourist development tax exceeded \$600 million in the previous calendar year or were at least 18 percent of the county's total taxable sales under Chapter 212, F.S., where sales subject to the tourist development tax were a minimum of \$200 million. No county levying a convention development tax, however, can be considered a high tourism impact county. Once levied, the tax may be continued until repealed. If levied, the tax rate must be 1 percent. Revenues may be used for the same purposes as the 1 or 2 percent tourist development tax.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	106,145,419	7.10%
2021-22*	99,108,702	19.80%
2020-21*	82,728,465	-1.90%
2019-20	84,330,750	-21.13%
2018-19	106,927,184	19.91%
2017-18	89,169,728	24.12%
2016-17	71,839,934	5.80%

* Estimate

Annual tourist development tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 89-356, L.O.F., authorized a 1 percent levy for counties certified as high tourism impact counties (i.e., High Tourism Impact Tax) and imposed new auditing and accounting requirements on counties that locally administer tourist development taxes.

Chapter 90-107, L.O.F. (SB 1882), added an optional condition for qualification as a high tourism impact county, which had the effect of making Osceola County eligible to levy the High Tourist Impact Tax.

Chapter 94-353, L.O.F. (HB 2557), clarified legislative intent regarding those transient rental transactions

HIGH TOURISM IMPACT TOURIST DEVELOPMENT TAX

subject to tax. Chapter 95-133, L.O.F. (SB 1082), revised an exemption from public records requirements for county tourism promotion agencies.

Chapter 2000-312, L.O.F. (HB 509), authorized counties that self-administer the tax to use certified public accountants to perform those functions associated with self-administration. Chapter 2001-252, L.O.F. (SB 1132), authorized certain counties to continue using a tourist development tax after retirement of applicable bonds under certain circumstances. Chapter 2003-34, L.O.F. (SB 1162), increased the population threshold from 500,000 to 750,000 for eligible counties to expend the tax proceeds for optional uses. Chapter 2003-37, L.O.F. (SB 1566), limited the use of tax proceeds, which were specifically designated for beach improvement, maintenance, renourishment, restoration, and erosion control. Chapter 2003-78, L.O.F. (HB 533), made administrative changes pertaining to county tourism promotion agencies. Chapter 2005-96, L.O.F. (SB 300), reenacted provisions related to referenda and local administration that had been scheduled for repeal. Chapter 2009-133, L.O.F. (HB 61), provided for the application of tourist development taxes to short-term stays at timeshare resorts.

Chapter 2012-180, L.O.F. (HB 1015), authorized additional uses by allowing county governments to spend tax proceeds for purposes related to publicly owned and operated aquariums, including acquisition, construction, maintenance, or promotion. Chapter 2013-168, L.O.F. (SB 336), authorized additional uses by allowing county governments to spend tax proceeds for purposes related to aquariums owned and operated by not-for-profit organizations and clarified the automatic expiration of the tax upon the retirement of all bonds issued to finance certain facilities. Chapter 2016-6, L.O.F., (CS/CS/SB 182) reenacted a public records exemption of trade secret information held by a county tourism promotion agency to conform to the definition of trade secret, which expressly includes financial information within the definition. This exemption protected financial information deemed to be a trade secret from public disclosure. Chapter 2016-220, L.O.F., (HB 7099) specified additional uses for tourist development tax revenues for certain coastal counties. The legislation provided that, under specified conditions, a county located adjacent to the Gulf of Mexico or the Atlantic Ocean, except a county that receives revenue from taxes levied pursuant to s. 125.0108, F.S., (i.e., the Tourist Impact Tax levied only by Monroe County) may use up to 10 percent of tourist development tax revenues to reimburse expenses incurred in providing public safety services, including emergency medical services as defined in s. 401.107(3), F.S., and law enforcement services, which are needed to address impacts related to increased tourism and visitors to an area, as long as such funds are not used to supplant pre-existing expenditures on such services. To receive reimbursement, a county must: 1) generate a minimum of \$10 million in annual proceeds from any tax, or any combination of taxes, authorized to be levied pursuant to s. 125.0104, F.S.; 2) have at least three municipalities; and 3) have an estimated population of less than 225,000, according to the most recent population estimate prepared pursuant to s. 186.901, F.S., excluding the inmate population. The board of county commissioners must, by majority vote, approve reimbursement upon receipt of a recommendation from the tourist development council. Chapter 2017-36, L.O.F., (HB 7109) expanded the authorized uses of tourist development tax revenues to include the acquisition, construction, extension, enlargement, remodel, repair, improvement, maintenance, operation, or promotion of auditoriums that are publicly owned and open to the public, but operated by an organization that is exempt from federal taxation under 26 U.S.C. s. 501(c)(3) and within the boundaries of the county or subcounty special taxing district in which the tax is levied. Chapter 2018-118, L.O.F., (CS/HB 7087) extended the current authorization to use tourist development tax revenues on such things as restoration and maintenance of beaches, inland lakes and rivers, to expressly include the same types of expenditures for channels, estuaries, and lagoons as well as the construction of beach groins. Additionally, the legislation allowed counties to use tax revenues in connection with developing or operating public facilities within the boundaries of the county or subcounty special taxing district in which the tax was levied if the public facilities were needed to increase tourist-related business activities in the county or subcounty special district and were recommended by the county tourist development council. Tax revenues may also be used for any related land acquisition, land improvement, design, and engineering costs and all other professional and related

HIGH TOURISM IMPACT TOURIST DEVELOPMENT TAX

costs required to bring the public facilities into service. Finally, tax revenues can only be used for these authorized public facilities if several preconditions were satisfied.

Chapter 2020-10, L.O.F., (CS/HB 7097) increased a population limit from 750,000 to 950,000 for counties that may use certain tourist development tax revenues (i.e., 1 or 2 Percent Tax, Additional 1% Tax, and High Tourism Impact Tax) for certain uses.

IMPOSITION AND RATE:

If levied, the rate must be 1 percent. The tax is levied on all rental charges subject to the transient rental tax pursuant to s. 212.03, F.S. Once a county qualifies as a high tourism impact county and levies the tax, the county shall retain the designation for the period of the tax levy. Broward, Hillsborough, Monroe, Orange, Osceola, Palm Beach, Pinellas, and Walton counties levy this tax, and each county retains this designation until its tax levy ends.

DISPOSITION AND USES:

In counties for which the tax is administered by the Department of Revenue, collections are returned monthly to the county levying the tax, less costs of administration, for use by the county in accordance with the provisions of s. 125.0104, F.S. In counties self-administering the tax pursuant to s. 125.0104(10), F.S., collections are retained by the county, less cost of administration not to exceed 3 percent, for use in accordance with the provisions of s. 125.0104, F.S.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

**ADDITIONAL PROFESSIONAL SPORTS
FRANCHISE FACILITY
TOURIST DEVELOPMENT TAX**

FLORIDA STATUTES: Section 125.0104(3)(n)

ADMINISTERED BY: Department of Revenue or self-administered by levying counties

SUMMARY:

Section 125.0104, F.S., authorizes the levy of five separate local option taxes on rental charges subject to the transient rentals tax under s. 212.03, F.S., to be used in various ways to promote tourism within the county. Generally, the revenues from these levies may be used for capital construction of tourist-related facilities, tourist promotion, and beach and shoreline maintenance; however, the authorized uses vary according to the particular levy. No tourist development tax may be levied in any municipality imposing the Municipal Resort Tax authorized under Chapter 67-930, L.O.F., (i.e., Miami Beach, Bal Harbour and Surfside). There is a prohibition against any county levying a convention development tax from levying tourist development taxes at a rate of more than 2 percent; however, this prohibition does not apply to a county's levy of the Professional Sports Franchise Facility Tax and Duval County's levy of the Additional Professional Sports Franchise Facility Tax.

The Additional Professional Sports Franchise Facility Tax may be levied at a rate up to 1 percent by a majority plus one vote of the governing board of the county. Uses of the revenues from this tax are contained in s. 125.0104(3)(n), F.S. Generally, the proceeds can be used to pay debt service on bonds for the construction or renovation of professional sports franchise facilities, spring training facilities of professional sports franchises, and to promote and advertise tourism.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	161,006,685	7.10%
2021-22*	150,333,039	19.80%
2020-21*	125,486,677	-1.90%
2019-20	127,917,102	-18.57%
2018-19	157,089,574	13.82%
2017-18	138,021,529	9.20%
2016-17	126,391,905	5.84%

* Estimate

Annual tourist development tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapters 94-275, L.O.F. (SB 1502) and 94-338, L.O.F. (HB 1875), authorized any county, which had imposed the Professional Sports Franchise Facility Tax, to impose an additional 1 percent tax (i.e., Additional Professional Sports Franchise Facility Tax) to pay debt service on bonds issued to finance the construction, reconstruction, or renovation of a new professional sports franchise facility as defined in s. 288.1162, F.S. Chapter 94-353, L.O.F. (HB 2557), clarified legislative intent regarding those transient rental transactions subject to tax. Chapter 95-133, L.O.F. (SB 1082), revised an exemption from public records requirements for county tourism promotion agencies. Chapter 95-416, L.O.F. (HB 1523), expanded the authorized uses to include planning and design costs incurred for the facility prior to the

**ADDITIONAL PROFESSIONAL SPORTS
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issuance of bonds and for facilities that are publicly owned and operated, or publicly owned and operated by the professional sports franchise facility owner or another qualified lessee. Chapter 99-287, L.O.F. (HB 519), authorized the use of the tax proceeds to pay the debt service on bonds issued to finance a retained spring training franchise facility.

Chapter 2000-312, L.O.F. (HB 509), authorized counties that self-administer the tax to use certified public accountants to perform those functions associated with self-administration. Chapter 2001-252, L.O.F. (SB 1132), authorized certain counties to continue using a tourist development tax after retirement of applicable bonds under certain circumstances. Chapter 2002-265, L.O.F. (SB 1844), authorized the tax proceeds to be used to promote and advertise tourism. Chapter 2003-78, L.O.F. (HB 533), made administrative changes pertaining to county tourism promotion agencies. Chapter 2005-96, L.O.F. (SB 300), reenacted provisions related to referenda and local administration that had been scheduled for repeal. Chapter 2009-133, L.O.F. (HB 61), provided for the application of tourist development taxes to short-term stays at timeshare resorts.

Chapter 2012-180, L.O.F. (HB 1015), authorized additional uses by allowing county governments to spend tax proceeds for purposes related to publicly owned and operated aquariums, including acquisition, construction, maintenance, or promotion. Chapter 2013-168, L.O.F. (SB 336), clarified the automatic expiration of the tax upon the retirement of all bonds issued to finance certain facilities. Chapter 2016-6, L.O.F., (CS/CS/SB 182) reenacted a public records exemption of trade secret information held by a county tourism promotion agency to conform to the definition of trade secret, which expressly includes financial information within the definition. This exemption protected financial information deemed to be a trade secret from public disclosure.

IMPOSITION AND RATE:

The tax may be levied at a rate up to 1 percent. It is levied on all rental charges subject to the transient rental tax pursuant to s. 212.03, F.S. Sixty-five counties are eligible to levy this tax; however, the county must already levy the Professional Sports Franchise Facility Tax in order to impose this tax as well. Thirty-one counties levy the tax.

DISPOSITION AND USES:

In counties for which the tax is administered by the Department of Revenue, collections are returned monthly to the county levying the tax, less costs of administration, for use by the county in accordance with the provisions of s. 125.0104, F.S. In counties self-administering the tax pursuant to s. 125.0104(10), F.S., collections are retained by the county, less cost of administration not to exceed 3 percent, for use in accordance with the provisions of s. 125.0104, F.S.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

**ADDITIONAL PROFESSIONAL SPORTS
FRANCHISE FACILITY
TOURIST DEVELOPMENT TAX**

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

TOURIST IMPACT TAX

FLORIDA STATUTES: Section 125.0108

ADMINISTERED BY: Department of Revenue or self-administered by levying counties

SUMMARY:

Section 125.0108, F.S., authorizes any county creating a land authority pursuant to s. 380.0663(1), F.S., to levy a 1 percent tax on transient rental facilities within the county area designated as an area of critical state concern pursuant to ch. 380, F.S. If the area(s) of critical state concern are greater than 50 percent of the county's total land area, the tax may be levied countywide. The tax proceeds are used to purchase property in the area of critical state concern and to offset the loss of ad valorem taxes due to those land acquisitions. Only Monroe County is currently eligible to levy the tax, and the county levies the tax.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	10,660,197	7.10%
2021-22*	9,953,498	19.80%
2020-21*	8,308,429	-1.90%
2019-20	8,469,347	-15.14%
2018-19	9,979,933	19.55%
2017-18	8,348,129	-12.83%
2016-17	9,576,365	2.95%

* Estimate

Annual tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 86-170, L.O.F., authorized counties containing an area of critical state concern to levy a 1 percent tax on the lease of transient rentals, the sale of food and beverages at public food service establishments, or the purchase of admissions if the county had created a land development authority. The tax levy is subject to referendum approval. One half of the tax proceeds shall be used to purchase property in areas of critical state concern, and the other half shall be distributed to the county's governing body for the purpose of offsetting the loss of property taxes from land purchases. Chapter 87-280, L.O.F. deleted the tax's applicability to the sale of food and beverages at public food service establishments and the purchase of admissions.

Chapter 2001-252, L.O.F. (SB 1132), provided that the tax could be levied throughout the entire county if the area or areas of critical state concern are greater than 50 percent of the land area of the county. Chapter 2006-223, L.O.F. (HB 1299), provided that a county that has levied the tax for at least 20 consecutive years prior to removal of the critical state concern designation may continue to levy the tax for 20 years following removal of the designation. After expiration of the 20-year period, a county may continue to levy the tax if the county adopts an ordinance reauthorizing the tax levy and approves the tax by referendum approval. Chapter 2009-133, L.O.F. (HB 61), provided for the application of the tax to consideration paid for occupancy of certain timeshare resort products. Monroe County, the only county to levy the tax, has levied the tax countywide since 1988.

TOURIST IMPACT TAX

Chapter 2016-6, L.O.F., (CS/CS/SB 182) reenacted a public records exemption of trade secret information held by a county tourism promotion agency to conform to the definition of trade secret, which expressly includes financial information within the definition. This exemption protected financial information deemed to be a trade secret from public disclosure. Chapter 2018-159, L.O.F., (CS/CS/HB 1173) amends s. 380.0666(3), F.S., to authorize each land authority to contribute tourist impact tax revenues to the county or the county's housing authority to purchase any land in the county, not just land within the most populous municipality, for the construction, redevelopment, or preservation of affordable housing in an area of critical state concern. Additionally, the legislation authorizes each land authority to use the tax revenues to pay specified costs related to affordable housing projects.

BASE AND RATE:

This 1 percent tax must be approved by voter referendum, and the tax base is the same as for the Tourist Development Tax. The tax may be repealed by passage of a resolution by four-fifths vote of the county's governing body.

DISPOSITION:

Unless self-administered, the Department of Revenue returns proceeds, less costs of administration, to the county that imposed the tax. Monroe County, the only county levying the tax, self-administers it. Proceeds of the tax must be used equally for acquisition of property in the area of critical state concern and to offset the loss of ad valorem taxes caused by such acquisitions. Areas that have been statutorily designated as areas of critical state concern include the Big Cypress area, primarily in Collier County; the Green Swamp area, in central Florida; the Florida Keys area, in south Florida; and the Apalachicola Bay area in Franklin County.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link: <http://edr.state.fl.us/Content/local-government/reports/index.cfm>

**MUNICIPAL RESORT TAX
ON TRANSIENT RENTALS AND FOOD/BEVERAGES**

LAWS OF FLORIDA: Chapters 67-930, 82-142, 83-363, 93-286, and 94-344

ADMINISTERED BY: Self-administered by those municipalities levying the tax.

SUMMARY:

The Municipal Resort Tax may be levied at a rate up to 4 percent on transient rental transactions and up to 2 percent on the sale of food and beverages consumed in restaurants and bars in certain municipalities whose respective county population fell within specified limits based on the 1960 Census and whose municipal charter specifically provided for the levy of this tax prior to January 1, 1968. The tax levy must be adopted by an ordinance approved by the governing body. The tax proceeds can be used for tourism promotion activities, capital construction and maintenance of convention and cultural facilities, and relief of ad valorem taxes used for those purposes. Three municipalities in Miami-Dade County (i.e., Bal Harbour, Miami Beach, and Surfside) are eligible to impose the tax, and each municipality currently imposes the tax at the rate of 4 percent on transient rental transactions and 2 percent on the sale of food and beverages.

REVENUE:

Because the tax is self-administered, the following historical revenue figures were obtained from the municipalities' Comprehensive Annual Financial Reports.

Fiscal Year	Bal Harbour	Miami Beach	Surfside	Total Collections	Annual Change %
2019-20	2,777,408	54,972,321	2,583,931	60,333,660	-37.6%
2018-19	4,526,248	88,246,170	3,901,559	96,673,977	3.4%
2017-18	3,825,266	87,595,052	2,054,141	93,474,459	7.9%
2016-17	3,331,088	81,910,032	1,374,357	86,615,477	-0.8%
2015-16	3,423,437	82,633,144	1,226,351	87,282,932	20.2%
2014-15	3,448,249	67,999,916	1,154,041	72,602,206	9.9%
2013-14	3,600,359	61,760,518	677,079	66,037,956	6.2%
2012-13	3,229,946	58,617,992	343,733	62,191,671	10.3%

HISTORY:

Chapter 67-930, L.O.F., authorized municipalities in counties having a total population between 330,000 and 340,000 (i.e., Broward County) or more than 900,000 (i.e., Miami-Dade County), according to the 1960 Census, to levy a tax not to exceed 2 percent on transient rentals and food, beverages, and alcoholic beverages other than beer or malt beverages sold at an establishment licensed by the state hotel and restaurant commission or by the state beverage department. Municipalities were eligible to impose the tax by ordinance if the municipal charter specifically provided or was amended prior to January 1, 1968, to provide for the tax levy.

In 1970, the state challenged the law as unconstitutional and contended that the "...classification of the act as to the cities and towns which can qualify to collect a resort tax in the counties of the prescribed population brackets is so restrictive that the act on its face is a local act..." STATE v. CITY OF MIAMI BEACH [234 So.2d 103, 1970 Fla.S.Ct 1197]. The Florida Supreme Court upheld the law as valid.

Chapter 82-142, L.O.F., authorized a tax increase on transient rentals to a rate not to exceed 3 percent and provided that the increase must be approved by referendum prior to January 1, 1983. Chapter 83-363, L.O.F., authorized a tax increase on transient rentals to a rate not to exceed 4 percent and provided that the increase must be approved by referendum.

MUNICIPAL RESORT TAX ON TRANSIENT RENTALS AND FOOD/BEVERAGES

Chapter 93-286, L.O.F. (HB 1969), removed an exemption of the tax to sales of beer and malt beverages. Chapter 94-344, L.O.F. (HB 2079), expanded the tax levy to the sale of food or beverages sold at retail and alcoholic beverages sold at retail for consumption on the premises at any place of business required by law to be licensed by the state hotel and restaurant commission or the state beverage department.

IMPOSITION AND RATE:

Municipalities in counties having a population of not less than 330,000 and not more than 340,000 (i.e., Broward County) and in counties having a population of more than 900,000 (i.e., Miami-Dade County), according to the 1960 decennial census, whose charter specifically provided or whose charter was so amended prior to January 1, 1968, for the levy of this exact tax, are eligible to impose it by ordinance adopted by the governing body. The tax shall be levied upon the rent of every occupancy of a room or rooms in any hotel, motel, apartment house, rooming house, tourist or trailer camp, as the same are defined in part I of ch. 212, F.S., and upon the retail sale price of all items of food or beverages sold at retail, and of alcoholic beverages sold at retail for consumption on the premises at any place of business required by law to be licensed by the state hotel and restaurant commission or by the state beverage department. Only three municipalities in Miami-Dade County (i.e., Bal Harbour, Miami Beach, and Surfside) are currently eligible to impose the tax. All three municipalities impose the tax at 4 percent on transient rental transactions and 2 percent on the sale of food and beverages.

DISPOSITION AND USES:

Each municipality levying the tax is responsible for the collection and administration of funds. The tax proceeds shall only be used for the creation and maintenance of convention and publicity bureaus; development and maintenance of art and cultural centers; enhancement of tourism; publicity and advertising; construction, operation, and maintenance of auditoriums, community centers, and convention structures; or relief from ad valorem taxes being used for any of these other purposes.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A more detailed description of this tax in its present form can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

**CONSOLIDATED COUNTY
CONVENTION DEVELOPMENT TAX**

FLORIDA STATUTES: Section 212.0305(4)(a)

ADMINISTERED BY: Self-administered by the consolidated City of Jacksonville/Duval County government pursuant to the authority granted by s. 212.0305(5), F.S.

SUMMARY:

Each county operating under a government consolidated with one or more municipalities in the county may impose a 2 percent tax on the total consideration charged for transient rental transactions. The tax shall be levied pursuant to an ordinance enacted by the county's governing body. Only the City of Jacksonville/Duval County consolidated government is currently eligible to levy the tax, and the consolidated government levies the tax.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	8,656,210	7.10%
2021-22*	8,082,362	19.80%
2020-21*	6,746,546	-1.90%
2019-20	6,877,213	-20.81%
2018-19	8,684,967	1.61%
2017-18	8,547,346	9.57%
2016-17	7,800,494	8.73%

* Estimate

Annual tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 83-356, L.O.F., authorized any county operating under a government consolidated with one or more municipalities in the county to impose a 2 percent tax on the total consideration charged for transient rental transactions. Chapter 87-99, L.O.F., authorized counties to locally collect and administer convention development taxes.

Chapter 90-349, L.O.F. (SB 1624), authorized municipalities within the county to use tax proceeds to acquire and develop municipal parks, lifeguard stations, or athletic fields. Chapter 93-286, L.O.F. (HB 1969), authorized any county or municipality wherein the tax was levied to adopt and implement a convention center booking policy applying to those centers owned or operated by the local government. Chapter 96-397, L.O.F. (SB 584), authorized municipalities having a population of 10,000 or more in a county authorized to levy the tax to use the tax proceeds to promote and advertise tourism.

Chapter 2000-312, L.O.F. (HB 509), authorized counties that self-administer convention development taxes to use certified public accountants to perform the functions associated with self-administration. Chapter 2005-96, L.O.F. (SB 300), reenacted provisions related to self-administration of the tax, which had been set to repeal. Chapter 2009-133, L.O.F. (HB 61), provided for the application of convention development taxes to short-term stays at timeshare resorts.

CONSOLIDATED COUNTY CONVENTION DEVELOPMENT TAX

IMPOSITION AND RATE:

Only a county operating under a government consolidated with one or more municipalities in the county is eligible to levy the 2 percent tax on the total consideration charged for transient rental transactions. The tax shall be levied pursuant to an ordinance enacted by the consolidated government's governing body. The consolidated City of Jacksonville/Duval County is the only government currently eligible to levy the tax, and the consolidated government began levying the tax in 1984.

DISPOSITION AND USES:

The consolidated government began self-administration of the tax in 1990 and retains all tax proceeds. The proceeds shall be used for any of the following purposes: 1) to extend, enlarge, and improve existing publicly owned convention centers; 2) to construct a multipurpose convention/coliseum/exhibition center; or 3) to acquire, construct, extend, enlarge, remodel, repair, improve, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, or auditoriums. Additionally, municipalities with a population of 10,000 or more may use the proceeds to promote and advertise tourism.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link: <http://edr.state.fl.us/Content/local-government/reports/index.cfm>

**CHARTER COUNTY
CONVENTION DEVELOPMENT TAX**

FLORIDA STATUTES: Section 212.0305(4)(b)

ADMINISTERED BY: Self-administered by Miami-Dade County pursuant to the authority granted by s. 212.0305(5), F.S.

SUMMARY:

Each county, as defined by s. 125.011(1), F.S., (i.e., Miami-Dade County) may impose a 3 percent tax on the total consideration charged for transient rental transactions. The tax shall be levied pursuant to an ordinance enacted by the county's governing body. The governing body of a municipality levying the Municipal Resort Tax may adopt a resolution prohibiting the imposition of the tax within its jurisdiction. If the levy is prohibited, no tax revenue shall be expended within that municipality. Only Miami-Dade County is currently eligible to levy the tax, and the county levies the tax.

REVENUE:

Fiscal Year	Total Collections	Annual Change %
2022-23*	72,800,469	7.10%
2021-22*	67,974,295	19.80%
2020-21*	56,739,812	-1.90%
2019-20	57,838,748	-17.28%
2018-19	69,922,258	-22.59%
2017-18	90,323,832	15.78%
2016-17	78,011,557	-2.19%

* Estimate

Annual tax receipts by county can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tax Receipts via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapter 83-354, L.O.F., authorized any county, as defined in s. 125.011(1), F.S., to impose a 3 percent tax on the total consideration charged for transient rental transactions. Chapter 87-99, L.O.F., authorized counties to locally collect and administer convention development taxes.

Chapter 93-286, L.O.F. (HB 1969), authorized any county or municipality wherein the tax was levied to adopt and implement a convention center booking policy applying to those centers owned or operated by the local government. Chapter 94-351, L.O.F. (HB 2509), authorized a county levying the tax to use the proceeds and accrued interest to operate an authority upon completion of authorized projects. Additionally, the authorized uses were expanded to include golf courses or related buildings and parking facilities.

Chapter 2000-312, L.O.F. (HB 509), authorized counties that self-administer convention development taxes to use certified public accountants to perform the functions associated with self-administration. Chapter 2005-96, L.O.F. (SB 300), reenacted provisions related to self-administration of the tax, which had been set to repeal. Chapter 2009-133, L.O.F. (HB 61), provided for the application of convention development taxes to short-term stays at timeshare resorts.

CHARTER COUNTY CONVENTION DEVELOPMENT TAX

IMPOSITION AND RATE:

Each county, as defined in s. 125.011(1), F.S., is eligible to levy the 3 percent tax on the total consideration charged for transient rental transactions. The tax shall be levied pursuant to an ordinance enacted by the county's governing body. Miami-Dade County is the only government currently eligible to levy the tax, and the county began levying the tax in 1984. No municipalities within the county have opted out of the levy.

DISPOSITION AND USES:

The county government began self-administration of the tax in 1988 and retains all tax proceeds. The proceeds shall be used in the following manner. Two-thirds of tax proceeds shall be used to extend, enlarge, and improve the largest existing publicly owned convention center in the county. After completion of this project, the tax proceeds may be used to acquire, construct, extend, enlarge, remodel, repair, improve, plan for, operate, manage, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, or golf courses, and may be used to acquire and construct an intercity light rail transportation system. One-third of tax proceeds shall be used to construct a new multipurpose convention/coliseum/exhibition center/stadium or the maximum components thereof as funds permit in the most populous municipality in the county. After completion of these projects, the tax proceeds may be used, as determined by the county to operate an authority created pursuant to s. 212.0305(4)(b)4., F.S., or to acquire, construct, extend, enlarge, remodel, repair, improve, operate, or maintain one or more convention centers, stadiums, exhibition halls, arenas, coliseums, auditoriums, golf courses, or related buildings and parking facilities in the most populous municipality in the county.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

**SPECIAL DISTRICT, SPECIAL, AND SUBCOUNTY
CONVENTION DEVELOPMENT TAX**

FLORIDA STATUTES: Sections 212.0305(4)(c)–(e) and 212.03055

ADMINISTERED BY: Self-administered by Volusia County pursuant to the authority granted by s. 212.0305(5), F.S.

SUMMARY:

Each county chartered under Article VII of the Florida Constitution and which levied a tourist advertising ad valorem tax within a special taxing district on January 1, 1984 (i.e., Volusia County) may impose a tax of up to 3 percent of the total consideration charged for transient rental transactions. Three separate taxes are authorized for levy in three separate taxing districts with the combined effect of authorizing the levy countywide. The taxes can be levied by ordinance enacted by the county’s governing body. Any rate increase in excess of 2 percent must be approved by a majority plus one vote of the county’s governing body.

The three taxes authorized by s. 212.0305(4)(c)-(e), F.S., are the:

- Special District Convention Development Tax, which is levied within the boundaries of the special district formerly levying a tourist advertising ad valorem tax within a special taxing district (i.e., Halifax Area Advertising Authority).
- Special Convention Development Tax, which is levied outside the boundaries of the special district and to the southeast of State Road 415 (i.e., Southeast Volusia Advertising Authority).
- Subcounty Convention Development Tax, which is levied outside the boundaries of the special district and to the northwest of State Road 415 (i.e., West Volusia Advertising Authority).

Only Volusia County is currently eligible to levy the tax, and the county levies the tax.

REVENUE (of three taxes combined):

Fiscal Year	Total Collections	Annual Change %
2022-23*	11,352,112	7.10%
2021-22*	10,599,544	19.80%
2020-21*	8,847,700	-1.90%
2019-20	9,019,062	-24.49%
2018-19	11,944,412	5.88%
2017-18	11,280,727	5.84%
2016-17	10,658,432	2.86%

* Estimate

Annual tax receipts by county can be found on the Office of Economic and Demographic Research’s Local Government Data webpage under the heading of Local Option Tax Receipts via the following link: <http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

HISTORY:

Chapters 84-67, 84-324, and 84-373, L.O.F., authorized any county levying a tourist advertising ad valorem tax within a special taxing district, pursuant to s. 212.057, F.S., to levy a 1 percent Special District Convention Development Tax within the district’s boundaries located in northeast Volusia County. With this tax’s authorization, a county was prohibited from levying the tourist advertising ad valorem tax previously authorized. Chapter 87-99, L.O.F., authorized counties to locally collect and administer convention development taxes. Chapter 87-258, L.O.F., authorized Volusia County to levy a 1 percent in two separate, non-overlapping, geographically designated areas (i.e., Special Convention

SPECIAL DISTRICT, SPECIAL, AND SUBCOUNTY CONVENTION DEVELOPMENT TAX

Development Tax and Subcounty Convention Development Tax) outside of the Special District Convention Development Tax district. This legislation had the effect of authorizing a 1 percent tax countywide to be levied in three separate taxing districts.

Chapter 91-155, L.O.F. (SB 1986), increased the authorized tax rates of convention development taxes levied in Volusia County from 1 to 2 percent. Chapter 93-286, L.O.F. (HB 1969), authorized any county or municipality wherein the tax was levied to adopt and implement a convention center booking policy applying to those centers owned or operated by the local government. Chapter 95-290, L.O.F. (HB 355), authorized a tax rate increase from 2 percent to up to 3 percent. Any rate increase in excess of 2 percent must be approved by a supermajority (majority plus one) vote of the county's governing body.

Chapter 2000-312, L.O.F. (HB 509), authorized counties that self-administer convention development taxes to use certified public accountants to perform the functions associated with self-administration. Chapter 2005-96, L.O.F. (SB 300), reenacted provisions related to self-administration of the tax, which had been set to repeal. Chapter 2009-133, L.O.F. (HB 61), provided for the application of convention development taxes to short-term stays at timeshare resorts.

IMPOSITION AND RATE:

Only a county, chartered under Article VIII of the Florida Constitution and levying a tourist advertising ad valorem tax within a special taxing district on January 1, 1984, (i.e., Volusia County) is eligible to levy a tax of up to 3 percent tax on the total consideration charged for transient rental transactions. The tax shall be levied pursuant to an ordinance enacted by the county's governing body; however, any rate increase in excess of 2 percent must be approved by a supermajority (i.e., majority plus one) vote of the county's governing body. Volusia County is the only government currently eligible to levy the tax. The county began levying the tax at 1 percent in 1984, and the tax is currently levied countywide at 3 percent.

DISPOSITION AND USES:

The county government began self-administration of the tax in 1990 and retains all tax proceeds. The proceeds shall be used to promote and advertise tourism and to fund convention bureaus, tourist bureaus, tourist information centers, and news bureaus.

OTHER STATES:

The National Conference of State Legislatures has published a listing of state lodging tax rates, which is available via the following link: <http://www.ncsl.org/research/fiscal-policy/state-lodging-taxes.aspx>. These statewide taxes on lodging are often levied in addition to state sales taxes and/or local lodging taxes.

ADDITIONAL INFORMATION:

A table summarizing the history of tourist tax impositions, expirations, extensions, and repeals can be found on the Office of Economic and Demographic Research's Local Government Data webpage under the heading of Local Option Tourist Taxes via the following link:

<http://edr.state.fl.us/Content/local-government/data/data-a-to-z/g-l.cfm>

A more detailed description of this tax in its present form as well as a table summarizing taxable sales reported by transient rental facilities, which is used to estimate county revenues, can be found in the Office of Economic and Demographic Research's annual report *Local Government Financial Information Handbook* via the following link:

<http://edr.state.fl.us/Content/local-government/reports/index.cfm>

ALTERNATIVE SOURCES

PERSONAL INCOME TAX

FLORIDA CONSTITUTION: Article VII, Section 5(a) of the Florida Constitution reads:
NATURAL PERSONS. No tax upon estates or inheritances or upon the income of natural persons who are residents or citizens of the state shall be levied by the state, or under its authority, in excess of the aggregate of amounts which may be allowed to be credited upon or deducted from any similar tax levied by the United States or any state.

SUMMARY:

Florida currently does not levy a personal income tax.

ESTIMATED REVENUE:

Not applicable.

FY 2022-23 (millions)

Data based on Federal Personal Income Tax of Florida

Residents:

1 Percent of Estimated:

Federal Taxable Income (FT)	\$5,769.4
Federal Taxable Income \$20K Exempt*	\$4,442.2
Federal Taxable Income \$40K Exempt*	\$3,100.5
Federal Taxable Income \$60K Exempt*	\$2,619.5

1 Percent of Estimated:

Federal Tax Liability	\$1,432.5
Federal Tax Liability Double Per Exempt#	\$1,348.2
Federal Tax Liability Double Std Ded#	\$1,346.8

* Allows each taxpayer to exempt stated amount of federal taxable income from state tax.

Allows double current standard deductions or personal exemptions in computing federal tax liability.

BASE AND RATE:

Currently 43 states and the District of Columbia levy a personal income tax. Forty-one levy a broad-based tax while the remaining two have selected more limited income bases. Alaska, Florida, Nevada, South Dakota, Texas, Washington, and Wyoming are the seven states that currently do not levy a personal income tax.

Limited Income Bases

New Hampshire and Tennessee tax only interest and dividend income after exemptions, at 5 percent and 6 percent, respectively.

Broad Income Bases

All but five of the states (Alabama, Arkansas, Mississippi, New Jersey, and Pennsylvania) impose broad-based personal income taxes using the Federal Internal Revenue Code as the starting point in determining taxable income.

Tax rate schedules are of two basic types: flat rate and incremental rate. Eight states levy a flat rate tax: Colorado, 4.63 percent on federal taxable income; Illinois, 4.95 percent on federal adjusted gross income; Indiana, 3.23 percent on federal adjusted gross income; Massachusetts, 5.1 percent on federal adjusted gross income; North Carolina, 5.499 percent on federal adjusted gross income; Pennsylvania, 3.07 percent

PERSONAL INCOME TAX

on taxable income; Michigan, 4.25 percent on federal adjusted gross income; and Utah, 5.0 percent on federal adjusted gross income.

Incremental tax rate schedules vary considerably among states. Minimum rates range from 0.36 percent (for the first \$1,598 in Iowa) to 5.8 percent (for the first \$21,450 in Maine). Maximum marginal rates range from 4.54 percent (for income above \$152,668 in Arizona) to 13.3 percent (for income above \$1 M in California). Currently, 19 states provide some type of indexing. Arizona, Arkansas (after 1998), California, Idaho, Iowa, Maine, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, New York, North Dakota, Ohio, Oregon, Rhode Island, Vermont, and Wisconsin (after 1998) have statutory provision for automatic adjustment of tax brackets, personal exemption, or standard deductions to the rate of inflation. Massachusetts, Michigan, and Nebraska index the personal exemption amounts only.

Six states give some type of tax credit against federal income taxes paid: Alabama, Iowa, Louisiana, Missouri, Montana, and Oregon.

Tax rates can be found at https://www.taxadmin.org/assets/docs/Research/Rates/ind_inc.pdf

ECONOMIC INCIDENCE:

The person whose income is subject to an income tax is considered to bear the full burden of the tax after allowing for federal income tax deductibility.

Unless a state has a large commuter work force, nearly 100 percent of the initial impact of a personal income tax will fall upon residents of the levying state.

Most state income taxes are considered progressive with respect to a person's income, but because of the multiple tax bases and rate schedules possible, the incidence of the tax is conditioned by each state's specific tax structure, including its exemptions and exclusions.

STATE PROPERTY TAX

FLORIDA CONSTITUTION: Prohibited by Article VII, Section I

SUMMARY:

A tax imposed on the market value of real and personal property.

ESTIMATED TAX:

Fiscal Year	Taxable Value** (Billions)	1 Mill Levy (Millions)	Annual Change %
2021-22*	2,443.2	2,443	6.64%
2020-21#	2,291.0	2,291	6.19%
2019-20	2,157.4	2,157	6.76%
2018-19	2,020.8	2,021	6.82%
2017-18	1,891.8	1,892	7.36%
2016-17	1,762.1	1,762	7.65%
2015-16	1,636.9	1,637	8.33%
2014-15	1,511.0	1,511	7.19%
2013-14	1,409.7	1,410	3.46%
2012-13	1,362.6	1,363	-0.74%
2011-12	1,372.7	1,373	-3.96%
2010-11	1,429.3	1,429	-11.94%
2009-10	1,623.1	1,623	-10.39%
2008-09	1,811.2	1,811	-0.11%
2007-08	1,813.2	1,813	10.54%
2006-07	1,640.3	1,640	24.75%
2005-06	1,314.9	1,315	18.38%
2004-05	1,110.7	1,111	12.73%

* Estimate

Preliminary

** Assumes same tax base (real estate, personal property, and centrally assessed) and exemption structure as currently allowed for school districts.

HISTORY:

The 1868 Constitution of the State of Florida authorized a state ad valorem school tax of not less than one mill, and the 1885 Constitution of the State of Florida modified the language to establish a statewide one mill ad valorem tax. [See Article VIII, Section 5 of The Constitution of the State of Florida, adopted on February 25, 1868, and Article XII, Section 6 of The Constitution of the State of Florida, adopted by the Convention of 1885.] According to a historical review of the mid 1880s written by Arthur O. White, “The bulk of the state’s school tax dollar came from real estate levies. A one-mill tax on the assessed value of property sustained the state school fund.” The first modern state school funding program that excluded the use of this state-imposed ad valorem tax on real and personal property was adopted in 1941, and it was further formalized in 1947 with the introduction of the Minimum Foundation Program.

STATE PROPERTY TAX

Also see discussion of Ad Valorem Taxes in the Major Local Government Revenue Sources section of this handbook.

OTHER STATES:

In the 19th century, property taxes generally were imposed at the state level. During the 20th century the property tax became the major source of local government revenue and the use of the tax as a state revenue source declined substantially. However, in 2007, 37 states imposed state property taxes on selected types of property, averaging \$42 per capita, with 11 states generating more than \$100 per capita.

VALUE - ADDED TAX

SUMMARY:

Florida currently does not levy a value-added tax (VAT).

ESTIMATED REVENUE:

Estimated revenue for 2022-23 from a 1 percent VAT in Florida:

Michigan-type SBT (additive method)	-	\$ 6.4 billion
Invoice-credit VAT	-	\$ 9.0 billion
New Hampshire-type BET	-	\$ 7.0 billion

HISTORY:

The value-added tax (VAT) is paid by producers on the value-added by their firms. Value-added is simply a firm's total revenue minus the value of purchased non-labor inputs (from outside suppliers) that the firm uses to produce goods and services. For example, if a firm uses labor, equipment (which it owns), and raw materials (which it purchases) to make a product, then value-added by the firm will be revenue minus the cost of raw materials. A VAT would be a percentage levy on that amount.

Measuring Value-Added - Invoice-Credit Method

In practice, measuring value-added is not as simple as portrayed above. In those countries with national VATs, the tax is commonly computed using the invoice-credit method. Under this method a firm applies the VAT rate to its gross receipts (revenue) and subtracts any VAT that was paid on purchased inputs, such as intermediate goods and capital goods. This is alleged to enhance compliance under a VAT in several ways. First, invoices provide a way of cross-checking the credits claimed by a taxpayer. Second, since taxpayers have the incentive to maximize the credit they can claim, it is in their interest that their suppliers pay the proper amount of VAT. It also concentrates the remittance burden on larger upstream businesses that can be audited more cost effectively, and it reduces the amount of tax at risk due to skimming and under-reporting by smaller retailers.

Measuring Value-Added - Income- Additive Method

A second method for calculating a VAT is the income or additive approach. Instead of subtracting the value of inputs from receipts, this approach directly adds up those categories of expenditure and net income of a given business that represent value-added (i.e., wages + interest + rent + profit). Strict utilization of federal income tax accounting (e.g., measurement of income and expenditures, timing or recognition of these items, reporting time frames, etc.) in calculating the VAT would result in value-added being measured directly from items already reported on federal income tax returns. For multi-state entities, national value-added could be apportioned in the same manner as corporate profits.

Experience in Other Jurisdictions

Most European countries rely on a VAT for a substantial portion of their revenue and have done so for at least four decades. The measurement method of choice has been the invoice-credit method. The VATs imposed in these jurisdictions are far from the pure VAT of theory. Equity considerations have led to substantial exemptions from the tax. Common among these are food, medical care and housing. Concern for record-keeping has led to exemptions for small businesses. In conformity with the concept that VATs are fundamentally taxes on consumption, businesses have been allowed to deduct the total expense of plant and equipment in the year of purchase. Nonetheless, the European experience with VATs seems to have been largely favorable.

In the United States, the state of Michigan used a form of VAT known as the "Single Business Tax" (SBT) as its form of general business taxation. It is the only state in the U.S. to have used a VAT. When it was adopted in 1975, it replaced seven business taxes, including a corporate income tax. On August 9, 2006, the Michigan legislature approved voter-initiated legislation to repeal the Single Business Tax. The repeal became effective January 1, 2008.

VALUE - ADDED TAX

Business Enterprise Tax

The Business Enterprise Tax (BET) was enacted in the mid-1990's by the State of New Hampshire. It is a broad-based business tax with the major component of the BET is compensation paid to employees. The BET also taxes interest paid. However, the only other addition to the BET base is dividends paid to shareholders. Thus, it does not attempt to tax corporate profits. New Hampshire has a separate corporate profits tax. The tax is paid by businesses of all types (i.e., corporations, partnerships, proprietorships) but businesses with less than \$150,000 in gross receipts or less than \$75,000 in taxable base are exempt. The tax rate is currently .75 percent.

Incidence of the VAT

Firms subject to the VAT will try to pass it along to their consumers. The extent to which they are able to do so will depend on competitive conditions in markets for inputs to the production process and output markets. For practical purposes, it is generally assumed that the tax is fully-shifted forward in the production chain. In this case, the effect of a VAT is equivalent to taxing the total value of all taxable goods and services sold to final consumers. In the case where firms operate in multiple jurisdictions subject to a VAT the matter is more complicated and the outcome is dependent, in large part, upon the form of VAT being employed.

OTHER STATES:

New Hampshire

MAJOR PENDING LITIGATION

SIGNIFICANT LITIGATION AFFECTING REVENUES

CURRENTLY PENDING LITIGATION

A. Ad Valorem Tax

**Furst v. Rebholz*

12th Judicial Circuit (Sarasota County), Case No.: 2015-CA-1039; 2nd DCA, Case No.: 2D18-3323; Florida Supreme Court, Case No.: SC20-1479

Issue: Disallowance of homestead exemption on portions of homestead property rented for commercial purposes.

Mr. Rebholz remodeled his single-family home to be a boarding house with five separate living units, each with a separate bath, air conditioning unit, and closet; with kitchenettes in several. The property appraiser discovered that the property had been remodeled, and from 1996 through 2014, that Rebholz rented out one or more of the living units to tenants with written lease agreements. During those years, Rebholz applied for and received a homestead exemption on 100 percent of his residence.

The property appraiser divided Rebholz's home for taxing purposes into 85 percent homestead property and 15 percent commercial-use property and retroactively removed the homestead exemption on the 15 percent deemed commercial use. Rebholz sued and the circuit court entered a judgment in favor of Rebholz, finding that Florida law does not authorize a property appraiser to deny the homestead exemption for a room rented within the residence while the homeowner simultaneously maintains the property as his or her permanent residence. The circuit court also found s. 196.012(13), F.S., (the definition of "real estate used and owned as a homestead") unconstitutional as applied, finding it exceeded the Legislature's authority to impose substantive restrictions on homestead exemptions.

The 2nd DCA reversed the circuit court's finding that s. 196.012(13), F.S., was unconstitutional, finding it was not applicable to the facts of the case, but affirmed the holding that property appraisers are not authorized by law to divide homestead property into exempt homestead and nonexempt commercial-use portions. It distinguished the case from *Karayiannakis v. Nikolits*, 23 So. 3d 844 (Fla. 4th DCA 2009), which held that an apartment building in which the owner maintained a homestead in one of the units was divisible for tax exemption purposes.

The Florida Supreme Court has not yet decided whether to accept jurisdiction.

Pinellas County v. Joiner

6th Judicial Circuit (Pasco County), Case No.: 2015-CA-1376; 2nd DCA, Case No.: 2D17-1040; Florida Supreme Court, Case No.: SC19-1819

Issue: County owned property; immunity from taxation.

Pinellas County owns 12,400 acres of property within Pasco County which consist of forests, grazing lands, environmental wetlands, lakes, wildlife habitats, and educational facilities. In the 1990s, the then-Pasco County Property Appraiser determined the land was immune from taxation; however, Pinellas County paid to Pasco County contributions in lieu of ad valorem taxes.

In 2014, Pasco County began assessing ad valorem tax on the property. In May 2015, Pinellas County filed suit against the Pasco County Property Appraiser seeking declaratory and injunctive

Cases with an "*" are new cases that have not been reported in a prior version of the Handbook.

SIGNIFICANT LITIGATION AFFECTING REVENUES

relief and claiming that Pinellas County was immune from taxation on its property located within Pasco County. The trial court found that the property was immune from taxation. The 2nd DCA reversed, holding that a county's immunity from taxation does not extend to property located in another county. The Florida Supreme Court has not yet decided whether to accept jurisdiction.

B. Alcohol, Beverage and Tobacco Taxes

Global Hookah Distributors v. Florida Dept. of Bus. & Professional Regulation

2nd Judicial Circuit (Leon County), Case No.: 2017-CA-1623; 1st DCA, Case No.: 1D20-822; Florida Supreme Court, Case No.: SC21-1022

Issue: Taxability of Whole Leaf Cigar Wraps.

A distributor of whole leaf cigar wrappers is challenging the assessment of excise tax and surcharge on its product. The Division asserts that whole leaf cigar wraps qualify as tobacco products under s. 210.25(11), F.S. The distributor argues that it has not created sufficient nexus with Florida for Florida to enforce the collection of tax on its products. In 2020, the trial court issued an order affirming the tax and surcharge. The 1st DCA affirmed the trial court's order. The distributor is currently appealing the decision to the Florida Supreme Court. Jurisdictional briefing is ongoing.

****C&S Wholesale Grocers, Inc. v. Florida Dept. of Bus. & Professional Regulation***

2nd Judicial Circuit (Leon County), Case No.: 2020-CA-000565

Issue: Denial of refund request for excise taxes and surcharge paid on cigarettes.

A wholesale dealer of cigarette and tobacco products is challenging the Department's denial of its refund request for excise taxes and surcharge paid for the period November 2016 –November 2019. The complaint alleges that the taxes and surcharge on cigarettes under ss. 210.02(1) and 210.011(1), F.S., violate the Commerce and Equal Protection Clauses of the U.S. Constitution because they apply to cigarettes but not to cigars.

Litigation is ongoing in the trial court.

****Basik Trading, Inc. v. Florida Department of Business & Professional Regulation, Division of Alcoholic Beverages and Tobacco***

15th Judicial Circuit (Palm Beach County), Case No.: 2020-CA-010678

Issue: Taxability of certain other tobacco products.

A sequence of routine audits revealed that the distributor owed additional taxes. Distributor disputes the results of the audit and challenges the authority of the Division to increase the amount of its surety bond. Distributor argues its other tobacco products never entered Florida and ss. 210.276 and 210.30, F.S., do not require a distributor to pay the taxes and surcharge on products that did not enter Florida. Litigation is ongoing in the trial court

Cases with an "*" are new cases that have not been reported in a prior version of the Handbook.

SIGNIFICANT LITIGATION AFFECTING REVENUES

C. Corporate Income Tax

Verizon Communications, Inc. & Affiliates v. Florida Department of Revenue

2nd Judicial Circuit (Leon County), Case No.: 2018-CA-001543

Issue: The calculation and limitation on the use of net operating losses (NOLs).

Verizon was audited for corporate income tax for tax years December 31, 2011, through December 31, 2013. The Notice of Proposed Assessment resulted in a tax refund. Verizon asserted that the Department improperly calculated Verizon's refund by misapplying the IRC s. 382 limitation on using the NOLs of an acquired entity.

Litigation is ongoing.

State Farm Mutual Automobile Insurance Company v. Florida Department of Revenue

2nd Judicial Circuit (Leon County), Case No.: 2018-CA-002180

Issue: Inclusion of tax exempt interest in an insurer's taxable income for Florida purposes; charitable contributions.

In the calculation of an insurance company's taxable income at the federal level, the insurer is allowed a deduction for certain losses, but must reduce that deduction by, among other things, 15 percent of certain tax exempt interest amounts under IRC s. 832(b)(5)(B).

In calculating Florida taxable income, taxpayers are required to add back any interest that is excluded from taxation under federal law.

Plaintiff claims that in adding back its tax exempt interest for Florida purposes, it should not be required to add 100 percent. Rather, it should only be required to add back 85 percent because the insurer already lost the benefit of 15 percent of the tax exempt interest in that its losses were reduced by that amount.

The case also questions whether Plaintiff subtracted excess charitable contributions from federal taxable income on its Florida corporate income tax returns for the correct years.

On hearing on Motions for Final Summary Judgment in August 2021, the court ruled in favor of the Department. The court's written order is pending.

D. Documentary Stamp Tax

Alfredo Hernandez, Maria Del Carmen Hernandez, Sean Patrick Slater Karshis, and Carmen Arostegui-Karshis v. Florida Department of Revenue (Class Action)

11th Judicial Circuit (Miami-Dade County), Case No.: 2018-033571-CA-01

Amount of Claim: Named Plaintiffs: \$2,241.75; Potential Class: Unknown, but potentially large.

Issue: Whether documentary stamp taxes should be due and payable by parties on mortgages from federal credit unions.

The Plaintiffs argue that because credit unions are exempt from documentary stamp taxes by statute, the tax cannot be imposed on buyers of homes using mortgages financed by federal credit unions,

Cases with an "*" are new cases that have not been reported in a prior version of the Handbook.

SIGNIFICANT LITIGATION AFFECTING REVENUES

essentially arguing that because one party to the transaction is exempt, the entire transaction is exempt.

Litigation and discovery are ongoing.

E. Insurance Premium Tax

Universal Property and Casualty Insurance Company v. Florida Department of Revenue
2nd Judicial Circuit (Leon County), Case No.: 2020-CA-001899

Issues: Should gross premiums upon which the insurance premium tax is calculated under s. 624.509, F.S., include finance charges that are paid by policyholders, and should gross premiums upon which the State Fire Marshal regulatory assessment and surcharge is calculated under s. 624.515, F.S., include managing general agent (“MGA”) fees and finance charges that are paid by policyholders?

The Department assessed plaintiff insurance premium tax and State Fire Marshal regulatory assessment and surcharge relating to the finance charges and MGA fees that had not been included in gross premiums. The Department sustained the assessment when it was informally protested.

Litigation is ongoing.

F. Motor Fuel Tax

****SEI Fuel Services, Inc. v. Florida Department of Revenue***
DOAH, Case No.: 21-1403

Issue: Whether the Taxpayer is due a refund of motor fuel taxes paid to specific vendors as the result of erroneous reporting on its return.

The taxpayer is a licensed terminal supplier of motor fuels. Taxpayer paid tax on certain purchases of motor fuels, both to its wholesale vendors and to the Department. Taxpayer sought a refund of the taxes paid to its wholesale vendors, which was denied due to Florida Statutes expressly prohibiting the refund of those taxes paid to wholesale vendors.

Hearing set for August 31, 2021.

G. Sales and Use Tax

Laura Bugliaro v. BJ’s Wholesale Club Inc. v. Florida Department of Revenue
11th Judicial Circuit (Miami-Dade County), Case No.: 2015-6256-CA-01

Issue: Proposed class action over the proper application of Florida sales tax when a customer uses both a retailer issued coupon or rebate and a manufacturer’s coupon or rebate during the same purchase.

Plaintiff filed this lawsuit against BJ’s Wholesale Club, Inc., under the Florida Deceptive and Unfair Trade Practices Act and won a summary judgment finding customers were over-charged sales tax in situations where the customer used both a retailer coupon or rebate along with a manufacturer’s coupon or rebate.

Cases with an “*” are new cases that have not been reported in a prior version of the Handbook.

SIGNIFICANT LITIGATION AFFECTING REVENUES

Defendant BJ's Wholesale Club, Inc., subsequently filed a third-party complaint against the Department in June 2016. The Department's request to join as an intervenor was granted and BJ's Wholesale Club's third-party complaint was dismissed. The circuit court entered a non-final order granting certification of a class for injunctive relief against BJ's Wholesale Club, to which BJ's Wholesale Club and the Department appealed to the 3rd DCA. The parties have filed their initial briefs and have requested oral argument. The 3rd DCA reversed and remanded, finding that the trial court lacked subject matter jurisdiction because Plaintiff failed to exhaust administrative remedies and that a class was not ascertainable.

On remand, Plaintiff amended her complaint to seek only prospective injunctive and declaratory relief and to revise the class definition to non-exempt Florida resident purchasers. The circuit court certified the revised class, to which BJ's Wholesale Club appealed (April 2020). The Department filed a Notice of Joinder to the appeal.

The 3rd DCA reversed certification of the class for prospective relief and denied the Plaintiff's Motion for Rehearing. On July 29, 2021, the circuit court denied BJ's Motion to Compel Arbitration.

BJ's plans to Appeal the decision.

Southeast Petro Distributors, Inc. v. Florida Department of Revenue

DOAH Case No.: 19-5900; 1st DCA Case No.: 1D21-764

Issue: Whether purchases of blender gasoline pumps and underground gasoline storage tanks qualify for the sales and use tax exemption for manufacturing as a new and expanding business under s. 212.08(5)(b), F.S.

Petitioner sought a refund of approximately \$146,000 of sales and use taxes it paid on blender gasoline pumps and underground storage tanks, arguing it was manufacturing a new product (mid-grade gasoline) by blending low and high grade gasoline. The Department denied the refund, rejecting the argument that this action is a manufacturing process.

The ALJ issued an order recommending that Petitioner's refund application be denied, rejecting Petitioner's argument that blender pumps and underground storage tanks were used for manufacturing purposes. The Department issued its Final Order on February 22, 2021. The Petitioner appealed the Final Order on March 15, 2021, and the matter is now before the 1st DCA.

****Equinix, LLC v. Florida Department of Revenue***

2nd Judicial Circuit (Leon County), Case No.: 2019-CA-2121

Taxpayer is seeking refund of \$706,415.31 plus interest.

Issue: Whether the Taxpayer is entitled to a refund of Sales and Use Tax paid on its purchases of electricity used to provide power to its colocation tenants.

The taxpayer is a colocation facility. It charged its tenants more for electricity than what it paid for the electricity when it purchased the electricity from its utility. The extra charge to the tenants is considered additional rent and is subject to Sales and Use Tax under s. 212.031, F.S.

The Department has filed its Answer and Affirmative Defenses. The case remains on the Court's docket.

Cases with an "*" are new cases that have not been reported in a prior version of the Handbook.

SIGNIFICANT LITIGATION AFFECTING REVENUES

RECENTLY CONCLUDED LITIGATION

A. Corporate Income Tax

MetLife, Inc. and Subsidiaries v. Florida Department of Revenue

2nd Judicial Circuit (Leon County), Case No.: 2019-CA-002843

Issue: Whether an insurer who has ceased doing business and has surrendered its certificate of authority may apply remaining Florida Life and Health Insurance Guaranty Association (FLHIGA) credits only against its separate income tax liability or may apply such credits against the tax liability of the consolidated group on the consolidated Florida corporate income tax return that is the insurer's last return.

Two of MetLife's wholly owned U.S. life insurance company subsidiaries ("Life Sub 1" and "Life Sub 2") merged into a third MetLife U.S. life insurance company subsidiary. Life Sub 1 and Life Sub 2 surrendered their certificate of authority to transact business in Florida and ceased doing business in this state. Life Sub 1 and Life Sub 2 had uncredited FLHIGA assessments remaining, which they applied pursuant to s. 631.72(2), F.S., as a credit against Florida corporate income tax liability of the consolidated group on their final corporate income tax return.

During an audit, the auditor disallowed the FLHIGA credit that was taken on the consolidated Florida corporate income tax return. The auditor prepared pro forma separate company tax calculations for both Life Sub 1 and Life Sub 2 and limited the FLHIGA credit amount to the separate tax liability that he computed for each company.

The parties settled the case.

B. Documentary Stamp Tax

1701 Collins (Miami) Owner, LLC v. Florida Department of Revenue

Division of Administrative Hearings (DOAH) Case Nos.: 19-1879; 19-3639RU; 1st DCA, Case Nos.: 1D20-0127 and 1D20-1188.

Amount: \$495,563.00 Refund Claim

Issue: Calculation of Consideration

Taxpayer, 1701 Collins, sold a hotel property inclusive of real property, tangible personal property, and intangible personal property for \$125 million. Documentary stamp taxes and surtaxes were paid by the taxpayer on the full purchase price of the property. Approximately 3 years later, the taxpayer sought a partial refund of those taxes based exclusively on a commissioned opinion as to the value of the different asset classes. The Department denied the refund; the protest followed and was sent to DOAH. The taxpayer also challenged the Department's policy of allocating consideration as an unadopted rule.

The Department rejected the ALJ's recommended order, which would have approved the refund claim. The taxpayer is appealing the Department's final order denying the refund claim (Case No. 1D20-1188) and the Department is appealing the ALJ's separate order finding the Department's policy to be an unadopted rule (Case No. 1D20-0127) at the 1st DCA.

Cases with an "*" are new cases that have not been reported in a prior version of the Handbook.

SIGNIFICANT LITIGATION AFFECTING REVENUES

On May 17, 2021, the 1st DCA affirmed the Department's Final Order that denied the refund claim. The DCA held that under the law 1701 Collins had the burden to prove it was entitled to a refund. Section 201.02(1), F.S., imposes documentary stamp tax on the "consideration" for transfer of real property. Thus, 1701 Collins was required to prove its claim as to the "consideration." It was undisputed that the only consideration bargained for was the \$125 million purchase price. The court found that the Dealer Prices Analysis (DPA) was a unilateral valuation of the real property performed on behalf of 1701 Collins. Thus, it could not serve as evidence of consideration as a matter of law. On July 16, 2021 the 1st DCA issued an Order denying 1701 Collins Miami Owner, LLC's motion for rehearing en banc.

Also on May 17, 2021, the 1st DCA issued a PCA decision affirming the ALJ's Final Order finding an unadopted rule.

C. Sales and Use Tax

Bayfront HMA Medical Center, LLC, v. Florida Department of Revenue

DOAH Case Nos.: 19-1880, 19-1881, 19-1882; 1st DCA, Case No.: 1D20-1445

Amount of claim: Audit assessment for \$124,395.34; Refund claims for \$546,068.49 and \$117,586.85

Issue: Whether patient rooms and common areas in hospitals are "dwelling units" for purposes of commercial rent tax.

Taxpayer is contesting the Department's assessment of commercial rent tax pursuant to s. 212.031, F.S. Taxpayer has also filed two refund claims on this issue. Taxpayer argues that patient rooms and common areas in hospitals should be excluded from commercial rent tax because they classify as "dwelling units" pursuant to s. 212.031(1)(a)2., F.S. The ALJ issued an order recommending the Department to enter final orders sustaining the assessment and denying the taxpayer's refund claims.

On July 28, 2021, the 1st DCA affirmed the Department's denial of the refund claims and contest of the tax assessment.

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