

1                                   A bill to be entitled  
 2           An act relating to the public service tax on metered  
 3           natural gas; amending s. 166.231, F.S.; specifying the  
 4           location where the purchase of metered natural gas is  
 5           deemed to occur; specifying calculation of the tax on  
 6           the purchase of metered natural gas; requiring a  
 7           specified entity to collect the tax on metered natural  
 8           gas; amending s. 166.233, F.S.; revising a definition  
 9           to specify the entity responsible for collecting the  
 10          public service tax for metered natural gas; providing  
 11          an effective date.

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 13 Be It Enacted by the Legislature of the State of Florida:  
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15           Section 1. Paragraph (a) of subsection (1) and subsection  
 16          (7) of section 166.231, Florida Statutes, are amended to read:

17           166.231 Municipalities; public service tax.—

18           (1) (a) A municipality may levy a tax on the purchase of  
 19          electricity, metered natural gas, metered or bottled liquefied  
 20          petroleum gas ~~either metered or bottled~~, metered or bottled  
 21          manufactured gas ~~either metered or bottled~~, and water service.  
 22          Except for those municipalities in which paragraph (c) applies,  
 23          the tax shall be levied only upon purchases within the  
 24          municipality and may ~~shall~~ not exceed 10 percent of the payments  
 25          received by the seller of the taxable item from the purchaser

26 | for the purchase of such service. Municipalities imposing a tax  
27 | on the purchase of cable television service as of May 4, 1977,  
28 | may continue to levy such tax to the extent necessary to meet  
29 | all obligations to or for the benefit of holders of bonds or  
30 | certificates which were issued prior to May 4, 1977. Purchase of  
31 | electricity means the purchase of electric power by a person who  
32 | will consume it within the municipality. For purposes of this  
33 | section, the purchase of metered natural gas is deemed to occur  
34 | at the retail customer's natural gas meter where the natural gas  
35 | is delivered for consumption to the retail customer. The tax on  
36 | the purchase of metered natural gas is calculated by dividing  
37 | the number of cubic feet of metered natural gas delivered by  
38 | 1,000, multiplying the resulting number by the index price, and  
39 | applying the rate provided for by this paragraph to the result.  
40 | For purposes of this paragraph, the term "index price" means the  
41 | index price as set forth in s. 203.01(1)(d). For each  
42 | residential, commercial, and industrial customer class, the  
43 | applicable index posted for that class must be used in  
44 | calculating the tax for that class on the purchase of metered  
45 | natural gas. If publication of the applicable index is delayed  
46 | or discontinued, the last posted index shall be used until a  
47 | current index is posted or the Department of Revenue adopts a  
48 | comparable index by rule.

49 |       (7)(a) Except as it applies to metered natural gas, the  
50 | tax authorized in this section ~~hereunder~~ shall be collected by

51 the seller of the taxable item from the purchaser at the time of  
52 the payment for such service. The seller shall remit the taxes  
53 collected to the municipality in the manner prescribed by  
54 ordinance. Except as otherwise provided in ss. 166.233 and  
55 166.234, the seller shall be liable for taxes that are due and  
56 not remitted to the municipality. This shall not bar the seller  
57 from recovering such taxes from purchasers; however, the  
58 universities in the State University System shall not be deemed  
59 a seller of any item otherwise taxable hereunder when such item  
60 is provided to university residences incidental to the provision  
61 of educational services.

62 (b) In the case of metered natural gas, the tax authorized  
63 in this section shall be collected by the utility whose  
64 pipelines are used to deliver the natural gas for consumption to  
65 the retail customer's natural gas meter. The utility shall  
66 collect the tax from the retail purchaser unless the purchaser  
67 provides a certificate of exemption as set forth in subsection  
68 (6) or subsection (9).

69 Section 2. Paragraph (d) of subsection (1) of section  
70 166.233, Florida Statutes, is amended to read:

71 166.233 Public service tax; effective dates; procedures  
72 for informing sellers of tax levies and related information.—

73 (1) As used in this section and ss. 166.231, 166.232, and  
74 166.234:

75 (d) "Seller" means a person who sells a service that is

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76 | subject to a levy or, in the case of metered natural gas, the  
77 | utility whose pipelines are used to deliver the natural gas to a  
78 | retail customer's natural gas meter that is responsible for  
79 | collecting tax pursuant to s. 166.231(7) (b).

80 | Section 3. This act shall take effect July 1, 2017.