MEMORANDUM

Agenda Item No. 11(A)(5)

TO:	Honorable Chairwoman Rebeca Sosa and Members, Board of County Commissioners	**DATE:**	October 1, 2013
FROM:	R. A. Cuevas, Jr. County Attorney	**SUBJECT:**	Resolution urging congress and the Florida legislature to enact legislation requiring online retailers to collect sales tax on internet sales transactions

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Barbara J. Jordan.

R. A. Cuevas, Jr.
County Attorney

RAC/lmp

MEMORANDUM
(Revised)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: October 1, 2013

FROM: R. A. Cuevas, Jr.
County Attorney

SUBJECT: Agenda Item No. 11(A)(5)

Please note any items checked.

_____ **"3-Day Rule" for committees applicable if raised**

_____ **6 weeks required between first reading and public hearing**

_____ **4 weeks notification to municipal officials required prior to public hearing**

_____ **Decreases revenues or increases expenditures without balancing budget**

_____ **Budget required**

_____ **Statement of fiscal impact required**

_____ **Ordinance creating a new board requires detailed County Mayor's report for public hearing**

✓ **No committee review**

_____ **Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous _____) to approve**

_____ **Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required**

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(5)
10-1-13

RESOLUTION NO. _____

RESOLUTION URGING CONGRESS AND THE FLORIDA LEGISLATURE TO ENACT LEGISLATION REQUIRING ONLINE RETAILERS TO COLLECT SALES TAX ON INTERNET SALES TRANSACTIONS

WHEREAS, online retailers are currently not required to collect state and local sales tax when they do not have a physical presence within the same state as the customer; and

WHEREAS, as online retailers expand their reach and more taxpayers make out-of-state purchases, state and local governments across the country are losing billions of dollars in sales tax annually; and

WHEREAS, local retailers, which are required to collect sales tax, are unfairly disadvantaged by having to compete with online retailers who do not collect sales tax from Florida customers; and

WHEREAS, states have been harnessing efforts in an attempt to pass federal legislation mandating that online retailers collect sales tax even when they do not have a physical presence within the same state as the customer; and

WHEREAS, numerous states have also worked cooperatively to pass legislation, such as the Streamlined Sales and Use Tax Agreement, to simplify sales tax collection and administration by online retailers and states; and

WHEREAS, several states, including the state of Florida, have reached agreements with large online retailers such as Amazon, requiring these retailers to collect state and local sales tax; and

WHEREAS, collection of sales tax on internet sales is particularly significant in counties such as Miami-Dade County, where local option sales surtaxes are collected; and

WHEREAS, Miami-Dade County imposes a sales surtax of one-half cent for Jackson Memorial Hospital and a second one-half cent sales surtax to support the Miami-Dade County transit system; and

WHEREAS, funding for these sales surtaxes for important programs in Miami-Dade County are lost when online retailers do not collect sales tax on internet sales to Miami-Dade County residents; and

WHEREAS, Senate and House bills were filed for consideration during the 2013 session, SB 316 by Senator Nancy Detert (R – Sarasota) and HB 7097 by the House Finance & Tax Committee and Representative Mitch Workman, that would address the collection of Florida state sales tax on internet sales; and

WHEREAS, SB 316 and HB 7097 both died in committee; and

WHEREAS, it is anticipated that bills similar to SB 316 and HB 7097 will be filed for consideration during the 2014 session; and

WHEREAS, this Board would support enactment of legislation at both the federal and state levels to capture sales tax revenues currently lost on internet sales transactions,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Urges Congress to pass federal legislation requiring online retailers to collect state and local sales tax even when they do not have a physical presence within the same state as the customer.

Section 2. Urges the Florida Legislature to pass legislation targeted at capturing a larger share of sales tax revenues lost on internet sales transactions, to continue efforts to pass federal legislation mandating the collection of state and local sales tax by online retailers, and to continue to work with other states and major online retailers to encourage these retailers to collect sales tax on sales to Florida residents.

Section 3. Directs the Clerk of the Board to transmit a certified copy of this resolution to the members of the Florida Congressional Delegation.

Section 4. Directs the Clerk of this Board to send a certified copy of this resolution to the Governor, Senate President, House Speaker, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 5. Directs the County's federal and state lobbyists to advocate for the passage of the legislation and action set forth in Section 1 and section 2 above, and authorizes and directs the Office of Intergovernmental Affairs to include this item in the 2014 federal and state legislative packages when they are presented to the Board.

The Prime Sponsor of the foregoing resolution is Commissioner Barbara J. Jordan. It was offered by Commissioner , who moved its adoption. The motion was seconded by Commissioner and upon being put to a vote, the vote was as follows:

Rebeca Sosa, Chairwoman
Lynda Bell, Vice Chair

Bruno A. Barreiro	Esteban L. Bovo, Jr.
Jose "Pepe" Diaz	Audrey M. Edmonson
Sally A. Heyman	Barbara J. Jordan
Jean Monestime	Dennis C. Moss
Sen. Javier D. Souto	Xavier L. Suarez
Juan C. Zapata	

The Chairperson thereupon declared the resolution duly passed and adopted this 1st day of October, 2013. This resolution shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By:_____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

Jorge Martinez-Esteve