

RESOLUTION NUMBER 01-17

A RESOLUTION OF THE TOWN OF FORT MYERS BEACH FOR THE PURPOSE OF ADJUSTING THE TOWN'S LOCAL COMMUNICATIONS SERVICES TAX RATE, PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, on July 1, 2000, Florida's Communications Services Tax Simplification Act (ACT) became law and established a tax structure designed to treat communications service providers in a nondiscriminatory manner with respect to payments to local governments; and,

WHEREAS, the new tax rates were not established in the initial adoption of the Act; and,

WHEREAS, the ACT directed the Legislature to set and adopt, in the 2001 Legislative Session, the new rates to be applied under the new tax structure; and,

WHEREAS, the new Local Communications Services Tax, which is designed to apply equally to telephone service, cable service and wireless service providers shall become effective on October 1, 2001, without any action by the TOWN; and,

WHEREAS, the Florida law permits municipalities to recover costs in the form of permit fees incurred by the municipalities in the exercise of its police power; and,

WHEREAS, it is the intent of the TOWN to exercise its authority under Section 337.401(3)(c)1., F. S. (2001) to adjust its new Local Communications Services Tax upward by 0.12% in lieu of requiring and collecting permit fees from any provider of communications services.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FORT MYERS BEACH, FLORIDA AS FOLLOWS:

Section 1. A. The TOWN OF FORT MYERS BEACH hereby invokes its authority, in accordance with Section 337.401(3)(c)1., Florida Statutes (2001), to adjust its Local Communications Services Tax rate by the addition of 0.12% in lieu of requiring and collecting permit fees from any provider of communications services. The ACT is designed to be revenue neutral. Consistent with this specific legislative intent of the ACT that the new tax structure provide revenue neutrality for local governments, the TOWN OF FORT MYERS BEACH hereby makes this adjustment.

B. This adjustment shall be applied to the same communications services subject to the Local Communications Services Tax under ss. 202.20(1)(a) and (1)(b), Florida Statutes (2001) and s. 202.19(2)(a), Florida Statutes (2001).

C. Section 337.401(3)(c)1., Florida Statutes (2001) requires that the TOWN notify the Department of Revenue, by certified mail postmarked on or before July 16, 2001, of whether the TOWN will elect to forego the collection of permit fees. This statutory section permits the TOWN to adjust its Local Communications Services Tax rate and the TOWN hereby declares that this RESOLUTION to be its notice to the Department of Revenue of the TOWN's election to require an adjustment of the Local Communications Services Tax in lieu of collecting permit fees.

D. The TOWN hereby declares that this adjustment shall remain in effect until and unless otherwise expressly repealed by the TOWN, irrespective of whether the TOWN, in its discretion, maintains a Local Communications Services Tax rate under ss. 202.20(1)(a) and (1)(b) or s. 202.19(2)(a), Florida Statutes (2001).

Section 2. Severability. The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

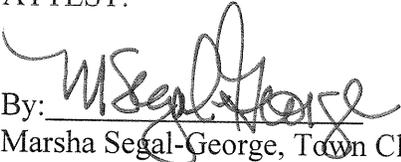
Section 3. Effective Date. This resolution shall take effect immediately upon its adoption.

The foregoing resolution was adopted by the Fort Myers Beach Town Council upon being put to a vote, the result was as follows:

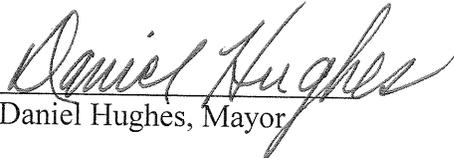
Daniel Hughes	<u>aye</u>
Garr Reynolds	<u>aye</u>
Ray Murphy	<u>aye</u>
Terry Cain	<u>aye</u>
Howard Rynearson	<u>aye</u>

APPROVED this 25th day of June, 2001.

ATTEST:

By: 
Marsha Segal-George, Town Clerk

TOWN OF FORT MYERS BEACH

By: 
Daniel Hughes, Mayor

Approved as to form by:


Richard V.S. Roosa, Town Attorney