

GOLDEN BEACH, FLORIDA

RESOLUTION NO. 1336.01

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA RELATING TO REQUIRING AND COLLECTING PERMIT FEES FROM PROVIDERS OF COMMUNICATIONS SERVICES AND INCREASING THE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICT; PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, section 337.401(3)(c)1., Florida Statutes (2000), requires each municipality to make an election regarding the payment of permit fees by providers of communications services and further requires each municipality to inform the Department of Revenue of the election by certified mail by July 1, 2001; and

WHEREAS, a municipality may require and collect permit fees from any providers of communications services that use or occupy municipal roads or rights-of-way for the provision of communications services. However, to ensure competitive neutrality among providers of communications services, a municipality that elects to exercise its authority to require and collect permit fees will have an automatic reduction in the rate of the local communications services tax for the municipality, as computer under section 202.20(1) and (2), Florida Statutes (2000), as amended, by a rate of 0.12%; and

WHEREAS, alternatively a municipality may elect not to require and collect permit fees from any provider of communications services that uses or occupies municipal roads or rights-of-way for the provision of communications services. If the municipality elects not to require and collect permit fees, the total rate for the local communications services tax as computer under section 202.20(1) and (2), Florida Statutes (2000), as amended, for that municipality may be increased by ordinance by an amount not to exceed a rate of 0.12%; and

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WHEREAS, section 34, Enrolled CS/CS/SB 1878 by the 2001 Florida Legislature further amends section 337.401(3)(c)1., Florida Statutes (2000), to state that the Department of Revenue must be informed of a municipality's election by certified mail postmarked on or before July 16, 2001; and

WHEREAS, section 34, Enrolled CS/CS/SB 1878 by the 2001 Florida Legislature further provides that if a municipality elects not to require and collect permit fees from any provider of communications services that uses or occupies municipal roads or rights-of-way for the provision of communications services, the total rate for the local communications services tax as computed under section 202.20(1) and (2), Florida Statutes (2000), as amended, for that municipality may be increased by ordinance or resolution by an amount not to exceed a rate of 0.12%. The bill further provides if a municipality elects to increase its rate effective October 1, 2001, the municipality shall inform the Department of Revenue of such increased rate by certified mail postmarked on or before July 16, 2001; and

WHEREAS, section 337.401(3)(c)1., Florida Statutes (2000), further provides that if a municipality does not make an election and notify the Department of Revenue, it is presumed that the municipality elects not to require and collect permit fees from any provider of communications services that uses or occupies municipal roads or rights-of-way for the provision of communications services, and such municipality will be authorized to increase its tax rate by an amount not to exceed a rate of 0.12%; and

WHEREAS, whatever election the municipality makes, such election shall take effect on October 1, 2001.

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

Section 1. Intent. It is the intent of the Town of Golden Beach to make an election under section 337.401(3)(c)1., Florida Statutes (2000), as amended by section 34, Enrolled CS/CS/SB 1878 by the 2001 Florida Legislature, regarding the Town of Golden Beach's decision on whether to require and collect permit fees from any providers of communications services that use or occupy municipal roads or rights-of-way for the provision of communications services.

Section 2. Election Not to Require and Collect Permit Fees. The Town of Golden Beach elects not to require and collect permits fees from any provider of communications services that uses or occupies municipal roads or rights-of-way for the provision of

communications services. As provided in section 337.401(3)(c)1., Florida Statutes (2000), this election shall take effect October 1, 2001.

Section 3. Election to Increase Local Communications Services Tax. Pursuant to section 337.401(3)(c)1.b, Florida Statutes (2000), as amended by section 34, Enrolled CS/CS/SB 1878 by the 2001 Florida Legislature, the Town of Golden Beach elects to increase its total rate for the local communications services tax as computed under section 202.20(1) and (2), Florida Statutes (2000), as amended, by an amount of 0.12%, and this election shall take effect October 1, 2001.

Section 4. Notice to the Department of Revenue. The Town of Golden Beach directs that notice of the above elections be provided to the Department of Revenue by certified mail by July 16, 2001, as provided in section 34, Enrolled CS/CS/SB 1878 by the 2001 Florida Legislature.

Section 5. Severability. That the provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clauses, sentences and phrases of this Resolution but they shall remain in effect, notwithstanding the invalidity of any part.

Section 6. Conflict. That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

Section 7. Effective Date. That this Resolution shall become effective immediately upon approval of the Town Council.

Sponsored by Administration.

The Motion to adopt the foregoing resolution was offered by Mayor Addicott, seconded by Councilmember Einstein and on roll call the following vote ensued:

Mayor Addicott:	<u>AYE</u>
Vice Mayor Singer	<u>AYE</u>
Councilmember Einstein	<u>AYE</u>
Councilmember Feinman	<u>AYE</u>
Councilmember Paruas	<u>AYE</u>

PASSED AND ADOPTED by the Town Council of the Town of Golden Beach this 19TH day of June, 2001.



MAYOR MICHAEL ADDICOTT

ATTEST:



ROSEMARY WASCURA
TOWN CLERK

APPROVED AS TO FORM
AND LEGAL SUFFICIENCY



EDWARD PAUL KREILING
TOWN ATTORNEY