

**GOLDEN BEACH, FLORIDA**

**RESOLUTION NO. 1133.98**

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF GOLDEN BEACH, FLORIDA; OPPOSING BILLS IN CONGRESS THAT PLACE A MORATORIUM ON STATE AND LOCAL TAXES ON INTERNET ACCESS OR ONLINE SERVICES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, Florida and its local governments depend upon existing sales and excise taxes to generate much needed local tax revenue; and

**WHEREAS**, these revenues support crucial public services, such as police protection, fire protection, transportation services, public infrastructure, park and recreation services, community services, and other services; and

**WHEREAS**, a bill before Congress would prohibit Florida and its local governments from collecting taxes on past and future Internet access or online services; and

**WHEREAS**, the bill would impose a three-year moratorium on state and local taxes specifically targeted for Internet access or online services; and

**WHEREAS**, this moratorium does not affect state and local taxes on Internet access services and online services, provided that the tax was "generally imposed and actually enforced" prior to March 1, 1998; and

**WHEREAS**, for those governments which "generally imposed and actually enforced" a tax prior to March 1, 1998, the bill includes an unprecedented new federal mandate requiring governments to enact new legislation within one year to "expressly impose" the already enacted and enforced tax or lose the revenues; and

**WHEREAS**, the bill would create a commission composed of state, municipal, federal, business, and consumer leaders to draft legislation for consideration by Congress to propose a simplified system of state and local taxation that would apply to all Internet access and online services; and

**WHEREAS**, the expected explosive growth of a "tax-free" Internet would give mail order and Internet providers a significant tax advantage over local main street retailers and thus a significant business advantage over local main street retailers; and

**WHEREAS**, this could set a serious precedent for future tax breaks to selected industries.

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

**Section 1.** That the Town of Golden Beach stands with the states and local governments in opposition to any legislation creating a tax break for Internet users as the tax break creates unfair competition among foreign and domestic businesses.

**Section 2.** That the Town of Golden Beach also opposes any proposal which is retroactive, which applies only to state and local governments, and not the federal government, or which would preempt the authority of municipalities.

**Section 3.** That a copy of this resolution be provided to the Florida League of Cities, the U.S. Senators for the State of Florida, Senator Bob Graham and Senator Connie Mack, and interested parties.

**Section 4. 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.

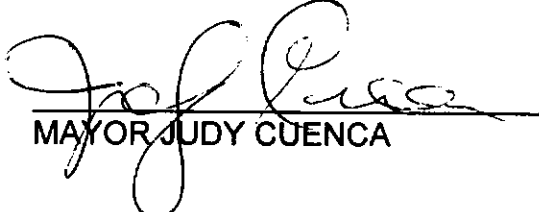
**Section 5. Conflict.** That all resolutions or parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

**Section 6. Effective Date.** That this Resolution shall become effective immediately upon approval of the Town Council.

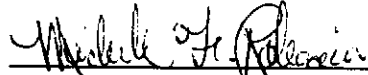
The Motion to adopt the foregoing Resolution was offered by Vice Mayor Chikovsky, seconded by Councilmember Rodriguez and on roll call the following vote ensued:

Mayor Cuenca	<u>Aye</u>
Vice Mayor Chikovsky	<u>Aye</u>
Councilmember Fistel	<u>Absent</u>
Councilmember Lidsky	<u>Aye</u>
Councilmember Rodriguez	<u>Aye</u>

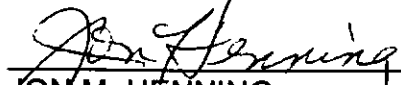
**PASSED AND ADOPTED** by the Town Council of the Town of Golden Beach this 15<sup>th</sup> day of September, 1998.

  
MAYOR JUDY CUENCA

ATTEST:

  
MICHELE F. ROBINEAU, CMC  
DEPUTY TOWN CLERK

APPROVED AS TO FORM  
AND LEGAL SUFFICIENCY

  
JON M. HENNING  
TOWN ATTORNEY