

ORDINANCE 05-13

AN ORDINANCE PURSUANT TO CHAPTER 185, FLORIDA STATUTES, LEVYING AND IMPOSING UPON ALL INSURORS, NOW OR HEREAFTER ENGAGING IN OR CARRYING ON THE BUSINESS OF INSURING WITH RESPECT TO CASUALTY RISKS, AN EXCISE OR LICENSE TAX IN ADDITION TO ANY TAX NOW LEVIED, OF .85% OF THE GROSS AMOUNT OF RECEIPTS OF ALL PREMIUMS COLLECTED FROM CASUALTY INSURANCE POLICIES INSURING PROPERTY WITHIN THE MUNICIPAL LIMITS OF THE CITY OF MARCO ISLAND, FLORIDA; PROVIDING FOR INCORPORATION, CONFLICT AND SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Florida Legislature has enacted Chapter 185, Florida Statutes, which creates the "Police and Firefighters' Premium Tax Trust Fund" and authorizes municipalities falling within the purview of Chapter 185 to levy a tax upon certain insurance companies, with the proceeds from such tax to be used to provide retirement benefits for police officers of the participating municipalities; and

WHEREAS, it is the desire and intent of the City of Marco Island, Florida to establish a retirement plan for City police officers in accordance with the provisions of Chapter 185, Florida Statutes; and

WHEREAS, the City Council has no meetings scheduled prior to the end of November 2005 and it is in the best interests of the City of Marco Island, Florida to approve this ordinance by emergency action to assure that the City of Marco Island, Florida is eligible for the distribution of Chapter 185, Florida Statutes funding for the calendar year ending December 31, 2005.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MARCO ISLAND, FLORIDA:

Sec. 1. That there is hereby assessed, imposed and levied on every insurance company, corporation or other insurer now engaging in or carrying on, or which shall hereafter engage in or carry on the business of insuring with respect to casualty risks, as shown by the records of the Department of Insurance, an excise or license tax in addition to any license tax or excise now levied by the City of Marco Island, Florida, which said tax shall be in the amount of .85% of the gross amount of receipts or premiums from policy holders on all premiums collected on casualty insurance policies, covering property within the corporate limits of the City of Marco Island, Florida. In the

case of multiple peril policies with a single premium for both property and casualty coverage, 30% of such premium shall be used as the basis for the .85% tax above.

Sec. 2. That the license or excise tax herein levied shall be due and payable annually on the first day of July of each year hereafter.

Sec.3.Incorporation, Conflict, and Severability.

(a) It is the intention of the City Council and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of the City of Marco Island, Florida, and that the sections of this Ordinance may be renumbered or re-lettered and that the word "ordinance" may be changed to "section", "article" or other appropriate word.

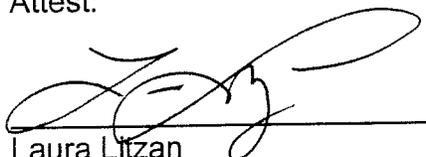
(b) All sections or parts of sections of the Marco Island City Code of Ordinances, all City of Marco Island resolutions or parts of resolutions made applicable by City Charter in conflict herewith are hereby repealed to the extent of such conflict.

(c) If any word, phrase, clause, subsection or section of this Ordinance is for any reason held unconstitutional or invalid by any court of competent jurisdiction, the invalidity thereof shall not affect the validity of any remaining portions of this Ordinance.

Sec. 4. Effective Date.

This Ordinance shall take effect immediately upon adoption as an emergency ordinance, approved by a two-thirds vote of the City Council as required by FS 166.041 (2) (B), by roll call vote in City Council session on the 30th day of November, 2005.

Attest:



Laura Litzan
City Clerk

CITY OF MARCO ISLAND, FLORIDA

BY: 

Vickie Kelber, Chairwoman

Approved as to form and
legal sufficiency:



Greg Urbancic
City Attorney