

RESOLUTION NO. 01-23

A RESOLUTION
TO BE ENTITLED:

A RESOLUTION OF THE CITY OF MARCO ISLAND, 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 AN EFFECTIVE DATE.

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 computed 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 computed under section 202.20(1) and (2), Florida Statutes (2000), as amended, for that municipality may be increased by an amount not to exceed a rate of 0.12%; and

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 20001 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 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/ORDAINED BY CITY OF MARCO ISLAND, FLORIDA AS FOLLOWS:

SECTION 1. Intent.

It is the intent of the City of Marco Island 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 City of Marco Island'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 City of Marco Island 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 City of Marco Island 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 City of Marco Island 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.

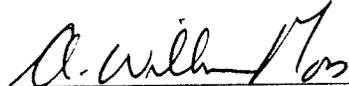
SECTION 5. Severability.

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, sentences, clauses, and phrases of this Resolution but shall remain in effect, it being the legislative intent that this Resolution shall stand notwithstanding the invalidity of any part.

SECTION 6. Effective Date.

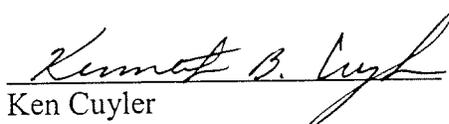
The effective date of this Resolution shall be immediately upon its passage by the City of Marco Island.

Attest:


A. William Moss
City Manager/City Clerk


E. Glenn Tucker
City Council Chairman

Legal in form and valid if enacted:


Ken Cuyler
City Attorney