

RESOLUTION NO. 01-07-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA RELATING TO THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 2000 Regular Session, the Florida Legislature passed the Communications Services Tax Simplification Law, creating Chapter 202, Florida Statutes (2000); and

WHEREAS, during the 2001 Regular Session, the Florida Legislature passed and the Governor thereafter signed Enrolled CS/CS/SB 1878 (the "Act"), that further amends Chapter 202, Florida Statutes (2000); and

WHEREAS, section 9 of the Act amends Section 202.19(2), Florida Statutes (2000), to provide that municipalities may elect a local communications services tax rate, commencing October 1, 2001, of up to 5.1% for municipalities that have not chosen to levy permit fees, and a tax rate of up to 4.98% for municipalities that have chosen to levy permit fees; and

WHEREAS, the maximum rate does not include an optional add on of up to 0.12% for municipalities that choose not to levy permit fees pursuant to section 337.401, Florida Statutes, nor do the rates supersede conversion or emergency rates authorized by section 202.20, Florida Statutes, which may be in excess of these maximum rates; and

WHEREAS, section 12 of the Act amends Section 202.20(1)(a), Florida Statutes (2000), to set the local communications services tax conversion rates for the period of October 1, 2001, through September 30, 2002; and

WHEREAS, section 12 of the Act further amends section 202.20(1)(b), Florida Statutes (2000), to set the local communications services tax conversion rates beginning October 1, 2002; and

WHEREAS, Section 337.401(3)(c) 1, Florida Statutes (2000), as amended by the Act, requires each municipality to make an election regarding the payment of permit fees by providers of communications services and to inform the Department of Revenue of the election by certified mail by July 16, 2001; and

WHEREAS, section 13 of the Act provides that notwithstanding any provision of Chapter 202, Florida Statutes, to the contrary, any municipality that has a local communications services tax conversion rate established under Section 202.20, Florida Statutes, which is less than the maximum rate established under Section 202.19, Florida Statutes, may by resolution elect to increase its rate up to the maximum rate, with such increased rate to be effective beginning October 1, 2001 and ending September 30, 2002, if notification of the increased rate is provided to the Department of Revenue by certified mail postmarked by July 16, 2001; and

WHEREAS, during the period beginning on October 1, 2001, and ending September 30, 2002, the maximum rate established under section 202.19, Florida Statutes, shall be deemed to be the sum of 5.1% plus the difference between the conversion rates set forth in paragraphs (a) and (b) of Section 202.20(1), Florida Statutes, as amended by the Act; and

WHEREAS, pursuant to Section 202.20(1)(a), Florida Statutes (2000), as amended, the City of Marathon's local communications services tax conversion rate for the period October 1,

2001, through September 30, 2002, is 2.10% if the City does not require permit fees and 1.68% if the City does require permit fees from communications providers; and

WHEREAS, pursuant to Section 202.20(1)(b), Florida Statutes (2000), as amended, the City of Marathon's local communications services tax conversion rate commencing October 1, 2002, is 1.90% if the City does not require permit fees and 1.58% if the City does require permit fees from communications providers; and

WHEREAS, Section 337.401(3)(c)(1)(a), Florida Statutes (2000) provides substantial restrictions on permit fees that municipalities may charge communications providers, including a cap of \$100 per permit; and

WHEREAS, the City of Marathon has determined that it is in the best interests of the public and of the City not to charge communications providers permit fees authorized by Section 337.401, Florida Statutes, (2000) effective October 1, 2001, and to benefit from the higher local communications tax rate.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA, AS FOLLOWS:

Section 1. The foregoing "Whereas" clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Resolution upon adoption hereof.

Section 2. The City of Marathon hereby elects not to require permit fees on communications providers authorized by Section 337.401, Florida Statutes (2000), effective October 1, 2001.

Section 3. It is the intent of the City of Marathon to elect to increase its local communications services tax rate to the maximum rate as provided in section 13 of the Act.

Section 4. The local communications services tax conversion rate established under section 202.20(1)(a), Florida Statutes, for the City of Marathon of 2.10% is less than the maximum rate of 5.3% as determined under the provisions of section 13 of the Act. The City of Marathon hereby elects to increase the local communications services tax rate to 5.3%, for the period beginning on October 1, 2001, and ending September 30, 2002.

Section 5. Pursuant to Section 337.401(3)(c)1.b., Florida Statutes (2000), as amended by section 34 of the Act, the City of Marathon elects to further increase its local communications services tax rate by the amount of 0.12%.

Section 6. Adoption of Tax Rate Effective October 1, 2001 – September 30, 2002. Based on the above elections, the City of Marathon hereby adopts its combined local communications services tax rate, effective for the period October 1, 2001, and ending September 30, 2002, of 5.42%.

Section 7. Adoption of Tax Rate Effective October 1, 2002. The local communications services tax conversion rate effective October 1, 2002, established under Section 202.20(1)(b), Florida Statutes, as amended by the Act, for the City of Marathon of 1.90% is less than the maximum rate of 5.1% as established in Section 202.19(2)(a), Florida Statutes. The City of Marathon hereby adopts the local communications services tax rate of 5.22%, effective October 1, 2002.

Section 8. The City of Marathon directs the City Clerk to provide a copy of this Resolution to the Department of Revenue by certified mail prior to the deadline of July 16, 2001.

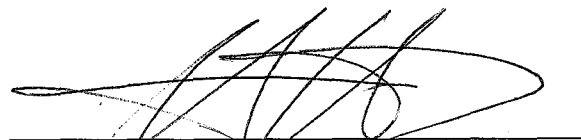
Section 9. The provisions of this Resolution are declared to be severable and if any section, sentence, clause or phrase of this Resolution shall, for any reason, be held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining sections,

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.

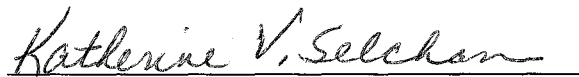
Section 10. All Resolutions or parts of Resolutions in conflict herewith are hereby repealed to the extent of such conflict.

Section 11. This Resolution shall take effect upon its adoption.

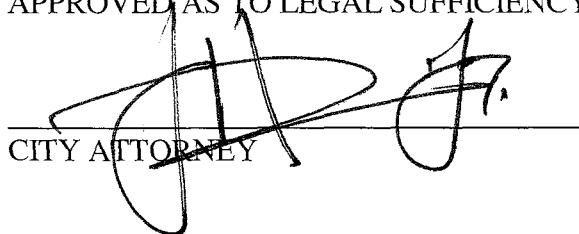
PASSED AND ADOPTED this 10th day of July, 2001

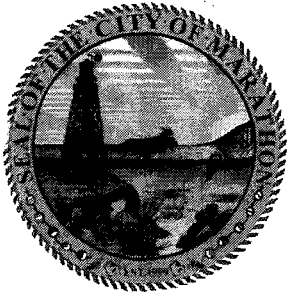

ROBERT MILLER, MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


CITY ATTORNEY



July 13, 2001

Transmitted via Federal Express

332 0289 341

Robert K. Miller
Mayor

John Bartus
Vice Mayor

Franklin D. Greenman
Councilman

Jon Johnson
Councilman

Randy Mearns
Councilman

Craig Wrathell,
Moyer & Associates
City Manager

Weiss Serota Helfman
Pastoriza & Guedes, P.A.
City Attorneys

Revenue Accounting – Communications Services Tax
Florida Department of Revenue
5050 W. Tennessee Street, Bldg. I
Tallahassee, FL 32399-0100

Subject: **City of Marathon
Local Communications Service Tax Rate**

Dear Sir or Madam:

Enclosed please find a certified copy of the Communications Service Tax Rate Resolution adopted on July 10, 2001 by the City of Marathon City Council, as required by the Communications Tax statute. The resolution is entitled:

RESOLUTION NO. 01-07-36

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARATHON, FLORIDA RELATING TO THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR ELECTION NOT TO REQUIRE AND COLLECT PERMIT FEES; PROVIDING FOR ELECTION TO INCREASE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING AN EFFECTIVE DATE.

Should you have any further questions or concerns, please do not hesitate to contact my office directly.

Sincerely,

Katherine V. Selchan
Administrator of Municipal Services

:ks
Enclosures

c: Craig A. Wrathell, City Manager
Gary Resnick, Esq., Weiss Serota Helfman Pastoriza & Guedes, P.A.
Francine T. Steelman, Esq., Weiss Serota Helfman Pastoriza & Guedes, P.A.

PLEASE REPLY TO:

FFNFRAL EXPRESS
PowerShip 3 TRACK REPORT
ITNK0371

Tracking # 3320289341 Svc: PL
Delivered
TAILAHASSFF FI 07/16 09:32
Delivered
TAILAHASSFF FI 07/16 09:25
Package on Van
TAILAHASSFF FI 07/16 08:19
Package on Van
TAILAHASSFF FI 07/16 08:09
Arrived at FedEx Best Location
TAILAHASSFF FI 07/16 07:15
Package Left FedEx Ramp
TAILAHASSFF FI 07/14 08:02
Package Arrived at FedEx Ramp
TAILAHASSFF FI 07/14 08:02
Pkg Left FedEx Sort Facility
MFPNPTS TN 07/14 03:56
Pkg Left FedEx Sort Facility
MFPNPTS TN 07/14 00:39
Pkg Left FedEx Sort Facility
MFPNPTS TN 07/13 00:00
Pkg Arrived at Sort Facility
MFPNPTS TN 07/13 22:48
Package Left FedEx Ramp
FORT LAUDERDALE FI 07/13 21:48

Delivered to.:
Mailroom
Signed for by.:
C. MARSHALL
Delivery time.:
09:32

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PASSED AND ADOPTED this 10th day of July, 2001


ROBERT MILLER, MAYOR

ATTEST:


CITY CLERK

APPROVED AS TO LEGAL SUFFICIENCY:


CITY ATTORNEY

CERTIFICATION

I CERTIFY THIS TO BE A TRUE & CORRECT COPY OF THE ORIGINAL DOCUMENT ON FILE.

WITNESS MY HAND AND OFFICIAL SEAL OF THE CITY OF MARATHON, IN THE COUNTY OF MONROE, FLORIDA, THIS 13th DAY OF July, 2001.


CITY CLERK