

ORDINANCE NO. 2001- 019

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF INDIAN RIVER COUNTY, FLORIDA, ELECTING TO INCREASE THE LOCAL COMMUNICATIONS SERVICES TAX CONVERSION RATE TO MINIMIZE THE FISCAL IMPACT OF THE COMMUNICATIONS SERVICES TAX SIMPLIFICATION LAW ON INDIAN RIVER COUNTY; ELECTING TO INCREASE THE TOTAL RATE FOR THE LOCAL COMMUNICATIONS SERVICES TAX BY 0.24 PERCENT IN LIEU OF IMPOSING PERMIT FEES ON PROVIDERS OF COMMUNICATIONS SERVICES THAT USE OR OCCUPY COUNTY ROADS AND RIGHTS-OF-WAY FOR THE PROVISION OF COMMUNICATIONS SERVICES, TO REPLACE THE REVENUE THAT INDIAN RIVER COUNTY WOULD OTHERWISE HAVE RECEIVED FROM PERMIT FEES FOR PROVIDERS OF COMMUNICATIONS SERVICES; DIRECTING THE CLERK OF CIRCUIT COURT TO FORWARD A CERTIFIED COPY OF THIS ORDINANCE TO THE STATE OF FLORIDA DEPARTMENT OF REVENUE BY CERTIFIED MAIL; PROVIDING FOR SEVERABILITY; PROVIDING FOR AN EFFECTIVE DATE.

Whereas, Chapter 2000-260, Laws of Florida, as amended by Chapter 2001 -140, Laws of Florida (hereinafter "Communications Services Tax Simplification Law"), restructures and consolidates all taxes imposed upon communications services providers; and

Whereas, the Communications Services Tax Simplification Law authorizes the Board of County Commissioners to increase the total conversion rate for the local communications services tax to be distributed to Indian River County from the State of Florida Department of Revenue in order to minimize the fiscal impact of the Communications Services Tax Simplification law on Indian River County; and

Whereas, the Communications Services Tax Simplification Law requires local governments to inform the State of Florida Department of Revenue of its decision to increase the total conversion rate by certified mail by July 16, 2001; and

c Dept of Revenue 7-3-01

*7/13/01
e - Will Collins
- Bob Keating*

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Whereas, the Communications Services Tax Simplification Law authorizes non-charter county governments to elect either to increase the total rate for the local communications services tax by 0.24%, or to impose permit fees which may not exceed \$100.00 per permit; and

Whereas, the election to increase the total rate for the local communications services tax by 0.24% in lieu of imposing permit fees on providers of communications services that use or occupy Indian River County roads and rights-of-way for the provision of communications services is intended to replace the revenue that Indian River County would otherwise have received from permit fees for providers of communications services; and

Whereas, the Communications Services Tax Simplification Law requires local governments to inform the State of Florida Department of Revenue of its election to collect permit fees or increase the total rate for the local communications services tax by certified mail postmarked on or before July 16, 2001,

Be It Ordained by the Board of County Commissioners of Indian River County, Florida:

1. The Board of County Commissioners of Indian River County, Florida, hereby elects to increase the County's total conversion rate for the local communications services tax for the period October 1, 2001 through September 30, 2002, by .2 %, for a total rate of 1.7%, and further elects to establish the County's conversion rate at 1.6% effective October 1, 2002. The rates set forth in this paragraph do not include the 0.24% add-on authorized pursuant to Section 337.401, Florida Statutes, and set forth in Paragraph 2 of this ordinance.

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2. The Board of County Commissioners of Indian River County, Florida, hereby elects to increase the total rate for the local communications services tax by 0.24%, effective October 1, 2001, in lieu of imposing permit fees on providers of communications services that use or occupy County roads and rights-of-way for the provision of communications services.

3. The Clerk to the Board of County Commissioners is hereby directed to transmit a certified copy of this ordinance to the State of Florida Department of Revenue by certified mail postmarked on or before July 16, 2001.

4. If any section, subsection, sentence, clause, or provision of this ordinance is held unconstitutional, invalid, or void, by a court of competent jurisdiction, such holding shall not affect the remainder of this ordinance that is not held unconstitutional, invalid, or void.

5. Except as otherwise provided herein, this ordinance shall become effective upon filing with the Florida Department of State.

The foregoing ordinance was advertised in the Press Journal on the 23rd day of June, 2001, for a public hearing to be held on the 3rd day of July, 2001, at which time it was offered by Commissioner Macht, who moved its adoption. The motion was seconded by Commissioner Tippin, and, upon being put to a vote, the vote was as follows:

Caroline D. Ginn, Chairman	<u> Aye </u>
Ruth Stanbridge, Vice Chairman	<u> Aye </u>
Kenneth R. Macht, Commissioner	<u> Aye </u>
John W. Tippin, Commissioner	<u> Aye </u>
Fran B. Adams, Commissioner	<u> Aye </u>

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The Chairman thereupon declared the ordinance duly passed and adopted this 3rd day of

July, 2001.

INDIAN RIVER COUNTY, FLORIDA
BOARD OF COUNTY COMMISSIONERS

Attest: J. K. BARTON, CLERK

By Patricia Jones
Deputy Clerk

By Caroline D. Ginn
Caroline D. Ginn, Chairman

ACKNOWLEDGMENT OF RECEIPT by the Department of State of the State of Florida, this
6th day of July, 2001.

Indian River Co.	Approved	Date
Admin.	JCE	6/27/01
Legal	REB	6/27/01
Budget		
Dept.		
Risk Mgr.		