

JUN 26 2001 *me/cob*

RESOLUTION NO. 2001-M-25

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA RELATING TO TAXATION; ESTABLISHING THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING AN ELECTION TO CONTINUE TO CHARGE PERMIT FEES TO PROVIDERS OF COMMUNICATIONS SERVICES; PROVIDING FOR INTENT; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

WHEREAS, during the 2000 Legislative Session, the Florida Legislature passed the Communications Services Tax Simplification Law, creating Chapter 202, Florida Statutes (2000) (the "Communications Tax Law"), which replaced seven different existing communication taxes and fees with a unified, two-tiered tax composed of a state and a local tax on communications services; and

WHEREAS, effective October 1, 2001, the Communications Tax Law repeals Orange County's 7% public service tax on telecommunication services and the 5% franchise fees on the gross receipts of cable television, and replaces them with a single local communications services tax; and

WHEREAS, in Chapter 2001-140, Laws of Florida, the 2001 Florida Legislature has amended the Communications Tax Law and designated "conversion rates" for the local communications services tax for each county and municipality in the State of Florida for the year beginning October 1, 2001 and ending September 30, 2002 (the "Initial Year") and for the years beginning on and after October 1, 2002 ("Subsequent Years"). Such conversion rates take effect without any action required by the local government. Separate higher conversion rates were established for the Initial Year because counties and municipalities will only receive eleven payments in the first year due to the transition of the collection function from the local level to the state; and

WHEREAS, in Chapter 2001-140, Laws of Florida, the 2001 Florida Legislature has also designated statewide maximum rates for the local communications services tax for charter counties and municipalities and non-charter counties. Such maximum rate for charter counties is 5.1% for charter counties that have elected not to levy permit fees for communications service providers that use or occupy county rights-of-way pursuant to Section 337.401, Florida Statutes, and 4.98% for charter counties that have elected to levy such permit fees; and

WHEREAS, the Communications Tax Law requires each county to make an election regarding the payment of permit fees by providers of communications services and the Board of County Commissioners desires to make its election to charge such permit fees; and

WHEREAS, Section 13 of Chapter 2001-140, Laws of Florida allows any chartered county that has a local communications services tax conversion rate which is less than the maximum rate to increase its rate up to the maximum rate, with such rate to be effective October 1, 2001 if notification of the rate is provided to the Department of Revenue by on or before July 16, 2001. For purposes of such section 13, in the initial year of implementation of the communications services tax, such maximum rate is calculated as the sum of the stated maximum rate plus the difference between the conversion rate for the Initial Year and the conversion rate for Subsequent Years; and

WHEREAS, Orange County's conversion rate, if it elects to charge permit fees, is 4.98% for the Initial Year and 4.58% for Subsequent Years and the maximum rate for Orange County, as such maximum rate is deemed and calculated pursuant Section 13 of Chapter 2001-140, is 5.38% for the Initial Year and 4.98% for Subsequent Years; and

WHEREAS, Chapter 2001-140, Laws of Florida, requires the County to notify the Department of Revenue of its election regarding permit fees by certified mail postmarked on or before July 16, 2001 and such election shall take effect October 1, 2001.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ORANGE COUNTY, FLORIDA AS FOLLOWS:

Section 1. Intent

It is the intent of the Board of County Commissioners to make an election under section 337.401(3), Florida Statutes to require and collect permit fees from providers of communications services that use or occupy county rights-of-way for the provision of communications services and to establish its local communications services tax rate as provided in section 13 of Chapter 2001-140 Laws of Florida at the rate of 5.2% for the Initial Year and 4.98% for Subsequent Years, which is the maximum rate allowed for chartered counties that choose to levy permit fees.

Section 2. Election to Charge Permit Fees

Pursuant to section 337.401(3)(c), Florida Statutes (2000), as amended by Chapter 2001-140, Laws of Florida, and consistent with the limitations imposed thereby, the County hereby elects to require and collect permit fees from providers of communications services that use or occupy county roads or rights-of-way.

Section 3. Local Communications Services Tax Rate

The local communications services tax conversion rate established under section 202.20(1)(a), Florida Statutes, for Orange County is 4.98% for the Initial Year, which is less than the maximum rate of 5.38% for the Initial Year, as calculated pursuant to the provisions of section 13 of Chapter 2001-140, Laws of Florida. Therefore, pursuant to the provisions of Section 13 of Chapter 2001-140, Laws of Florida, the communications services tax rate for Orange County is hereby established at the rate of 5.2% for the period beginning on October 1, 2001, and ending September 30, 2002.

The local communications services tax conversion rate for Orange County established under section 202.20(1)(b), Florida Statutes, as amended, is 4.58% for Subsequent Years, which is less than the maximum rate of 4.98%. Therefore, effective October 1, 2002, pursuant to the provisions of Section 13 of Chapter 2001-140, Laws of Florida, the communications services tax rate for Orange County is hereby established at 4.98%, which is the maximum rate allowed for chartered counties that have chosen to levy permit fees.

Section 4. Notice to the Department of Revenue

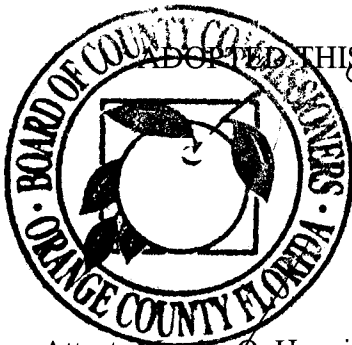
The Board of County Commissioners of Orange County hereby directs that notice of the County's election and the established rates for the local communications services tax rate be provided to the Department of Revenue by certified mail postmarked on or before July 16, 2001.

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 adoption by the Board of County Commissioners.



ADOPTED THIS 26th DAY OF JUNE, 2001.

ORANGE COUNTY, FLORIDA

BY: Richard T. Crotty
Richard T. Crotty
County Chairman

Attest: Martha O. Haynie, County Comptroller
As Clerk to the Board of County Commissioners
By: Janine G. White
Deputy Clerk