



ORDINANCE NO. 436

AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA, AMENDING CHAPTER 2 "ADMINISTRATION", ARTICLE VI "FINANCE", ADDING DIVISION 3 "COMMUNICATIONS SERVICES TAX"; PROVIDING FOR NOTICE, SEVERABILITY, THE REPEAL OF LAWS IN CONFLICT, CODIFICATION, AND AN EFFECTIVE DATE.

WHEREAS, the Town of Sewall's Point, Florida, is a duly constituted municipality having such power and authority conferred upon it by the Florida Constitution and Chapter 166, Florida Statutes; and

WHEREAS, Section 202.20, Florida Statutes, sets local communications services tax conversion rates that are applicable without any required action by the local government, which is currently 2.30 percent for the Town; and

WHEREAS, the Town has elected not to require and collect permit fees from providers of communications services that use or occupy municipal roads or rights-of-way for the provision of communications services; and

WHEREAS, the Town previously adopted Resolution No. 556, to include the allowed add-on of 0.12 percent on communications services tax pursuant to Section 202.20, Florida Statutes; and

WHEREAS, the Town is authorized pursuant to Section 202.19, Florida Statutes, to levy a discretionary communications services tax of up to 5.10 percent; and

WHEREAS, the Town Commission finds that levying the allowed discretionary communications services tax furthers the public health, safety and general welfare of the residents and citizens of the Town.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COMMISSION OF THE TOWN OF SEWALL'S POINT, FLORIDA:

Section 1. The whereas clauses are incorporated herein as true and correct and as the legislative findings of the Town Commission.

Section 2. Chapter 2 “Administration”, Article VI “Finance” is hereby amended by adding thereto a new Division 3 “Communications Services Tax” to read as follows:

DIVISION 3. – COMMUNICATIONS SERVICES TAX

Sec. 2-271. – Adoption of local communications services tax rate.

The Town hereby adopts the local communication services tax rate pursuant to Section 202.19(2)(a), Florida Statutes, of 5.10 percent, which is the maximum rate for municipalities that have chosen not to levy permit fees. This rate shall be effective January 1, 2022.

Sec. 2-272. – Use of tax.

Pursuant to Section 202.19(8), Florida Statutes, the Town may utilize revenues raised by the tax imposed under this Article for any public purpose.

Section 3. Notice. The Clerk is hereby directed to provide notice of the adoption of this ordinance to the Department of Revenue in compliance with Section 202.21, Florida Statutes.

Section 4. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 5. Repeal of Laws in Conflict. All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 6. Codification. The sections of the ordinance may be made a part of the Town Code of Laws and ordinances and may be re-numbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “division,” or any other appropriate word.

Section 7. Effective Date. This ordinance shall take effect immediately upon adoption.

Commissioner Kurzman offered the Ordinance for its first, reading and moved its adoption. The motion was seconded by Commissioner Tompeck, and upon being put to a vote, the vote was:

KAIJA MAYFIELD, MAYOR
JAMES W. CAMPO, VICE MAYOR
FRANK FENDER, COMMISSIONER
DAVE KURZMAN, COMMISSIONER
JOHN TOMPECK, COMMISSIONER

<u>AYE</u>	<u>NAY</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Passed first reading at the Regular Meeting of the Town Commission held on the 22nd day of June, 2021.

Commissioner Fender offered the Ordinance for its second reading and moved its adoption. The motion was seconded by Commissioner Kurzman and upon being put to a vote, the vote was:

KAIJA MAYFIELD, MAYOR
JAMES W. CAMPO, VICE MAYOR
FRANK FENDER, COMMISSIONER
DAVE KURZMAN, COMMISSIONER
JOHN TOMPECK, COMMISSIONER

<u>AYE</u>	<u>NAY</u>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>
<input checked="" type="checkbox"/>	<input type="checkbox"/>

Passed second reading at the Regular Meeting of the Town Commission held on the 27th day of July, 2021. The Mayor thereupon declared this Ordinance approved and adopted by the Town Commission on this 27th day of July, 2021.

TOWN OF SEWALL'S POINT, FLORIDA

Kaija Mayfield
Kaija Mayfield, Mayor

ATTEST:

April C. Stoncius
April C. Stoncius, CMC, Town Clerk
(TOWN SEAL)



Approved as to form and legal sufficiency:

Glen J. Torcivia
Glen J. Torcivia, Town Attorney
Florida Bar No. 343374