

**GULF BREEZE CITY COUNCIL  
SPECIAL MEETING**

AUGUST 27, 2009  
THURSDAY, 5:00 P.M.  
COUNCIL CHAMBERS

1. Roll Call
2. Invocation and Pledge of Allegiance

**THIS SPECIAL MEETING OF THE GULF BREEZE CITY COUNCIL  
WILL BE CONVENED TO DISCUSS THE FOLLOWING ITEMS:**

- A. Discussion and Action Regarding Ordinance No. 13-09, Adopting a New Municipal Public Service Tax Rate - **SECOND READING AND PUBLIC HEARING**
- B. Discussion and Action Regarding Ordinance No. 14-09, a New Local Communication Services Tax Rate - **SECOND READING AND PUBLIC HEARING**

**If any person decides to appeal any decisions made with respect to any matter considered at this meeting or public hearing, such person may need to insure that a verbatim record of the proceedings is made, which record includes the testimony and any evidence upon which the appeal is to be based.**

**The public is invited to comment on matters before the City Council upon seeking and receiving recognition from the Chair.**




# City of Gulf Breeze

OFFICE OF THE CITY MANAGER

## Memorandum

**To:** Mayor and City Council

**From:**  Edwin A. Eddy, City Manager

**Date:** 8/24/2009

**Subject:** Ordinance 13 and 14-09, Adopting a New Municipal Public Service Tax Rate and a New Communication Service Tax Rate

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Attached are copies of the two ordinances noted above. In order to change the Municipal Public Service Tax Rate from 3% to 4% effective on January 1, 2010, it will be necessary to hold a Public Hearing and approve Ordinance 13-09 on Second Reading prior to September 1<sup>st</sup>.

The same is also true for Ordinance 14-09 which increases the Communication Service Tax rate from 3% to 4.25%.

The increases in these tax rates along with an increase in the Ad Valorem tax rate from 1.8 to 1.9 will enable the City to provide basic funding for operation and maintenance of City services.

**RECOMMENDATION:**

**THAT A PUBLIC HEARING BE HELD AND ORDINANCE 13 AND 14-09 BE APPROVED ON SECOND READING.**

**NOTE:** We did not advertise Ordinance 16-09 relative to increasing the hours for sale of alcoholic beverages. In order to come close as possible to the date the current Ordinance "sunset" we have scheduled a public hearing and Second Reading of this Ordinance for Wednesday, September 2, at the Executive Committee Meeting.

**Ordinance No. 13-09**

**AN ORDINANCE OF THE CITY OF GULF BREEZE ADOPTING A NEW MUNICIPAL PUBLIC SERVICE TAX; PROVIDING FOR THE ADOPTION OF A MUNICIPAL PUBLIC SERVICE TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Florida Legislature has established by law that a municipality may levy a tax on the purchase of electricity, metered natural gas, liquefied petroleum gas either metered or bottled, manufactured gas either metered or bottled, and water service.

**WHEREAS**, Section 166.231, Florida Statutes, authorizes the City of Gulf Breeze to levy the tax only on purchases within the municipality and shall not exceed 10 percent of the payments received by the seller of the taxable item from the purchaser for the purchase of such service.

**WHEREAS**, the tax imposed by this ordinance shall not be applied against any fuel adjustment charge, and such charge shall be separately stated on each bill. "Fuel adjustment charge" shall mean all increases in the cost of utility services to the ultimate consumer resulting from an increase in the cost of fuel to the utility subsequent to October 1, 1973.

**WHEREAS**, The City of Gulf Breeze desires to establish a Municipals Public Service Tax of 4.0% pursuant to Section 166.231, Florida Statutes;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, that:**

**SECTION 1. Adoption of Municipal Public Service Tax Rate.**

The municipal public services tax rate established under Section 166.231 (1)(a), Florida Statutes, for the City of Gulf Breeze is a maximum of 10%, The municipal public services tax established for the City of Gulf Breeze is 4.0%. This rate is to be effective January 1, 2010.

**SECTION 2. Notice to the Department of Revenue.**

The City of Gulf Breeze directs that notice to establish Municipal Public Service Tax to be provided to the Florida Department of Revenue by September 1, 2009. Form DR-700001, and a copy of this ordinance must be submitted with the notification.

**SECTION 3. Severability.**

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance 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 Ordinance but shall remain in effect, it being the legislative intent

that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon its passage by the City of Gulf Breeze . The imposition and collection of the new Municipal Public Service Tax shall commence effective January 1, 2009.

PASSED ON THE FIRST READING ON THE 17 DAY OF AUGUST, 2009.

ADVERTISED ON THE 18 DAY OF AUGUST, 2009

PASSED ON THE SECOND READING ON THE \_\_\_\_ DAY OF AUGUST, 2009.

By: \_\_\_\_\_  
Beverly H. Zimmern, Mayor

ATTESTED TO BY:

\_\_\_\_\_  
Marita Rhodes, City Clerk

**Ordinance No. 14-09**

**AN ORDINANCE OF THE CITY OF GULF BREEZE ADOPTING A NEW LOCAL COMMUNICATION SERVICES TAX RATE; PROVIDING FOR THE ADOPTION OF A NEW LOCAL COMMUNICATION SERVICES TAX RATE; PROVIDING FOR ADJUSTMENT OF TAX RATE FOR PERMIT FEES; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY, AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, during the 2000 Regular Session, the Florida Legislature passed the "Communication Services Tax Simplification Law", creating Chapter 202, Florida Statutes; and

**WHEREAS**, Section 202.19, Florida Statutes, authorizes the City of Gulf Breeze to adopt a local communication services tax at a rate of up to 5.1%. This maximum rate does not include the add-on of up to .12% for municipalities which choose not to levy permit fees; and

**WHEREAS**, Section 202.20(1)(b), Florida Statutes, establishes the local communications services tax conversion rates beginning on October 1, 2002, with these conversion rates taking effect without any action required by the local government.

**WHEREAS**, The City of Gulf Breeze desires to increase its local communication services tax from 3% to 4.25% pursuant to Section 202.19, Florida Statutes;

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GULF BREEZE, FLORIDA, that:**

**SECTION 1. Adoption of Local Communications Services Tax Rate.**

The local communications services tax conversion rate established under Section 202.20(1)(b), Florida Statutes, for the City of Gulf Breeze is 3%, which is less than the maximum rate of 5.10% for municipalities that have not chosen to levy permit fees as established in Section 202.19(2)(a), Florida Statutes. The local communications services tax rate for the City of Gulf Breeze is increased to 4.25%. This rate is to be effective January 1, 2010.

**SECTION 2. Notice to the Department of Revenue.**

The City of Gulf Breeze directs that notice of the increased Local Communication Services Tax Rate be provided to the Florida Department of Revenue by September 1, 2009. Form DR-700021, and a copy of this ordinance must be submitted with the notification.

**SECTION 3. Severability.**

The provisions of this Ordinance are declared to be severable and if any section, sentence, clause or phrase of this Ordinance 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 Ordinance but shall remain in effect, it being the legislative intent

that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4. Effective Date.

This Ordinance shall take effect immediately upon its passage by the City of Gulf Breeze . The imposition and collection of the new combined Local Communications Services Tax Rate shall commence effective January 1, 2010.

PASSED ON THE FIRST READING ON THE 17 DAY OF AUGUST, 2009

ADVERTISED ON THE 18 DAY OF AUGUST, 2009

PASSED ON THE SECOND READING ON THE \_\_\_ DAY OF AUGUST, 2009.

By: \_\_\_\_\_  
Beverly H. Zimmern, Mayor

ATTESTED TO BY:

\_\_\_\_\_  
Marita Rhodes, City Clerk