

REQUESTED MOTION: (First Reading) AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA RELATING TO THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR LOCAL COMMUNICATIONS SERVICES TAX RATE; AND PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

REQUESTOR: Lisa Griggs Roberson, CPA, Director of Financial & Administrative Services

AGENDA: First Reading

STRATEGIC PRIORITY: #3 Strengthen/Enhance City Finances

BACKGROUND:

On July 20, 2022, City Council directed the staff to draft an ordinance to maintain the communications services tax at the current rate of 3.61% without providing for a sunset.

The 2022-2023 draft budget includes communications services tax revenue of \$1,296,600 based upon the current rate of 3.61%.

Florida Statutes § 202.21 requires that a municipality changing the rate must notify the Department of Revenue (DOR) as to the ordinance adoption by September 1 for a rate change effective on January 1.

Staff has included a schedule of current rates for neighboring and comparable jurisdictions.

The second reading is tentatively scheduled for August 17, 2022.

STAFF RECOMMENDATION: Move to the Second Reading

ATTACHMENTS:

1. Draft Ordinance
2. Comparative Rate Data

REVIEWERS:

City Manager: Arleen Hunter
City Attorney: Derek Rooney
City Clerk: Debra Filipek
Department Director: Lisa Roberson

Council Action: Approved ___ Denied ___ Deferred ___ Other _____

CITY OF BONITA SPRINGS, FLORIDA
ORDINANCE NO. 22-

AN ORDINANCE OF THE CITY OF BONITA SPRINGS, FLORIDA RELATING TO THE LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR INTENT; PROVIDING FOR LOCAL COMMUNICATIONS SERVICES TAX RATE; PROVIDING FOR NOTICE TO THE DEPARTMENT OF REVENUE; AND PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 202, §202.19(2), Florida Statutes, municipalities may levy a local communications service tax on voice, data, audio, video, or any other information or signals transmitted by any medium; and

WHEREAS, the City has previously authorized the imposition of a local communications service tax below the maximum rate of 5.1%.

THE CITY OF BONITA SPRINGS HEREBY ORDAINS:

SECTION 1. INTENT.

It is the further intent of the City of Bonita Springs to extend its local communications services tax rate effective January 1, 2023 as provided in Florida Statutes §202.19(2)(a) to an increased tax rate of 3.49 %, which is below the maximum tax rate of 5.1% for municipalities that choose not to levy permit fees.

SECTION 2. INCREASED LOCAL COMMUNICATIONS SERVICES TAX RATE.

The local communications services tax conversion rate established under Florida Statutes §202.20(1)(b), Florida Statutes, for the City of Bonita Springs is 1.70%, which is less than the maximum rate of 5.1% for municipalities that have not chosen to levy permit fees as established in Florida Statutes §202.19(2)(a), Florida Statutes. The local communications services tax rate for the City of Bonita Springs is increased to 3.49% in addition to the .12% add-on for municipalities that do not require permits as authorized by Resolution No. 01-37, for a total rate of 3.61%. This increased rate is to be effective from January 1, 2023.

SECTION 3. NOTICE TO THE DEPARTMENT OF REVENUE.

The City of Bonita Springs directs that notice of the increased local communications services tax rate be provided to the Department of Revenue by providing a copy of this ordinance, along with DOR Form DR-700021, postmarked on or before September 1, 2022, as provided in Florida Statutes §202.21.

SECTION 4. 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 5: EFFECTIVE DATE.

The effective date of this ordinance shall be thirty (30) days from its adoption date, with the effective date of the tax increase commencing on billing after January 1, 2023.

DULY PASSED AND ENACTED by the City Council of the City of Bonita Springs, Lee County, Florida, this 17th day of August 2022.

AUTHENTICATION:

Mayor City Clerk

APPROVED AS TO FORM: _____
City Attorney

Vote:

Carr Gibson
Purdon Quaremba
Forbes Steinmeyer
Corrie

Date filed with City Clerk: _____

Communications Services Tax

<i>Current Rates</i>	
City of Bonita Springs	3.61%
Lee County Unincorporated	3.61%
Village of Estero	3.61%
City of Cape Coral	5.22%
City of Fort Myers	5.22%
Town of Fort Myers Beach	5.22%
City of Naples	5.22%
City of Sanibel	5.22%
City of Sarasota	5.32%

Should current rate sunset, revenue will be reduced by \$660,000 and rate would revert to 1.82%