

Ordinance No. 411

AN ORDINANCE AMENDING ORDINANCE NO. 213 IN ORDER TO COMPLY WITH FLORIDA LAW RELATING TO THE LEVYING OF UTILITY TAX ON THE PURCHASE OF WATER SERVICE, ELECTRICAL SERVICE, AND NATURAL GAS SERVICE IN THE CITY OF MEXICO BEACH, BAY COUNTY, FLORIDA; PROVIDING FOR THE COLLECTION OF SUCH TAXES AND THE DISPOSITION THEREOF; REQUIRING THE SELLER OF SUCH UTILITY SERVICES TO KEEP RECORDS FOR INSPECTION BY AGENTS OF THE CITY, AND MAKE MONTHLY REPORTS AND REMITTANCES; EXEMPTING GOVERNMENTAL AGENCIES; AND PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS OF THIS ORDINANCE AND FOR FAILURE TO MAKE REPORTS AND PAY THE CITY OF MEXICO BEACH TAXES COLLECTED; EFFECTIVE DATE; AND ALL ORDINANCES IN CONFLICT REPEALED.

BE IT ORDAINED BY THE CITY COUNCIL OF MEXICO BEACH, BAY COUNTY, FLORIDA:

Section 1. That in addition to all other taxes of every kind now imposed, there is hereby levied by the City of Mexico Beach, Florida, a tax equal to seven percent (7%) on each and every purchase of water service in said City, a tax equal to one percent (1%) on each and every purchase of electrical service in said City, a tax equal to seven percent (7%) on each and every purchase of natural gas service in said City, and the City will recognize and receive proceeds from the state communications services taxes as newly implemented in 2001 under Chapter 140, Florida Statutes, and as may be amended. These utility services taxes shall apply only to services received in the City of Mexico Beach, Florida, and said taxes shall be for the use of the City of Mexico Beach, Florida, and will be collected by the seller of such services from the purchaser at the time of the purchaser paying the charge therefore to seller not less than on a monthly basis.

Section 2. That it shall be the duty of every seller of the utility services described in Section 1. hereof, in acting as a tax collecting medium or agency for said City to collect from the purchaser for the use of the City the taxes imposed and levied by this ordinance and to report and pay to said City on or before the 15th day of each month all such taxes collected during the preceding calendar month. It shall be unlawful for any seller to collect the price of any sale of such utility service without at the same time collecting the tax hereby levied in respect of such sale. Any seller failing to collect such tax at the time of collecting the price of any sale shall be liable to the City for the amount of such tax in like manner as if the same had been actually paid to the seller, and the City shall bring all such suits, liens and actions and take all such proceedings as may be necessary for the recovery of such tax, provided, however, that the seller shall not be liable for the payment of such tax upon unpaid bills. If any purchaser shall fail, neglect or refuse to pay the seller the tax hereby imposed and as hereby required, the seller shall have, and is hereby vested with the right to discontinue immediately as permitted by

Florida Law further service to such purchaser until the tax hereby levied and the seller's bill has been paid in full.

Section 3. That each and every seller of any utility service on which a tax is hereby levied shall keep complete records showing all sales in said City of such service, which records shall show the price charged upon each sale, the date thereof, and the date of payment thereof and the records shall, at all reasonable times, be open for inspection by the duly authorized agents of said City during business hours on all business days, and said agents shall have authority to make such transcripts and copies thereof as they may desire. It shall be the duty of each seller of utility services mentioned herein each month in paying to the City the tax collected to make such reports or report as may be reasonably required on forms to be furnished by the City Council for that purpose. Any such seller of utility service failing to make the required report and to pay to the City the tax collected during the previous month on or before the 15th day of each month shall be liable for and, in addition to the tax collected, shall pay a penalty at the time of paying the tax and making the report equal to five percent (5%) of the tax, for each month or part of a month that the report and tax is past due. The penalty provided in this section shall be in addition to the penalty provided in Section 5. hereof.

Section 4. That the United States of America, State of Florida, and the political subdivisions and agencies, boards, commissions, and authorities thereof are hereby exempt from payment of the tax levied by this ordinance.

Section 5. That any person, firm or corporation found guilty of violating the provisions of this ordinance shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than sixty (60) days or both such fine and imprisonment, and each and every violation of the provisions of this ordinance shall constitute separate offenses.

Section 6. If any section, portion or clause of this ordinance for any reason shall be held invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the remaining sections or provisions.

Section 7. That the funds accruing to the City of Mexico Beach from the tax hereby levied shall be dedicated solely for the purpose of road paving, drainage, the continued maintenance of these paved streets within the City, and other capital improvement projects or land acquisitions for the benefit of the City as permitted by Florida Law.

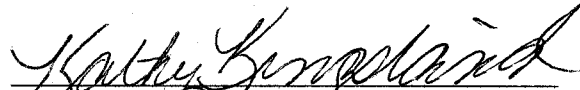
Section 8. All utility tax monies will be placed in a special interest bearing account for the purposes set forth in Section 7., above.

Section 9. That this ordinance shall take effect immediately upon passage.

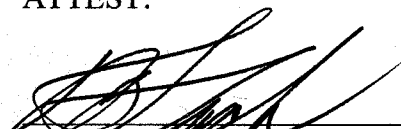
Section 10. All ordinances in conflict herewith are hereby repealed.

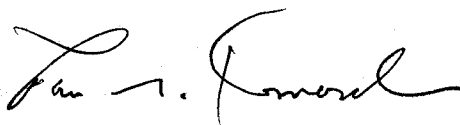
INTRODUCED at a Regular Meeting of the City Council on December 11, 2001,
and ADOPTED at a Regular Meeting of the City Council on January 8, 2002.

CITY OF MEXICO BEACH, FLORIDA


Kathy Kingsland, Mayor

ATTEST:


Henry Flack, City Clerk



meeting; however, failure to reflect such action shall not invalidate any votes taken by the alternate board members.

Section 2. All ordinances, or parts of ordinances thereof, in conflict with the provisions of this ordinance are hereby repealed.

Section 3. This ordinance shall take effect immediately upon passage.


INTRODUCED AT A Regular Meeting of the City Council on December 11, 2001, and adopted at a Regular Meeting of the City Council on January 8, 2002.

SIGNED THIS 8TH day of January, 2002.

CITY OF MEXICO BEACH, FLORIDA


Kathy Kingland, Mayor

ATTEST:


Henry Flack, City Clerk

