

RESOLUTION 01-2012

A RESOLUTION OF THE TOWN OF MALABAR, BREVARD COUNTY, FLORIDA, OPPOSING HOUSE BILL 4025 AND SENATE BILL TO REPEAL CHAPTER 205 OF THE FLORIDA STATUTES, WHICH WOULD ELIMINATE THE LOCAL BUSINESS TAX ACT RESULTING IN A LOSS OF REVENUE TO THE TOWN OF MALABAR, PROVIDING FOR AN EFFECTIVE DATE.

- WHEREAS,** the Town of Malabar, incorporated in 1962 has had a local business tax (formerly Occupational License) program in place since the early 1970's; and
- WHEREAS,** Malabar like most municipalities and counties require businesses operating within their jurisdictions to obtain a Local Business Tax Receipt and revenues collected in this form assist in sustaining services provided for its citizenry; and
- WHEREAS,** the Florida Legislature is considering legislation in the House and Senate to repeal F.S. 205 eliminating local governments ability to collect a tax on businesses operating within their jurisdictions and have offered amendments to allow local governments that are using the revenue from this tax as a pledge on bonds to continue collecting it, thus financially punishing local governments that are debt free; and
- WHEREAS,** the Florida Legislature has proposed this legislation to remove financial regulation on local businesses without any guarantee that they won't approve later legislation to require local businesses pay such a tax to the State: and
- WHEREAS,** the Florida Legislature provided this revenue source to local governments in 1972 and it has become a integral part of local government's budgeting; and
- WHEREAS,** the Florida League of Cites is assisting local governments by opposing this legislation and any legislation that would modify, restrict or eliminate the Home Rule authority of municipalities to levy and collect Local Business Tax Receipts and maintain programs that promote the health, safety and welfare of its citizenry; and
- WHEREAS,** the Town of Malabar is requesting the Florida Legislature to oppose the repeal of Chapter 205 of Florida Statutes eliminating Home Rule authority to impose Local Business Taxes.

NOW, THEREFORE, Be It Resolved By the Town Council of the Town of Malabar, Brevard County, Florida as follows:

- Section 1.** That the above Whereas clauses are true and correct and are hereby ratified and confirmed.
- Section 2.** That the Town of Malabar opposes Florida House Bill 4025 and Florida Senate Bill 760 to repeal Chapter 205 of Florida Statutes, which would eliminate the Local Business Tax Act resulting in a loss of revenue.
- Section 3.** That the Town of Malabar hereby requests its Legislative delegation to oppose the repeal of Chapter 205 the Florida Legislature eliminating Home Rule authority to impose Local Businesses Taxes.
- Section 4.** That the Malabar Clerk is directed to transmit a copy of this resolution to Governor Rick Scott, the Brevard Legislative Delegation, and the Florida League of Cities, Inc.
- Section 5.** That this resolution shall be effective upon adoption.

This Resolution was moved for adoption by Council Member Rivet. The motion was seconded by Council Member Beatty and, upon being put to a vote, the vote was as follows:

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| Council Member Carl Beatty | <u>Aye</u> |
| Council Member David White | <u>Aye</u> |
| Council Member Steven (Steve) Rivet | <u>Aye</u> |
| Council Member Jeffrey (Jeff) McKnight | <u>Absent</u> |
| Council Member Marisa Acquaviva | <u>Excused</u> |

This Resolution was then declared to be duly passed and adopted this 23rd day of January, 2012.

TOWN OF MALABAR

By: Thomas M. Eschenberg
Mayor Thomas M. Eschenberg, Chair

ATTEST:

Debby K. Franklin

Debby K. Franklin, CMC
Town Clerk/Treasurer

(seal)

Approved as to form and content:

Karl W. Bohne, Jr.

Karl W. Bohne, Jr., Town Attorney