

ORDINANCE NO. 87-22

AN ORDINANCE OF HERNANDO COUNTY, FLORIDA, RELATING TO THE IMPOSITION OF A FEE TO BE PAID BY LOCAL TELEPHONE EXCHANGE SUBSCRIBERS PURSUANT TO THE FLORIDA EMERGENCY TELEPHONE ACT OF 1974, AS AMENDED; PROVIDING FOR THE FEE TO BE EFFECTIVE ON NOVEMBER 1, 1987; PROVIDING FOR A FEE OF NO MORE THAN FIFTY CENTS (50¢) PER MONTH PER LINE FOR EACH LOCAL EXCHANGE SUBSCRIBER; PROVIDING FOR DEFINITIONS; PROVIDING FOR MANNER OF COLLECTION OF THE FEE; PROVIDING FOR THE RETENTION BY THE TELEPHONE COMPANY AN ADMINISTRATIVE FEE; PROVIDING FOR INDEMNIFICATION; PROVIDING FOR SIMULTANEOUS REPEAL UPON REPEAL OF LEGISLATIVE AUTHORITY TO IMPOSE THE FEE; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF HERNANDO COUNTY, FLORIDA:

SECTION I SUBSCRIBER FEE IMPOSED.

A. Pursuant to the "Florida Emergency Telephone Act," as amended (Chapter 87-259, Laws of Florida) there is imposed a fee to cover recurring charges for operation and maintenance of the Hernando County 911 service and equipment over such period as the 911 service is in operation. Said fee shall be the pro rata share, insofar as is practicable, of the cost of said recurring charges at a rate not to exceed fifty cents (50¢) per month upon each individual access line served or to be served by the Hernando County 911 service, not including, however, individual access lines serving the United States Department of Agriculture, which said fee shall be paid by local telephone subscribers for all individual access lines up to and including twenty-five (25) lines.

B. The telephone companies providing 911 service to Hernando County shall include a monthly charge of no more than

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fifty cent (50¢) per individual access line up to a maximum of twenty-five (25) lines per subscriber account in the telephone companies' regular billing for telephone service.

SECTION II DEFINITIONS. The definition of terms as set out in Chapter 87-259, Laws of Florida, are adopted, unless the context clearly indicated otherwise, as the definition of terms in this Ordinance.

SECTION III COLLECTION AND REMITTANCE OF FEE.

A. The fee imposed under this Ordinance shall be collected by the telephone companies providing 911 services and equipment to Hernando County, and all proceeds shall be remitted to Hernando County, less an administrative fee equal to one percent (1%) of the total fees collected which administrative fee shall be retained by the telephone companies as provided in the Florida Emergency Telephone Act, as amended.

B. The remittance to Hernando County provided in paragraph A, above, shall be within thirty (30) days following the regular billing cycle utilized by the telephone companies in billing their subscribers for telephone service.

SECTION IV EFFECTIVE DATE; PERIOD OF CONTINUANCE. The fees imposed hereunder shall be effective November 1, 1987, or as soon thereafter as may be practical for the affected telephone companies to include such fees in the telephone companies' monthly billing cycle, but in no event later than the first billing cycle in 1988. The fees shall continue thereafter for so long as 911 service is in operation in Hernando County. Any repeal of the authority granted to counties under the Florida Emergency Telephone Act, as amended, to continue the fees set forth herein shall be the repeal of this Ordinance.

SECTION V USE OF FEES COLLECTED. The fee collected hereunder shall be used by the County to provide 911 service and

equipment for Hernando County, as provided in the Florida Emergency Telephone Act, as amended, for incurred recurring charges or recurring charges which either have been or may be incurred by the County for the operation and maintenance of such service and equipment over such period as the 911 service is in operation.

SECTION VI INDEMNIFICATION. The telephone companies providing 911 service to Hernando County are indemnified by the County in accordance with the provisions of the Florida Emergency Telephone Act, as amended.

SECTION VII ESTABLISHING OF ACCOUNTING PROCEDURES. A separate audit account specifically for the deposit of funds or fees related to the 911 system shall be established and maintained, utilizing appropriate accounting procedures, to administer the funds collected and to provide data for an annual determination of either a surplus or deficit maintained in said account. Said funds shall be utilized pursuant to the provisions of the Florida Emergency Telephone Act, as amended.

SECTION VIII INCLUSION IN THE CODE. It is the intention of the Board of County Commissioners of Hernando County, Florida, and it is hereby provided, that the provisions of this Ordinance shall become and be made a part of the Code of Ordinances of Hernando County, Florida. To this end, the sections of this Ordinance may be renumbered or relettered to accomplish such intention, and that the word "ordinance" may be changed to "section", "article", or other appropriate designation.

SECTION IX SEVERABILITY. It is declared to be the intent of the Board of County Commissioners that if any section, subsection, clause, sentence, phrase or provision of this Ordinance is for any reason held unconstitutional or invalid, the invalidity thereof shall not affect the validity of the remaining portions of this Ordinance.

SECTION X EFFECTIVE DATE. This Ordinance shall take effect immediately upon receipt of official acknowledgment from the office of the Secretary of State of Florida that this Ordinance has been filed with said office.

ADOPTED BY THE BOARD OF COUNTY COMMISSIONERS in Regular Session this 1st day of September, 1987.

BOARD OF COUNTY COMMISSIONERS  
HERNANDO COUNTY, FLORIDA.

(SEAL)

Attest:

Harold W. Brown  
Harold William Brown  
Clerk

By:

Leonard F. Tria Jr.  
Leonard F. Tria Jr.  
Chairman

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FILED FOR RECORD  
HAROLD WILLIAM BROWN, CLERK  
HERNANDO COUNTY, FLA.

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