

ORDINANCE NO. 88-11

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE 86-55 TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF A FEE TO BE PAID BY LOCAL EXCHANGE SUBSCRIBERS SERVED BY E-911 TELEPHONE SERVICE FOR THE PAYMENT OF RECURRING CHARGES (AS DEFINED BY FLORIDA STATUTE 365.171) IN ADDITION TO THE FEE ESTABLISHED BY ORDINANCE 86-55 FOR THE PAYMENT OF NONRECURRING E-911 EMERGENCY TELEPHONE SYSTEM CHARGES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Section 365.171(13), Florida Statutes, as amended by House Bill 522 during the 1987 Legislative Session Codified as 87-259, Laws of Florida, authorizes St. Johns County to impose a fee to be paid by local telephone exchange subscribers within its boundaries served by emergency telephone number "911" for incurring recurring charges (in addition to the previously authorized nonrecurring charges) for the initial provision or subsequent addition of "911" service features and equipment as defined by Florida Statute 365.171; and

WHEREAS, under St. Johns County ordinance 86-55 and resolutions adopted pursuant thereto, the Board of County Commissioners of St. Johns County currently requires telephone companies to spread the payment of the nonrecurring charges for the "911" service and equipment on a pro rata basis to local exchange subscribers who are served by the "911" service in the manner allowed by law; and

WHEREAS, the Board of County Commissioners of St. Johns County deems it to be in the best interests of the citizens of St. Johns County that telephone exchange subscribers who have the benefit of the use of the "911" emergency telephone number pay their fair share of the recurring costs, as well as the nonrecurring costs, of the "911" service to the extent and in the manner authorized by law.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA:

Section 1. Section 4 of Ordinance Number 86-55 is deleted and the following is added and substituted in its stead:

#### Section 4. Imposition and Collection

(a) All telephone companies shall (i) continue to spread the payment of the nonrecurring charges for the implementation and installation of the "E911" emergency telephone system service and equipment within St. Johns County over a period of eighteen months and shall (ii) spread the payment of the recurring charges for operation and maintenance of such service and equipment over such period as the "E911" service is in operation. Pursuant thereto, all telephone companies shall bill said nonrecurring and recurring charges pro rata to the local exchange subscribers within St. Johns County served by the "E911" emergency telephone service on an individual access line basis, per account bill rendered at a rate to be established from time to time for such period by Resolution(s) of the Board of County Commissioners; said rate not to exceed the maximum rate allowed by law.

(b) Nonrecurring and recurring charges are those charges set forth at Section 365.171(13), Florida Statutes, or its successor provision, and those charges approved by the Florida Division of Communications or its successor agency.

Section 2. Section 5 of Ordinance 86-55 is deleted and the following is added and substituted in its stead:

#### Section 5. Administration

(a) All telephone companies shall collect the "E911" Emergency Telephone System fee as set forth above from its subscribers in St. Johns County on a monthly basis and as an administrative fee for collecting these monies the telephone company shall be allowed to retain an administrative fee equal to one percent (1%) of the "E911" fees collected by the telephone company. The administrative fee shall be deducted by the telephone company from the "E911" Emergency Telephone System fee collected from the subscribers and the remainder shall be remitted to St. Johns County each and every month.

b) The telephone company shall furnish to St. Johns County a monthly statement as to fees collected.

(c) The telephone company shall have no obligation to take any legal action to enforce collection of the "E911" Emergency Telephone System fee, but shall provide St. Johns County with a listing of the names, addresses, and telephone numbers of any and all subscribers who have identified to the telephone company their refusal to pay the "E911" fee.

(d) The telephone company shall commence collection of this fee at the time and at the rate set forth in one or more Resolutions adopted pursuant to Section 4 herein; provided, however, that the telephone company shall continue to collect fees under the provisions of any Resolution adopted prior to the effective date of this Ordinance.

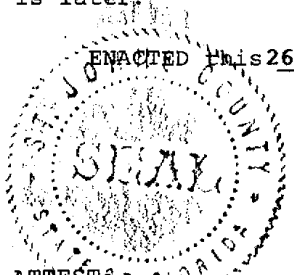
(e) The Clerk to the Board of County Commissioners, County Finance, shall establish and maintain a separate audit account in accordance with the provisions of Section 365.171(13)(a)3, Florida Statutes, or its successor provision and shall report to the Board of County Commissioners if any deficit or surplus exists in said account at the appropriate time in accordance with law.

(f) The Clerk to the Board of County Commissioners shall submit to the Florida Division of Communications, for approval, the County's proposed recurring "911" fee on an annual basis.

Section 3. Effective Date:

This Ordinance shall take effect on February 29, 1988, or upon receipt of official acknowledgment by the Clerk of the Board of County Commissioners from the Department of State that this Ordinance has been filed with the Department of State, whichever is later.

ENACTED this 26th day of January, 1988.



BOARD OF COUNTY COMMISSIONERS  
OF ST. JOHNS COUNTY, FLORIDA

BY: Lansance O. Hartley  
Its Chairman

ATTEST: Lynn M. McDonnell  
Deputy Clerk

Adopted regular meeting January 26, 1988

Effective February 29, 1988

**The St. Augustine Record**  
 PUBLISHED EVERY AFTERNOON EXCEPT SUNDAY  
 ST. AUGUSTINE AND ST. JOHNS COUNTY, FLORIDA

STATE OF FLORIDA, }  
 COUNTY OF ST. JOHNS }

Before the undersigned authority personally appeared \_\_\_\_\_  
 TRACY GEDRAL \_\_\_\_\_ who on oath says that he is  
 ACCOUNTING CLERK \_\_\_\_\_ of the St. Augustine Record, a  
 daily newspaper published at St. Augustine in St. Johns County, Florida;  
 that the attached copy of advertisement, being a \_\_\_\_\_  
 NOTICE OF PUBLIC HEARING \_\_\_\_\_  
 \_\_\_\_\_ in the matter of \_\_\_\_\_  
 REGULAR MEETING \_\_\_\_\_  
 \_\_\_\_\_ in the \_\_\_\_\_ Court,  
 was published in said newspaper in the issues of \_\_\_\_\_  
 JANUARY 4, 1988 \_\_\_\_\_

Affiant further says that the St. Augustine Record is a newspaper published at St. Augustine, in said St. Johns County, Florida, and that the said newspaper has heretofore been continuously published in said St. Johns County, Florida, each day, except Sundays, and has been entered as second class mail matter at the post office in the City of St. Augustine, in said St. Johns County, Florida, for a period of one year next preceding the first publication of the attached copy of advertisement; and affiant further says that he has neither paid nor promised any person, firm or corporation any discount, rebate, commission or refund for the purpose of securing this advertisement for publication in the said newspaper.

Sworn to and subscribed before me  
 this 29th day of JANUARY  
 A.D. 19 88

*Tracy Gedral*  
 \_\_\_\_\_  
 Notary Public  
 Notary Public, State of Florida  
 My Commission Expires Aug. 4, 1989  
 Bonded Thru Troy Fair Insurance, Inc.

**COPY OF ADVERTISEMENT**

NOTICE IS HEREBY GIVEN THAT THE BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA, AT ITS REGULAR MEETING ON JANUARY 26, 1988 AT 9:40 O'CLOCK A.M. IN THE COUNTY AUDITORIUM, COUNTY ADMINISTRATION BUILDING, LEWIS SPEEDWAY (COUNTY ROAD 16-A) AND U.S. #1 NORTH, ST. AUGUSTINE, FLORIDA, WILL HOLD A PUBLIC HEARING TO CONSIDER THE PASSAGE OF THE FOLLOWING ORDINANCE:

AN ORDINANCE OF ST. JOHNS COUNTY, FLORIDA AMENDING ST. JOHNS COUNTY ORDINANCE 86-55 TO PROVIDE FOR THE IMPOSITION AND COLLECTION OF A FEE TO BE PAID BY LOCAL EXCHANGE SUBSCRIBERS SERVED BY E-911 TELEPHONE SERVICE FOR THE PAYMENT OF RECURRING CHARGES (AS DEFINED BY FLORIDA STATUTE 365.171) IN ADDITION TO THE FEE ESTABLISHED BY ORDINANCE 86-55 FOR THE PAYMENT OF NONRECURRING E-911 EMERGENCY TELEPHONE SYSTEM CHARGES; AND PROVIDING AN EFFECTIVE DATE.

The proposed Ordinance is on file in the office of the Clerk of the Circuit Court, St. Johns County, Florida, St. Johns County Administration Building, Lewis Speedway, and may be examined by parties interested prior to said public hearing. All parties having any interest in said Ordinance will be afforded an opportunity to be heard at the public hearing.

If a person decides to appeal any decision made by the Board of County Commissioners with respect to any matter considered at the meeting or hearings, he will need a record of the proceedings, and for such purpose he may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based.

BOARD OF COUNTY COMMISSIONERS OF ST. JOHNS COUNTY, FLORIDA  
 Carl "Bud" Markel, Its Clerk  
 By Lynn L. McDonald  
 Deputy Clerk  
 L808 Jan. 4, 1988



FLORIDA DEPARTMENT OF STATE

Jim Smith  
Secretary of State

Dorothy W. Joyce  
Division Director

February 5, 1988

Honorable Carl "Bud" Markel  
Clerk of the Circuit Court  
St. Johns County  
Post Office Drawer 300  
St. Augustine, Florida 32085

RECEIVED  
ST. JOHNS COUNTY, FLORIDA

Attention: Connie E. McDaniel, Deputy Clerk

'88 FEB -9 AIO:30

Dear Mr. Markel:

*Carl Bud Markel*  
CLERK, COUNTY COMMISSION

Pursuant to the provisions of Section 125.66, Florida  
Statutes, this will acknowledge:

1. Receipt of letter/s of January 29, 1988  
and certified copy/ies of St. Johns  
County Ordinance(s) 88-11 through 88-14
2. Receipt of \_\_\_\_\_ County Ordinance(s)  
relative to:  
(a) \_\_\_\_\_  
which we have numbered \_\_\_\_\_  
(b) \_\_\_\_\_  
which we have numbered \_\_\_\_\_
3. We have filed ~~this~~/these ordinances in this office  
on February 5, 1988.
4. The original/duplicate copy/ies showing the filing date  
is/are being returned for your records.

Sincerely,

Liz Cloud, Chief  
Bureau of Administrative Code

LC/mb

DIVISION OF ELECTIONS, Room 1801, The Capitol, Tallahassee, Florida 32301