

**ORDINANCE NO. 2017-002**

**AN ORDINANCE OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AMENDING THE CITY'S CODE OF ORDINANCES, BY AMENDING CHAPTER 18, "TAXATION," ARTICLE IV, "INSURANCE PREMIUM TAXES," BY REPEALING IT IN ITS ENTIRETY IN ORDER TO BE CONSISTENT WITH STATE LAW; PROVIDING FOR CONFLICTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CODIFICATION; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City Commission of the City of Coconut Creek, Florida, seeks to update its Code of Ordinances to be consistent with current State laws regarding taxation of insurance companies doing business in the City; and

**WHEREAS**, Article IV, "Insurance Premium Taxes," inclusive of Sections 18-71, "Levy on casualty insurance premiums" and 18-72, "Levy on property insurance premiums," of the City's Code of Ordinances enacted in 1980 established an Ordinance that imposed taxes on insurance providers measured by premiums, income, and/or volume of transactions carried out by an insurer and its agents, which is in conflict with Section 624.520, Florida Statutes, "Preemption by State;" and

**WHEREAS**, Florida law and Sections 18-22, "Business Tax Receipt Required; Unlawful Operation; Penalties," and 18-37, "Schedule," of the City's Code of Ordinances authorize the City to impose a flat rate on insurance carriers based on their business activity as a whole in the City of Coconut Creek; and

**WHEREAS**, the City Commission finds that repealing an outdated and obsolete section of the Code in order to comply with State law is in the best interest of the residents of the City.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, AS FOLLOWS:**

**Section 1: Ratification.** That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance.

**Section 2:** That the Code of Ordinances of the City of Coconut Creek, Florida, shall be amended, by amending Chapter 18, “Taxation,” by repealing in its entirety Article IV, “Insurance Premium Taxes,” to read as follows:

~~ARTICLE IV. - INSURANCE PREMIUM TAXES~~ Reserved.

~~Sec. 18-71. - Levy on casualty insurance premiums.~~

~~(a) — There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer which is now engaging in or carrying on, or which shall hereafter engage in or carry on the business of insuring with respect to casualty risks, as shown by the records of the insurance commissioner of the state, an excise or license tax in addition to any license tax or excise tax now levied by the city, which tax shall be in the amount of one (1) percent of the gross amount of receipts of premiums from policy holders on all premiums collected on casualty insurance policies covering property within the corporate limits of the city.~~

~~(b) — The license or excise tax levied in this section shall be due and payable annually on the first day of March of each year.~~

~~State Law reference — Excise tax on casualty insurance premiums authorized for use by police officer's retirement trust fund, F.S. § 185.08 et seq.~~

~~Sec. 18-72. - Levy on property insurance premiums.~~

~~(a) — There is hereby assessed, imposed and levied on every insurance company, corporation or other insurer which is now engaging in or carrying on, or which shall hereafter engage in or carry on the business of property insurance, as shown by the records of the insurance commissioner of the state, an excise or license tax in addition to any license tax or excise tax now levied by the city; such tax shall be in the amount of two (2) percent of the gross amount of receipts of premiums from policy holders on all premiums collected on property insurance policies covering property within the corporate limits of the city.~~

~~(b) — The license or excise tax levied in this section shall be due and payable annually on the first day of March of each year.~~

CODING: Words in ~~strike through~~ type are deletions from existing text.  
Words in underline type are additions to existing text.  
Asterisks (\*\*\*) indicate existing text not shown.

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**Section 3: Conflicts.** That all ordinances or parts of ordinances, all City Code sections or parts of City Code sections, and all resolutions or parts of resolutions in conflict with this Ordinance are hereby repealed to the extent of such conflict.

**Section 4: Severability.** That should any section or provision of this Ordinance or any portion thereof, any paragraph, sentence, clause or word be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remainder hereof as a whole or part hereof other than the part declared invalid.

**Section 5: Codification.** That the provisions of this Ordinance shall be codified within the Code of Ordinances of the City of Coconut Creek, Florida, and any paragraph or section may be renumbered to conform with the Code of Ordinances.

**Section 6: Effective Date.** That this Ordinance shall become effective upon its passage on second and final reading.

**PASSED FIRST READING THIS 12<sup>th</sup> DAY OF JANUARY, 2017.**

**PASSED SECOND READING THIS 26<sup>th</sup> DAY OF JANUARY, 2017.**

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Mikkie Belvedere, Mayor

Attest:

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Leslie Wallace May, City Clerk

	<u>1st</u>	<u>2nd</u>
Belvedere	<u>Aye</u>	<u>Aye</u>
Rydell	<u>Aye</u>	<u>Aye</u>
Sarbone	<u>Aye</u>	<u>Aye</u>
Tooley	<u>Aye</u>	<u>Absent</u>
Welch	<u>Aye</u>	<u>Aye</u>