

ORDINANCE NO. 2016-17

AN ORDINANCE ADOPTED BY THE CITY COUNCIL OF THE CITY OF GREENACRES, FLORIDA, AMENDING CHAPTER 8, ARTICLE III, ENTITLED "BUSINESS TAXES" SECTIONS 8-46, 8-48, AND 8-49 AND ARTICLE IV, ENTITLED "REGISTRATION REQUIREMENTS AND FEES" SECTION 8-76 TO REVISE BUSINESS TAX AND REGISTRATION REQUIREMENTS FOR BUSINESSES AND CONTRACTORS; PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN CODE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS; Florida Statutes Section 205.042 authorizes municipalities to levy a business tax for the privilege of engaging in or managing any business, profession or occupation within its jurisdiction; and

WHEREAS; Florida Statutes Chapter 489 entitled "Contracting" requires anyone engaging in contracting to establish competency through certification or registration and also requires local building departments, prior to issuing permits, to verify the applicant has a proper license, workers compensation insurance, and property liability insurance; and

WHEREAS; Section 8-49 of the City Code entitled "Contractors License Requirements" requires contractors that do not maintain a business office within the City to furnish proof that they possess a valid state or county license, to register their license with the City, to provide proof of liability and workers compensation insurance, and to pay a registration fee pursuant to Section 8-76; and

WHEREAS; in accordance with the provisions of HB535 adopted during the 2016 legislative session and which goes into effect July 1, 2016; local enforcement agencies may not require the payment of any additional fees, charges, or expenses associated with providing proof of licensure pursuant to chapter 489; and

WHEREAS; the City desires to amend its Code to be in accord with the provisions of HB535 and Section 553.80, F.S., as amended.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF GREENACRES, FLORIDA, AS FOLLOWS:

Section 1. Chapter 8, Article III, is hereby amended as follows:

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Sec. 8-46. Business tax imposed.

A business tax is hereby imposed by the city upon:

- (1) Any person who maintains a permanent business location or branch office within the city for the privilege of engaging in or managing any business, profession, or occupation within its jurisdiction; and
- (2) Any person who does not qualify under the provisions of (1) above and who transacts any business or engages in any occupation or profession in interstate commerce where such business tax is not prohibited by section 8, article 1 of the United States Constitution and is not otherwise exempt by this article or other local, state, or federal laws or rules.

Sec. 8-48. Application procedures.

(a) Before the city shall issue a local business tax receipt for engaging in or conducting any of the businesses, professions or occupations specified and set forth in this article, it shall be the duty of the applicant to:

- (1) File an application for a business tax receipt on the form provided by the department of building.
- (2) Submit all documentation as required by this article, and the director of building or his/her appointed designee and also as required by any other local, state, or federal laws or rules.
- (3) Remit a non-refundable local business tax fee in accordance with section 8-72 local business tax schedule.
- (4) Submit an application for a county business tax receipt for city zoning approval.

(b) Every applicant for a local business tax receipt to engage in or conduct any of the businesses, professions or occupations specified and set forth in this article shall obtain a county business tax receipt. The fact that a county business tax receipt is not required for a particular business, profession or

occupation does not imply that the requirement for a city local business tax receipt is waived.

(c) Every applicant for a local business tax receipt to maintain a permanent business location or branch office within the city shall be reviewed for compliance with the city's zoning code and any applicable site plan or special exception approval for the subject property to verify compliance with the property's zoning designation and approved uses.

(d) Every applicant for a local business tax receipt to maintain a permanent business location or branch office within the city must have inspections made and approval by the building official or appointed designee(s) and the fire marshal. An inspection fee for these mandatory inspections shall be imposed by separate city resolution in an amount to be kept on file in the department of building. Failure to schedule and pass these inspections within thirty (30) days of application may result in the business tax receipt being revoked and possible fines through the code enforcement procedures as set forth in sections 2-50 through 2-78.

(e) Upon receipt from the applicant of all application forms, approvals and documentation as required by this article, and any additional documentation that may be required, the director of building or appointed designee shall issue a city business tax receipt, valid through September 30, of each fiscal year

Sec. 8-49. Contractors License Requirements.

~~Every applicant desiring to engage in or conduct any of the contractor occupations set forth in the local business tax schedule referred to in Section 8-72 shall furnish proof that they possess a valid County-wide local business tax receipt and either a certificate of competency or state certification. This requirement may be satisfied by one of the following methods: (a) providing the City of Greenacres with copies of the required documents as enumerated above or; (b) having the required information available online through participation in the Countywide Contractor Enrollment Program. In addition: which will maintain a permanent business location or branch office within the city shall file an application for a local business tax receipt as set forth in section 8-48 and pay a local business tax as set forth in the local business tax schedule referred to in section 8-72;~~

- ~~(1) Those which will maintain a permanent business location or branch office within the City shall file an application for a local business tax receipt as set forth in section 8-48 and pay a local business tax as set forth in the local business tax schedule referred to in section 8-72; or~~
- ~~(2) Those which are engaging in or managing a business, profession or occupation registered by the state department of business and professional regulation and which will not maintain a permanent business location or branch office within the City and have paid a local business tax to the county or municipality in the state where their permanent~~

~~business location or branch office is maintained shall pay a registration fee to the city as set forth in article IV, registration requirements and fees.~~

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[Sections 8-47 and 8-50 through 8-72 to remain unchanged and are omitted for brevity]

Section 2. Chapter 8, Article IV, is hereby amended as follows:

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Sec. 8-76. - Registration of businesses and contractors without locations or offices within the City.

(a) Except as provided for in subsection (b) below, every applicant which will not maintain a permanent business location or branch office within the city but who desires to transact any business or engage in an occupation or profession as set forth in the business tax fee schedule referred to in section 8-72 shall file an application for local registration, such applicant shall, in addition to the application form, submit all documentation as required by this article and the director of building or appointed designee and also as required by any other local, state, or federal laws or rules. Upon submittal of application a registration fee of twenty-five dollars (\$25.00) is required to be paid to the city.

(b) ~~—State and county certified contractors may participate in the countywide enrollment program in lieu of filing a registration application and other required documentation with the city. The two dollar (\$2.00) registration fee, required by Chapter 70-857, Laws of Florida, will be collected when issuing the first permit of a fiscal year to each such contractor. Contractors that do not participate in the countywide contractor enrollment program shall register with the city subject to the requirements and fees of subsection (a) above.~~ State and county certified contractors who desire to transact business and or contract within the City of Greenacres shall furnish proof that they possess: a valid county business tax receipt, a certificate of competency and/or state certification, liability insurance, and workers compensation insurance or exemption as allowed by law. This requirement may be satisfied by one of the following methods:

(1) Providing the City of Greenacres with up to date copies of the required documents;

(2) Having the required information available online through participation in the Countywide Contractor Enrollment Program.

[Section 8-77 to remain unchanged and is omitted for brevity]

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Section 3. Repeal of Conflicting Ordinances

All Ordinances or parts thereof or parts of the Code conflicting or inconsistent with the provisions of this Ordinance are hereby repealed.

Section 4. Severability

If any section, part of a section, paragraph, sentence, clause, phrase or word of this Ordinance is for any reason held or declared to be unconstitutional, inoperative or void, such holdings of invalidity shall not affect the remaining portion of this Ordinance and it shall be construed to have been the legislative intent to pass the Ordinance without such unconstitutional, invalid or inoperative part therein, and the remainder of this Ordinance after the exclusion of such part or parts shall be deemed to be held valid as if such part or parts had not been included therein, or if this Ordinance or any of the provisions thereof shall be held inapplicable to any person, group of persons, property, kind of property, circumstances, or set of circumstances, such holdings shall not affect the applicability thereof to any other person, property or circumstances.

Section 5. Inclusion in Code

It is the intention of the City Council, entered as hereby ordained, that the provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of the City of Greenacres, Florida; that the Section(s) of this Ordinance may be renumbered or re-lettered to accomplish such intention, and that the word "ordinance" may be changed to "Section", "Article" or another word.

Section 6. Effective Date

The provisions of this Ordinance shall become effective on July 1, 2016.

Passed on the first reading this 6th day of June, 2016.

PASSED AND ADOPTED on the second reading this ____ day of ____, 2016.

Voted

Samuel J. Ferreri
Mayor

Jonathan G. Pearce
Deputy Mayor

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Attest:

Denise McGrew
City Clerk

Lisa Rivera
Councilwoman, District I

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Peter Noble
Councilman, District II

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Judith Dugo
Councilwoman, District III

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Paula Bousquet
Councilwoman, District V

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Approved as to Form and Legal Sufficiency:

James D. Stokes
City Attorney