

**MEMORANDUM**

Agenda Item No. 4(F)

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**TO:** Honorable Chairman Bruno A. Barreiro  
and Members, Board of County Commissioners

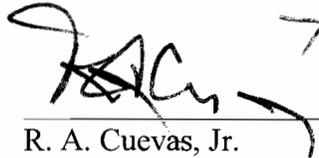
**DATE:** July 1, 2008

**FROM:** R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Ordinance amending  
Ordinance No. 07-129 relating  
to the transfer of eight percent  
local business tax revenues  
from Office of Community  
and Economic Development  
to MMAP Trust

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The accompanying ordinance was prepared and placed on the agenda at the request of  
Prime Sponsor Vice-Chairwoman Barbara J. Jordan.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

**DATE:** July 1, 2008

**FROM:**   
R. A. Cuevas, Jr.  
County Attorney

**SUBJECT:** Agenda Item No. 4(F)

Please note any items checked.

- "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- 6 weeks required between first reading and public hearing
- 4 weeks notification to municipal officials required prior to public hearing
- Decreases revenues or increases expenditures without balancing budget
- Budget required
- Statement of fiscal impact required
- Bid waiver requiring County Manager's written recommendation
- Ordinance creating a new board requires detailed County Manager's report for public hearing
- Housekeeping item (no policy decision required)
- No committee review

Approved \_\_\_\_\_ Mayor  
Veto \_\_\_\_\_  
Override \_\_\_\_\_

Agenda Item No. 4(F)

7-1-08

ORDINANCE NO. \_\_\_\_\_

ORDINANCE AMENDING ORDINANCE NO. 07-129 RELATING TO THE TRANSFER OF EIGHT PERCENT LOCAL BUSINESS TAX REVENUES FROM OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT TO METRO-MIAMI ACTION PLAN TRUST; PROVIDING SUCH PERCENTAGE SHALL BE ALLOCATED BY THE BEACON COUNCIL TO METRO-MIAMI ACTION PLAN TRUST; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**WHEREAS**, Section 205.032, Florida Statutes authorizes a county to levy a business tax for the privilege of engaging in or managing any business, profession, or occupation within in its jurisdiction; and

**WHEREAS**, Section 205.33, Florida Statutes imposes certain conditions on the authority of each county to impose said business tax, including but not limited to requiring that any revenue, plus accrued interest, derived by a county shall be distributed each fiscal year to an organization or agency designated by the county to oversee and implement a comprehensive economic development strategy; and

**WHEREAS**, on June 11, 1987, this Board adopted Ordinance No. 87-38, codified at Section 8A-171.2 of the Code (“Code”), requiring applicants for new or renewed local business tax receipts to pay an additional amount of tax; and

**WHEREAS**, the Code designates the Miami-Dade Beacon Council, Inc. (“Beacon Council”) as the agency to receive the local business tax revenues and to oversee and implement a comprehensive economic development strategy; and

**WHEREAS**, the County and The Beacon Council entered into an agreement on October 1, 1987, to ensure the transfer of these revenues from the local business tax to The Beacon Council; and

**WHEREAS**, on June 7, 1994, the Board passed a motion requiring that eight percent (8%) of the revenues from the local business tax received by The Beacon Council should be allocated by The Beacon Council to Metro-Miami Action Plan Trust (“MMAP”); and

**WHEREAS**, MMAP’s mission is to address the socio-economic disparity of Miami-Dade County's Black community by advocating and coordinating initiatives and programs for the benefit of the community-at-large; and

**WHEREAS**, MMAP was created out of a need to effectively address critical impediments of community mobility and the necessity to rebuild the economic structure of local communities; and

**WHEREAS**, over the years, MMAP has evolved into a strong economic development source for Miami-Dade County's Black community; and

**WHEREAS**, on June 7, 1994, The Beacon Council and MMAP entered into a Grant Agreement whereby MMAP is required to use said revenues from the local business tax in accordance with state and local laws and to oversee and implement a comprehensive economic development strategy; and

**WHEREAS**, since 1994, The Beacon Council/MMAP partnership has served the Miami-Dade community through the utilization of the local business tax revenues; and

**WHEREAS**, this partnership and the receipt of the local business tax revenue has allowed MMAP to be an important resource for small businesses in Miami-Dade County; and

**WHEREAS**, according to the U.S. Census Bureau, Florida leads the nation in the growth of small businesses, including “Mom and Pop” businesses;

**WHEREAS**, according to the census data there was a 7.6 percent increase in the number of Mom and Pop businesses in Florida between 2003 and 2004; and

**WHEREAS**, many of these small business oftentimes require supportive services to be successful; and

**WHEREAS**, unlike the Beacon Council that focuses on larger sized businesses, MMAP’s focus for the past 10 years has been on partnering with entities such as the Chamber of Commerce and Florida Memorial Entrepreneurial Institute to provide various types of assistance, including technical and financial assistance, to small businesses; and

**WHEREAS**, MMAP has utilized the local business tax revenues to address the needs of small businesses in Miami-Dade County as part of its implementation of a comprehensive economic development strategy; and

**WHEREAS**, on September 20, 2007, the Board adopted Ordinance No. 07-129, which allocated 8% (\$330,000.00) to the Office of Economic Development (“OCED”) for economic development activities (“Funds”); and

**WHEREAS**, without the local business tax revenues MMAP will not be able to provide this assistance to small businesses in Miami-Dade County; and

**WHEREAS**, this Board desires to release the Funds received by OCED to MMAP; and

**WHEREAS**, this Board desires that The Beacon Council will continue to provide the remaining local business tax revenues to MMAP pursuant to the Grant Agreement; and

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**WHEREAS**, the Board further desires to ensure the continuation of funding to MMAP through its partnership with The Beacon Council,

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA:

**Section 1.** The matters contained in the foregoing recitals are incorporated in this ordinance by reference.

**Section 2.** Ordinance 07-129 is hereby amended to reflect that all unexpended local business tax revenues received by the Office of Community Economic Development from The Beacon Council, in accordance with said ordinance, shall be disbursed to Metro-Miami Action Plan Trust to oversee and implement a comprehensive economic development strategy, as further set forth in the attached schedule, which is incorporated in this ordinance by reference.

**Section 3.** The Beacon Council shall continue to provide eight percent (8%) of the local business tax revenues to Metro-Miami Action Plan Trust until such time as the Board declares otherwise or in the event the County is no longer authorized by the Florida Legislature to impose a local business tax and disburse the revenues from said tax to an agency or organization.

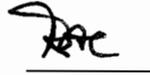
**Section 4.** If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

**Section 5.** It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including the sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be renumbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

**Section 6.** This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as  
to form and legal sufficiency:



Prepared by:



Terrence A. Smith

Prime Sponsor: Vice-Chairwoman Barbara J. Jordan



**OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT**  
**Economic Development Program**  
**(Fund 030, Subfund 020)**

<b><u>Revenues:</u></b>	<b><u>2007-08</u></b>
Previously Approved Revenues	\$330,000
Transfer from Beacon Council 8% Business License Proceeds	<u>(330,000)</u>
Total	<u>\$0</u>

<b><u>Expenditures:</u></b>	
Previously Approved Expenditures	\$330,000
Transfer Business License Proceeds - 8% to MMAP	<u>(330,000)</u>
Total	\$0

**METRO MIAMI ACTIO PLAN TRUST**  
**Economic Development Program**  
**(Fund 030, Subfund 020)**

<b><u>Revenues:</u></b>	<b><u>2007-08</u></b>
Beacon Council Payment (Business License Proceeds - 8%)	
	<u>\$330,000</u>
<b><u>Expenditures:</u></b>	
Economic Development Activities	<u>\$330,000</u>

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