

## MEMORANDUM

**EDHS**  
Agenda Item No. **1 (G)2**

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

**DATE:** **September 10, 2008**

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

**SUBJECT:** Ordinance amending  
Ordinance No. 07-129  
to transfer eight percent  
local business tax revenues  
from OCED to the Beacon  
Council

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The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Carlos A. Gimenez and Co-Sponsor Commissioner Rebeca Sosa.



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R. A. Cuevas, Jr.  
County Attorney

RAC/jls



# MEMORANDUM

(Revised)

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

DATE: July 1, 2008

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

SUBJECT: Agenda Item No. 4(E)

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

Agenda Item No. 4(E)

Veto \_\_\_\_\_

7-1-08

Override \_\_\_\_\_

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

ORDINANCE AMENDING ORDINANCE NO. 07-129 TO TRANSFER EIGHT PERCENT LOCAL BUSINESS TAX REVENUES TO THE BEACON COUNCIL FROM THE OFFICE OF COMMUNITY AND ECONOMIC DEVELOPMENT; AMENDING SECTION 8A-171.2 OF THE CODE OF MIAMI DADE COUNTY, FLORIDA RELATING TO LOCAL BUSINESS TAX, 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 local business tax revenues received by The Beacon Council should be allocated by The Beacon Council to Metro-Miami Action Plan Trust (“MMAP”); 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**, on September 20, 2007, the Board adopted Ordinance No. 07-129, which required the Beacon Council to allocate 8% of the local business tax revenues to the Office of Community and Economic Development (“OCED”) for economic development activities (“Funds”); and

**WHEREAS**, it was intended that these funds would be held in escrow for disbursement by The Beacon Council to MMAP; and

**WHEREAS**, this Board recognizes that the County is faced with a budget crisis; and

**WHEREAS**, as a result of this budget crisis the County must ensure that there is a centralized focus on jobs creation, jobs protection, and jobs growth; and

**WHEREAS**, as Miami-Dade County's official economic development partnership, The Beacon Council is charged with bringing new, job-generating investments to the community, while assisting existing businesses in their efforts to expand; and

**WHEREAS**, by doing this, The Beacon Council facilitates the creation of quality jobs for each and every resident of Miami-Dade County; and

**WHEREAS**, the Board desires to continue its partnership with The Beacon Council; and

**WHEREAS**, the Board desires that The Beacon Council receive the 8% of the local business tax revenue that it was directed by this Board to disburse to MMAP to be used by The Beacon Council to oversee and implement a comprehensive economic development strategy; and

**WHEREAS**, this Board desires to rescind its prior directive requiring The Beacon Council to allocate 8% of the local business tax revenues to MMAP; and

**WHEREAS**, this Board encourages The Beacon Council to utilize these revenues for similar purposes in economically disadvantaged neighborhoods as set forth in the former Grant Agreement with MMAP,

**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 No. 07-129 is hereby amended to reflect that 8% of the local business tax revenues previously transferred to the Office of Community and Economic Development (“OCED”) shall be released or returned to The Beacon Council upon the effective date of this ordinance and as set forth in the attached schedule, which is incorporated in this ordinance by reference. Upon the effective date of this ordinance, The Beacon Council shall no longer be required to allocate 8% of the local business tax revenues to Metro-Miami Action Plan Trust or any other entity.

**Section 3.** Section 8A-171.2 of the Code of Miami-Dade County, Florida is hereby amended to read as follows:<sup>1</sup>

\* \* \*

- (b) The proceeds of such additional tax shall be placed in a separate interest-earning account and this revenue, plus accrued interest, shall be distributed each fiscal year to the Miami-Dade County Beacon Council, Inc.
- (c) The Miami-Dade County Beacon Council, Inc. shall furnish a written annual report to the Board of County Commissioners. >>The Beacon Council shall include in said annual report a clear statement on its uses of the eight percent (8%) of local business tax revenues previously allocated to the Metro-Miami Action Plan Trust for similar purposes.<<

\* \* \*

**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 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.

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<sup>1</sup> Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

**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

Sponsored by: Prime Sponsor Commissioner Carlos A. Gimenez  
Co-Sponsor: Commissioner Rebeca Sosa

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

**Revenues:** **2007-08**

Previously Approved Revenues \$330,000  
Beacon Council Payment (Business License Proceeds - 8%)

(330,000)

Total \$0

**Expenditures:**

Previously Approved Expenditures \$330,000  
Economic Development Activities (330,000)

Total \$0

**ECONOMIC DEVELOPMENT**  
**(Fund 120, Subfund 122)**

**Revenues:** **2007-08**

Business License Proceeds \$4,133,000

**Expenditures:**

Transfer to Beacon Council\* \$4,133,000

\*As in previous years, includes \$75,000 for the Miami-Dade County Film and Entertainment promotional expenditures for economic development activities.

Changes only the footnote