

MEMORANDUM

Agenda Item No. 4(B)

TO: Honorable Chairwoman Rebeca Sosa
and Members, Board of County Commissioners

DATE: July 2, 2013

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

SUBJECT: Ordinance pertaining to Small
Business Enterprise Program;
amending Section 2-8.1.1.1.1
of the Code

The accompanying ordinance was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Audrey M. Edmonson.



R. A. Cuevas, Jr.
County Attorney

RAC/smm



MEMORANDUM

(Revised)

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Please note any items checked.

- "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
- Ordinance creating a new board requires detailed County Mayor's report for public hearing
- No committee review
- Applicable legislation requires more than a majority vote (i.e., 2/3's ____, 3/5's ____, unanimous ____) to approve
- Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 4(B)
7-2-13

ORDINANCE NO. _____

ORDINANCE PERTAINING TO SMALL BUSINESS ENTERPRISE PROGRAM; AMENDING SECTION 2-8.1.1.1.1 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA TO CREATE GRADUATION CRITERIA FOR WHOLESALERS AND MANUFACTURERS, REQUIRE ONE YEAR DOING BUSINESS IN MIAMI-DADE COUNTY PRIOR TO CERTIFICATION, INCLUDE TEMPORARY EMPLOYEES AND INDEPENDENT CONTRACTORS FOR CERTIFICATION PURPOSES, AND CONTRIBUTION TO ECONOMIC DEVELOPMENT AND WELL-BEING OF MIAMI-DADE COUNTY; AND PROVIDING SEVERABILITY, INCLUSION IN CODE AND EFFECTIVE DATE

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

Section 1. Section 2-8.1.1.1.1 of the Code of Miami-Dade County, Florida, is hereby amended as follows¹:

Sec. 2-8.1.1.1.1. Small Business Enterprise Program.

* * *

(2) *Definitions.* The following definitions shall apply in this section

* * *

10. *Graduation* means the SBE or Micro Enterprise has exceeded >>either the personal net worth, or<< the specific size limits stated for the program and may no longer be eligible to participate in the program.

* * *

¹ 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.

15. *Micro Enterprise* means a business entity certified by SBD, providing goods or services, which has >>a valid business tax receipt issued by Miami-Dade County at least one (1) year prior to certification,<< an actual place of business in Miami-Dade County and whose three year average gross revenues does not exceed two million dollars (\$2,000,000.00), or a manufacturer with fifty (50) >>independent contractors, temporary and full-time<< employees or less, or a wholesaler with fifteen (15) >>independent contractors, temporary and full-time<< employees or less whose actual place of business is in Miami-Dade County. >>No firm shall be certified as a Micro Enterprise where the personal net worth of any of its owners is more than one million five hundred thousand dollars (\$1,500,000.00), exclusive of the owner's residence and value of the business. Representations as to average gross revenues, net worth of owners and payroll shall be subject to audit.<<

* * *

22. *Small Business Enterprise (SBE)* means a business entity certified by SBD, providing goods or services, which has >>a valid business tax receipt issued by Miami-Dade County at least one (1) year prior to certification,<< an actual place of business in Miami-Dade County and whose three-year average gross revenues does not exceed five million dollars (\$5,000,000.00). The term Small Business Enterprise shall also include a manufacturer with one hundred (100) >>independent contractors, temporary and full-time<< employees or less or wholesaler with fifty (50) >>independent contractors, temporary and full-time<< employees or less without regard to gross revenues whose actual place of business is located in Miami-Dade County. >>No firm shall be certified as a SBE where the personal net worth of any of its owners is more than one million five hundred thousand dollars (\$1,500,000.00), exclusive of the owner's residence and value of the business.<< Representations as to a business entity's average gross revenues>>, net worth of owners<< and payroll shall be subject to audit.

The County Mayor or designee shall be authorized to adjust the SBE/Micro-SBE size limits every five (5) years at his/her discretion based on the Consumer Price Index for All Urban Consumers (CPI-U) calculated by the U.S. Department of Commerce or other appropriate tool of inflation measures as applied to Miami-Dade County for the preceding five (5) years. The first indexing adjustment shall occur for the 2013-2014 calendar year using the figures provided for the calendar year ended December 31, 2012, and every five (5) years thereafter. The County Mayor or designee shall advise the Board of any such adjustment.

* * *

(3) *Program.*

* * *

(h) *Certification.*

* * *

2. Any SBE/Micro Enterprise that exceeds the >>personal net worth or<< size limits shall immediately be graduated from the program after formal written notification. Such SBE/Micro Enterprises shall be allowed to remain through the contract period on awarded contracts and any options to renew on the contract. The graduated firm shall not be eligible for any new contracts under the SBE program under the existing certification. With exception of provisions described in the ordinance for graduation from the SBE/Micro Enterprise program, loss of certification may lead to removal of the firm from continued participation in the Small Business Enterprise program

* * *

6. Applicants and certified SBEs or Micro Enterprises must have a valid business tax receipt issued by Miami-Dade County at least one (1) year prior to certification, and an actual place of business in Miami-Dade County at which they perform a commercially useful function in the provision of the type of goods and services for which certification is sought in order to be eligible for certification or remain certified. In addition, a firm shall not be certified unless it contributes to the economic development and well-being of Miami-Dade County in a verifiable and measurable way. This may include, but not be limited to the retention and expansion of employment opportunities and the support and increase to the County's tax base.

* * *

Section 2. 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 3. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made 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 4. 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:

David Stephen Hope

Prime Sponsor: Commissioner Audrey M. Edmonson