

Amending Appendix A - Fee Schedule

ORDINANCE NO. _____

AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 102, "TAXATION," ARTICLE V, "LOCAL BUSINESS TAX" AT SECTION 102-379, "SCHEDULE OF TAXES, EFFECTIVE OCTOBER 1, 2016" TO PROVIDE NEW BUSINESS TAX RECEIPT FOR SAID USES; PROVIDING FOR REPEALER; SEVERABILITY; CODIFICATION; AND AN EFFECTIVE DATE.

WHEREAS, on September 25, 2017, the Mayor and City Commission adopted a comprehensive ordinance regulating both Pharmacies and Medical Marijuana Treatment Centers; and

WHEREAS, as part of that process, the City required background checks of employees of the pharmacy or medical marijuana treatment centers; and

WHEREAS, when drafted, Appendix A, the City's Fee Schedule did not specify a fee, per employee, including the cost of background checks as required under the City Code; and

WHEREAS, the amendments set forth below are necessary to accomplish all of the above objectives.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA.

SECTION 1. Chapter 102, "Taxation," Article V, "Local Business Tax" at Section 102-379 "Schedule of taxes, effective October 1, 2016," is hereby amended as to a certain business tax receipt, as follows:

**CHAPTER 102
TAXATION
ARTICLE V -
LOCAL BUSINESS TAX**

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Sec. 102-379. - Schedule of taxes, effective October 1, 2016.

(a) Business taxes for the following businesses, occupations or professions are hereby levied and imposed as follows:

(b) Effective on October 1, 2005 (fiscal year 2005-2006), the following business taxes will be increased by five percent rounded to the nearest dollar, and further increased by five percent every other year on October 1, until such taxes/fees have caught up with the cumulative percentage change in the Consumer Price Index (CPI) measure between June 1994 through March 2003, which is 24.5 percent; further providing for another change equal to the cumulative percentage change in the CPI from March 2003 to September 2011.

(c) As provided in Resolution No. 2003-25299, a review of the annual permit fee/business tax will be required whenever the change in the Consumer Price Index (CPI), between the latest CPI and the date of the CPI used for the last tax/fee adjustment, is five percent or greater.

(d) Effective on October 1, 2009 (fiscal year 2009—2010), business tax receipt applications shall be charged a \$45.00 fee for the processing of new applications.

Occupation Code	Business Tax Category	Amount
	* * *	
	M	
	Machine and games, mechanical photographs, consoles, jukeboxes, picture-taking, record-making, or other similar machines:	
95011800	Distributors	845.00
95011802	Each machine	106.00
95004705	Mail order business; bond required	233.00
95011600	Manufacturers, all products; to include any assembling or processing operations otherwise mentioned in this section	310.00
95011700	Manufacturer representative	233.00
95240008	Marine appraiser, surveyor, testing	233.00

95011999	Massage clinic; state license required	233.00
95012000	Massage therapist; state license required	49.00
	Medical Cannabis/Marijuana	*
	Merchants, all persons engaged in the business of selling* medical cannabis, as defined in Chapter 6, Article III, or Chapter 142, Division 10, of any kind, sort or description, except as otherwise specifically provided by this section, shall be required to pay a merchant's business tax, determined as follows; based on cost of inventory:	
95012100	1. First \$1,000.00 of value or less	274.00
95012100	2. Each additional \$1,000.00—\$99,999.00	27.00
95012100	3. From \$100,000.00—\$199,000.00	2,815.00
95012100	4. From \$200,000.00—\$499,000.00	4,221.00
95012100	5. From \$500,000.00 and over	5,629.00
95012100	6. Cost Per employee for medical marijuana treatment center; and reimbursement for law enforcement and/or consultant review, as agents of planning department	\$45.00, plus recovery for law enforcement or consultant review.
	Each employee must obtain a business tax receipt pursuant to 142-1503 (g)	
05012200	Messenger service (exclusive of telegrams)	128.00
95000625	Model, talent agency; state license required	233.00
95012400	Money broker	233.00

	* * *	
95004850	Pharmacy store; state license required.	353.00
95004850	1. First \$1,000 or value or less	274.00
95004850	2. Each additional \$1,000-\$99,999.00	27.00
95004850	3. From \$100,00.00 - \$199,000.00	2,815.00
95004850	4. From \$200,000.00-\$499,000.00	4,221.00
95004850	5. From \$500,000 and over	5,629.00
95004850	6. Cost Per employee for medical marijuana treatment center; and reimbursement for law enforcement and/or consultant review as agents of planning department	\$45.00, plus recovery for law enforcement or consultant review.
	Each employee of the pharmacy must obtain a business tax receipt pursuant to 142-1503 (g)	
95015000	Phlebotomist; state license required	269.00

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SECTION 4. Repealer.

All ordinances or parts of ordinances and all section and parts of sections in conflict herewith are hereby repealed.

SECTION 5. Codification.

It is the intention of the City Commission, and it is hereby ordained that the provisions of this ordinance shall become and be made part of the Code of the City of Miami Beach as amended; that the sections of this ordinance may be renumbered or relettered to accomplish such intention; and that the word "ordinance" may be changed to "section" or other appropriate word.

SECTION 6. Severability.

If any section, subsection, clause or provision of this Ordinance is held invalid, the remainder shall not be affected by such invalidity.

SECTION 7. Effective Date.

This Ordinance shall take effect ten days following adoption.

PASSED and ADOPTED this _____ day of _____, 2017.

ATTEST:

Philip Levine, Mayor

Rafael E. Granado, City Clerk

First Reading: October 18, 2017

Second Reading:

Verified by: _____
Thomas R. Mooney, AICP
Planning Director

(Sponsor Commissioner John Elizabeth Aleman)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney

10-9-17

Date