

Sec. 102-371. - Application procedures.

- (a) *Procedures for issuance.* No license shall be issued or granted to any person to engage in any business named, identified or encompassed by this article unless an application is filed with the city manager or his designee on forms provided for that purpose, disclosing the following:
- (1) a. The applicant's name and address.
 - b. The name of the business for which a business tax receipt is sought.
 - c. The name and address of the owner and operator of the business and if a corporation, the names and addresses of each of its corporate officers and its resident or registered agent.
 - d. The type or classification of the business and the relationship of the applicant to the business.
 - e. The location in the city where the business will be operated.
 - f. The date of birth, social security number and driver's license number of the owner/operator and any applicable federal employer identification numbers.
- (2) When necessary for determining the proper business tax under this article, the area, capacity, capital invested, merchandise or property contained within the business, the stock carried, number of persons or things employed or engaged, the quantity, property or retail stock value or such other information as may be required by this article for purposes of determining the proper business tax. It shall be the duty of the city manager or his designee before issuing a business tax receipt requiring disclosure of such data to require the person applying for such business tax to file under oath a statement disclosing such data, which statement shall be kept permanently on file, and which statement shall promptly be amended by the taxee as the circumstances of the business change.
- (3) If the applicant is a corporation or partnership, the full name of the corporation or partnership and the state of incorporation.
- (4) If the business is a corporation and is to be conducted under another name, the business name and county of registration under F.S. § 865.09.
- (5) Whether any of the individuals listed on the application has had his business tax receipt, or the business tax receipt of any business in which he had substantial control or ownership interests, revoked or suspended under this article or other similar laws.
- (b) *Emergency locator.* The application shall contain a section designated "emergency locator." The applicant shall fill out as part of the business tax application the names, business and residence addresses and residence and business phone numbers of the owner, and the manager or other persons to be notified in case of fire or other emergencies. Any changes in such information during the period for which the business tax is issued shall be made to the city manager or his designee, in writing.
- (c) *Business tax receipt number.* All applications and business tax receipts shall be assigned a number, which may be an individual's social security number and a corporation's federal tax number, or such other uniform method of numbering selected by the city manager or his designee, with the director of management information systems.
- (d) *Statement of accuracy.* The application form shall contain the following language: The undersigned has carefully reviewed this application and all information contained herein has been freely and voluntarily provided, and all the facts, figures, statements contained in this application are true and correct.
- (e) *Name and signature.* The applicant shall print and sign his name to the applications immediately after the statement required in subsection (d) of this section. In the case of a corporation, an officer shall be required to sign the application in his individual capacity and not solely as a corporate agent, and shall be advised of the provisions of section 102-370.

- (f) *Obtaining certificate of use prior to issuance of business tax receipt.* Those businesses required to obtain a certificate of use pursuant to subsection 118-2(2) of this Code must do so prior to the issuance of a business tax receipt. An issued certificate of use will expire should the applicant fail to obtain a business tax receipt within 90 days from the issuance of the certificate of use.
- (g) *Smoke detector form.* All apartment houses, hotels, roominghouses, boardinghouses, ACLF's, nursing homes, and private hospitals must submit a smoke detector report on a form prescribed by the city manager or his designee prior to the issuance of the original business tax receipt. A business tax receipt will not be issued until the smoke detector report form is properly completed and submitted. Failure to do so in a timely manner will result in enforcement procedures and penalties as provided in this article.
- (h) *State tax receipt.* All businesses and professions regulated by the state must submit a copy of their current state business tax receipt prior to the issuance of their original city business tax receipts and thereafter each year at time of renewal in the case of sellers of travel only. Only the state tax receipt itself, or in the case of the state hotel and restaurant commission, the receipt issued by the state, shall constitute proof of current state tax receipt.
- (i) *Alcoholic beverage establishments.* All establishments that serve alcoholic beverages and all promoters shall submit a completed form supplied by the city acknowledging that compliance with the following laws and requirements is an express condition of holding the city applied for:
 - (1) F.S. § 562.11, entitled "Selling, giving, or serving alcoholic beverages to person under age 21; misrepresenting or misstating age or age of another to induce taxee to serve alcoholic beverages to person under 21; penalties"; F.S. § 562.14, entitled "Regulating the time for sale of alcoholic and intoxicating beverages; prohibiting use of taxed premises"; and F.S. § 562.48, entitled "Minors patronizing, visiting, or loitering in a dance hall";
 - (2) During the hours when alcoholic beverages are served by any business, a nontransferable identification bracelet must be placed on the right wrist of all persons entering the premises of the business who are over 21 years of age.
 - (3) Promoters shall post a copy of their business tax receipt in a conspicuous place at or near the entrance of any dance or entertainment event they promote, where it may be easily read.
- (j) *Compliance with City Minimum Living Wage.* No license shall be issued or granted to any person to engage in any business named, identified, or encompassed by this article unless that person or business' application includes an affidavit, legally binding upon the person or business, attesting to that person or business' compliance with the City Minimum Living Wage Ordinance, Chapter 18, Article XVII.

(Ord. No. 95-2995, § 2(20-10(a)), 6-7-95; Ord. No. 98-3148, § 2, 11-4-98; Ord. No. 99-3173, § 3, 3-3-99; Ord. No. 99-3191, § 2, 7-3-99; Ord. No. 2007-3553, § 1, 4-11-07; Ord. No. 2016-4020, § 1, 6-8-16; Ord. No. 2020-4337, § 3, 5-13-20)

Sec. 102-372. - Grounds for denial.

- (a) Any person whose application for a business tax receipt has been denied may seek a hearing under sections 102-384 and 102-385. An application for a business tax receipt under this article may be denied on the following grounds:
- (1) That the applicant has failed to disclose or has misrepresented information required by this article in the application.
 - (2) That the applicant currently has a tax receipt under suspension or revocation. Whenever any business tax receipt has been suspended or revoked by the city for any cause whatsoever, no subsequent tax receipt shall be issued during the period of suspension/revocation to the taxee or to any other firm in which the taxee or any of its general partners, limited partners, officers or stockholders owning 20 percent or more of its stock or agents, employees or other persons who were actively involved in the business under suspension/revocation.
 - (3) That the applicant desiring to engage in the business as described in the application has selected a proposed site or type of business activity which does not comply with the city's zoning ordinance or other laws of the city.
 - (4) That the applicant fails to obtain a bond at the limits required of his business.
 - (5) That the applicant fails to obtain insurance at the limits required of his business.
 - (6) That the applicant has failed to obtain a certificate of use as required by subsection 118-2(2) of this Code.
 - (7) The certificate of use for the proposed business has been denied, suspended or revoked for any reason.
 - (8) The applicant's proposed business activity or portion thereof consists of conduct that is an actual threat to the public health, welfare or safety.
 - (9) Habitual conduct has occurred at the applicant's premises that violates city, county or state laws.
 - (10) The issuance of a tax receipt is based on the applicant's compliance with specific provisions of federal, state, city or county law and the applicant has violated such specific provisions.
 - (11) The applicant has violated any provision of this article and has failed or refused to cease or correct the violation after notification thereof.
 - (12) The applicant within the preceding five years in this state or any other state in the United States has been adjudicated guilty of or forfeited a bond when charged with soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, or illegally dealing in narcotics.
 - (13) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.
 - (14) The applicant's premises have been found to constitute a public nuisance by the nuisance abatement board as provided in section 70-206 et seq.
 - (15) The applicant is delinquent in the payment of any business tax/fee imposed under this article: code enforcement lien; special assessment lien and/or any other debt or obligation due to the city under state or local law.
 - (16) A business has permitted a promoter with no business tax receipt to hold a dance or entertainment event on the premises of the business on more than one occasion within a 12-month period.
- (b) In addition to the grounds set forth in subsection (a), an application for a Promoter tax receipt under this article may be denied on the following grounds:

- (1) A promoter has held a dance or entertainment event on the premises of a business that does not have a business tax receipt on more than one occasion within a 12-month period.
- (2) Habitual conduct has occurred at, or in connection with, a promoter's dance or entertainment event that violates city, county, or state laws (or violates the laws of any other state or local government) including, but not limited to, laws prohibiting:
 - a. The serving of alcoholic beverages to minors;
 - b. Littering;
 - c. Excessive noise; and
 - d. Disorderly conduct.

(Ord. No. 95-2995, § 2(20-10), 6-7-95; Ord. No. 98-3148, § 3, 11-4-98; Ord. No. 99-3173, § 4, 3-3-99; Ord. No. 2007-3553, § 1, 4-11-07; Ord. No. 2010-3696, § 8, 9-20-10; Ord. No. 2020-4337, § 3, 5-13-20)

Sec. 102-381. - Grounds for suspension, revocation and denial.

- (a) The city manager or his or her designee shall either revoke or temporarily suspend the business tax receipt of any person where it is determined by the city manager or his or her designee that:
 - (1) The taxee has misrepresented or failed to disclose material information required by this article to be included in the business tax application form.
 - (2) The taxee, as part of the taxee's business activity within the city, is engaged in conduct that is an actual threat to the public health, welfare or safety.
 - (3) The taxee is conducting business from premises that do not possess a valid and current certificate of occupancy and/or certificate of use as may be required by city and county laws.
 - (4) Habitual conduct has occurred at the taxee's premises that violates city, county or state law.
 - (5) The tax receipt issued by the city depended upon the taxee's compliance with specific provisions of federal, state, city or county law and the taxee has violated such specific provisions of law.
 - (6) The taxee has violated any provision of this article and has failed or refused to cease or correct the violation after notification thereof.
 - (7) The taxee, as part of the licensee's business activity within the city, knowingly lets, leases or gives space for unlawful gambling purposes at the taxee's premises.
 - (8) The taxee, within the preceding five years in this state or any other state or in the United States, has been adjudicated guilty of or forfeited a bond when charged with soliciting for prostitution, pandering, letting premises for prostitution, keeping a disorderly place, or illegally dealing in narcotics.
 - (9) The premises have been condemned by the local health authority for failure to meet sanitation standards or the premises have been condemned by the local authority because the premises are unsafe or unfit for human occupancy.
 - (10) The taxee's premises have been found to constitute a public nuisance by the nuisance abatement board.
 - (11) A business has permitted an untaxed promoter to hold a dance or entertainment event on the premises of the business on more than one occasion within a 12-month period.
- (b) The suspension or revocation shall be of the business tax receipt in effect at the date of such suspension or revocation, even though it may have been issued to a taxee other than the person who held the tax receipt at the time the cause for such suspension or revocation arose.
- (c) No tax receipt shall be suspended under this section for a period of more than 12 months. No new tax receipt shall be issued during the period of suspension/revocation to the taxee, or to any other firm in which the taxee or any of its general partners, limited partners, officers or stockholders owning 20 percent or more of its stock or agents, employees or other persons who were actively involved in the business under suspension/revocation. At the end of such period of suspension or revocation, the taxee and/or agents, general or limited partners, officers or stockholders may apply for a new tax receipt.
- (d) The city manager shall deny a business tax receipt to any person as provided by sections 102-371 and 102-372.
- (e) In addition to the grounds set forth in subsection 102-381(a), the city manager or his or her designee shall either revoke or temporarily suspend the tax receipt of any promoter where it is determined by the city manager or his or her designee that:
 - (1) A promoter has held a dance or entertainment event on the premises of an untaxed business on more than one occasion within a 12-month period.
 - (2) Habitual conduct has occurred at, or in connection with, a promoter's dance or entertainment event that violates city, county, or state laws including, but not limited to, laws prohibiting:

- a. The serving of alcoholic beverages to minors;
- b. Littering;
- c. Excessive noise; and
- d. Disorderly conduct.

(Ord. No. 95-2995, § 2(20-40), 6-7-95; Ord. No. 99-3173, § 9, 3-3-99; Ord. No. 2007-3553, § 1, 4-11-07)

Sec. 102-383. - Notice of violation; emergency action.

If the city manager or his designee believes that a taxee has engaged or is engaged in conduct warranting the suspension or revocation of a business tax receipt, he shall serve the taxee by certified mail or hand delivery, at his business address as disclosed in his application for the business tax, a written administrative complaint which affords reasonable notice to the taxee of facts or conduct that warrant the intended action. The complaint shall state what is required to be done to eliminate the violation, if any. The taxee shall be given adequate opportunity to request a prior administrative hearing unless the city manager finds that an emergency condition exists involving serious danger to public health, safety or welfare, in which case advance notice and hearing shall not be required. In the case of an emergency suspension or revocation, the taxee shall immediately be advised of the city manager's action and afforded a prompt post-suspension or revocation hearing in accordance with section 102-385.

(Ord. No. 95-2995, § 2(20-42), 6-7-95; Ord. No. 2007-3553, § 1, 4-11-07)

Sec. 102-385. - Hearing procedures; enforcement of orders.

(a) *City manager review.*

- (1) Other than as set forth in subsection (b) of this section, the city manager or his designee shall give written notice of the time and place of the hearing to the taxee/applicant by certified mail or hand delivery and to the city attorney's office.
- (2) The proceedings shall be informal but shall afford the taxee/applicant the right to testify in his own defense, present witnesses, be represented by legal counsel, submit relevant evidence, cross examine witnesses and object to evidence.
- (3) The proceedings shall be recorded and minutes kept by the city. Any applicant/taxee requiring verbatim minutes for judicial review may arrange for the services of a court reporter at his own expense.
- (4) Within ten days of the close of the hearing, the city manager or his designee shall render his decision in writing determining whether or not the tax receipt shall be revoked or suspended or denied, or other action taken or continued, as the case may be, and stating his reasons and findings of fact.
- (5) The city manager or his designee shall file his findings with the city clerk and shall send a true and correct copy of his order by certified mail, return receipt requested, or by hand delivery, to the business address listed on the business tax receipt or to any such other address as the taxee or applicant shall designate in writing.

(b) *Board of adjustment review.* Denial of a business tax receipt for lack of proper zoning shall be appealable to the board of adjustment pursuant to sections 118-136 and 118-351 et seq. All appeals must be submitted to the board of adjustment within 15 days of the date of the denial.

(c) *Administrative rulings as final.* The city manager's designee's/board of adjustment's findings shall constitute the final administrative action of the city for purposes of judicial review under state law.

(d) *Enforcement.* If an applicant/taxee fails to seek timely appellate review of an order of the city manager or his designee/administrative hearing officer/board of adjustment, or to comply timely with such order, the code compliance officer may pursue enforcement procedures as set forth in section 102-377. Business closings required by suspension/revocation orders may be enforced by the police department.

(Ord. No. 95-2995, § 2(20-44), 6-7-95; Ord. No. 2007-3553, § 1, 4-11-07)