

MIAMI BEACH

City of Miami Beach, 1700 Convention Center Drive, Miami Beach, Florida 33139, www.miamibeachfl.gov

COMMISSION MEMORANDUM

TO: Mayor Philip Levine and Members of the City Commission

FROM: Raul Aguila, City Attorney



DATE: June 7, 2017

SECOND READING – PUBLIC HEARING

SUBJECT: AN ORDINANCE OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AMENDING CHAPTER 18, "BUSINESSES," AT ARTICLE V, "CARDROOMS" TO BE ENTITLED "RESERVED;" AMENDING SECTIONS 18-171 THROUGH 18-179, TO BE ENTITLED "RESERVED" DELETING ALL REFERENCE TO CARDROOMS IN CHAPTER 18; CHAPTER 102 "TAXATION," ARTICLE V, "LOCAL BUSINESS TAX," AT SECTION 102-356 ENTITLED "CONSTRUCTION OF ARTICLE; DEFINITIONS" BY REMOVING THE DEFINITION OF "CARDROOMS"; AND SECTION 102-379, ENTITLED "SCHEDULE OF TAXES, EFFECTIVE OCTOBER 1, 2016" TO REMOVE THE BUSINESS TAX FEE FOR "CARDROOMS;" PROVIDING FOR CODIFICATION; REPEALER; SEVERABILITY; AND AN EFFECTIVE DATE.

ADMINISTRATION RECOMMENDATION

The City Attorney and the City Administration recommends that the City Commission adopt the Ordinance.

BACKGROUND

On May 3, 2017, at the request of Commissioner Joy Malakoff, the City Commission referred Comprehensive Plan and Land Development Regulation amendments pertaining to casino gambling to the Planning Board for consideration.

On May 12, 2017, the City Commission approved the Comprehensive Plan Amendment and Land Development Regulations Amendment at first reading.

On May 12, 2017, the City Commission also approved removal of the "Cardroom" use from Chapter 18, of the City Code, and from the Local Business Tax Provisions of the City Code. This Code provision has not been utilized in recent memory. Most condominium buildings have a "community room" or other such room where the residents may play cards. There is no separate business tax receipt needed for such a use. Moreover, the state legislature use the term "Cardroom" for gambling related purposes. Removal of the term from the City Code will ensure no confusion as to the City's intent to preclude gambling within City limits.

SECTION 5.02 ANALYSIS

No economic or fiscal impact to the City from removing the cardroom provisions from the Code, as the specific use has not been utilized in recent memory.

CONCLUSION

The Administration recommends that the City Commission adopt the Ordinance, removing cardroom regulations from the City Code.