

Agenda Item #:

4E

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: October 17, 2006

☐ Consent
☐ Workshop

☐ Regular
☒ Public Hearing

Department: Office of Financial Management and Budget

Submitted By: Office of Financial Management and Budget

I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to: adopt an Ordinance of the Board of County Commissioners of Palm Beach County, Florida, amending Palm Beach County Code, Chapter 17, Part II, Occupational License Taxes; amending Division 3, specific occupations by adding language to section 17-83 professions, businesses, occupations; providing for repeal of laws in conflict; providing for inclusion in the code of laws and ordinances; providing for severability; providing for captions; and providing for an effective date.

Summary: On September 12, 2006, the Board of County Commissioners approved on preliminary reading and granted permission to advertise for Public Hearing amendment to the Occupational License Taxes Ordinance. Amendment to the ordinance will reestablish a provision that applied to licensed professionals required to practice their profession under the supervision of another person. At the May 17, 2005, Public Hearing, the Board amended the Palm Beach County Occupational License Tax Ordinance, which removed this provision. The action was consistent with the Local Occupational Tax Act, under Florida Statutes. At the August 15, 2006, BCC Workshop, the Board determined it was appropriate to reestablish the exemption in the Occupational Tax Ordinance for licensed professionals in this classification. **(Countywide) (RB)**

Background and Policy Issues: At the March 1, 2005, BCC meeting, the Board directed staff to review classifications as part of the biennial update to the occupational licensing ordinance. Review of the ordinance resulted in a recommended change to this classification which removed an exemption for licensed professionals who serve under the direct supervision of another person. The removal of this exemption was consistent with Florida Statutes, Chapter 205, and was approved by the BCC in May 2005. Since then, real estate salespersons, who fall under this classification and historically benefited from this exemption, have requested this provision be reestablished. At the August 15, 2006, BCC Workshop, the Board directed staff to amend Ordinance 2005-10, to reestablish the deleted exemption.

Attachment:
Ordinance

Recommended by: Richard Roberts
Department Director

9/22/06
Date

Approved by: [Signature]
County Administrator

9/28/06
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2007	2008	2009	2010	2011
Capital Expenditures	\$ -0-	-0-	-0-	-0-	-0-
Operating Costs	-0-	-0-	-0-	-0-	-0-
External Revenues	-0-	-0-	-0-	-0-	-0-
Program Income (County)	-0-	-0-	-0-	-0-	-0-
In-Kind Match (County)	-0-	-0-	-0-	-0-	-0-

NET FISCAL IMPACT \$

ADDITIONAL FTE

POSITIONS (Cumulative) _____

Is Item Included in Current Budget? Yes _____ No _____
 Budget Account No.: Fund _____ Depart _____ Unit _____ Object _____ Program _____

B. Recommended Sources of Funds/Summary of Fiscal Impact:

While annual projections of approximately \$56,000 were based on approximately 1,700 licenses issued to date, it is estimated there are substantially more professionals that fall into this classification. The Real Estate Board quoted 18,000 professionals to the BCC. If the number of real estate professionals is 18,000, the initial annual projected revenue would be approximately \$475,000, along with an anticipated increase of 5% per year, thereafter.

C. Departmental Fiscal Review: _____

III. REVIEW COMMENTS:

A. OFMB Fiscal and/or Contract Dev. and Control Comments:

Elizabeth Blum
 OFMB
 9/22/06
 9-22-06

N/A

Contract Dev. and Control

B. Legal Sufficiency:

[Signature]
 Assistant County Attorney

C. Other Department Review:

Department Director

ORDINANCE NO. 2006-_____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, AMENDING PALM BEACH COUNTY CODE, CHAPTER 17, ARTICLE II, OCCUPATIONAL LICENSE TAXES; AMENDING DIVISION 3, SPECIFIC OCCUPATIONS BY ADDING LANGUAGE TO SECTION 17-83 PROFESSIONS, BUSINESSES, OCCUPATIONS; PROVIDING FOR REPEAL OF LAWS IN CONFLICT; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; PROVIDING FOR SEVERABILITY; PROVIDING FOR CAPTIONS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, as originally written, the Palm Beach County Occupational License Tax Ordinance provided that licensed professionals who are required by law to practice their profession under the supervision of another person did not need to hold a separate occupational license;

WHEREAS, the Palm Beach County Occupational License Tax Ordinance was amended in Ordinance 2005-10 to delete the subsection that provided that licensed professionals who are required to practice their profession under the supervision of another person did not need an occupational license; and

WHEREAS, the Board of County Commissioners has determined that it is appropriate to place back into the Occupational License Tax Ordinance the provision that was deleted in Ordinance 2005-10 regarding licensed professionals who are required to practice their profession under the supervision of another person.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF PALM BEACH COUNTY, FLORIDA, that: Chapter 17 of the Palm Beach County Code of Law and Ordinances, Article II, Occupational License Taxes, Part 3 is hereby amended as follows:

Section 1. Division 3. Section 17-83 is amended by adding subsection (d) as follows:

Section 17-83. Professions, businesses, occupations.

(d) An occupational license shall not be required where a person, although licensed by law under a regulatory statute, is prohibited from engaging in a profession, business or occupation unless under the direct supervision of another person.

Section 2. REPEAL OF LAWS IN CONFLICT:

All local laws and ordinances in conflict with any provisions of this Ordinance are hereby repealed to the extent of such conflict.

Section 3. SEVERABILITY:

If any section, paragraph, sentence, clause, phrase, or word of this Ordinance is for any reason held by a Court of competent jurisdiction to be unconstitutional, inoperative, or void, such holding shall not affect the remainder of this Ordinance.

Section 4. INCLUSION IN THE CODE OF LAWS AND ORDINANCES:

The provisions of this Ordinance shall become and be made a part of the Palm Beach County Code. The sections of this Ordinance may be renumbered or relettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 5. CAPTIONS:

The captions, section headings, and section designations used in this Ordinance are for convenience only and shall have no effect on the interpretation of the provisions of this Ordinance.

Section 6. EFFECTIVE DATE:

The provisions of this Ordinance shall become effective upon filing with the Department of State.

APPROVED and ADOPTED by the Board of County Commissioners of Palm Beach County, Florida, on this the _____ day of _____, 2006.


SHARON R. BOCK,
CLERK & COMPTROLLER

PALM BEACH COUNTY, FLORIDA, BY ITS
BOARD OF COUNTY COMMISSIONERS

By: _____
Deputy Clerk

By: _____
Tony Masilotti, Chairman

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY

By: 
County Attorney

EFFECTIVE DATE: Filed with the Department of State on the ____ day of _____, 20____.

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FLORIDA COUNTY ORDINANCE DATA RETRIEVAL SYSTEM (CODRS) CODING FORM

Instructions: Florida's Department of State, Bureau of Administrative Code has developed the County Ordinance Data Retrieval System (CODRS) to facilitate the tracking of County ordinances in Florida's 67 Counties. CODRS' data base is composed of over 25,000 county ordinances enacted since 1974.

We request your cooperation in completing this coding form. It is to be completed whenever your county enacts a new ordinance. Simply complete this form and include it with other pertinent ordinance information that is submitted to the Bureau of Administrative Code.

To code this form properly, please refer to the "keyfields" description sheet that has been given to your County Attorney's Office. If you do not have this sheet please contact the Bureau. We will be happy to fax one to you for referencing purposes. Please fill out this form as completely as is possible.

Thank you for your assistance. Should you need further assistance please contact the Bureau of Administrative Code, Department of State at (850)245-6270 or Suncom 205-6270.

COUNTY:	(Palm Beach)	COUNTY ORDINANCE #	()
		(e.g., 00-001)	
PRIMARY KEYFIELD DESCRIPTOR:	(Occupational licenses)		
SECONDARY KEYFIELD DESCRIPTOR:	(Supervised Professionals)		
OTHER KEYFIELD DESCRIPTOR:	()		
ORDINANCE DESCRIPTION:	(Licensed Professionals)		
(25 characters maximum including spaces)			
ORDINANCES AMENDED: (List below the ordinances that are amended by this legislation. If more than two, list the most recent two.)			
AMENDMENT # 1: (2005-D10)		AMENDMENT # 2: ()	
ORDINANCES REPEALED: (List below the ordinances that are repealed by this legislation.)			
REPEAL # 1: ()		REPEAL # 3: ()	
REPEAL # 2: ()		REPEAL # 4: ()	
(Others repealed: List all that apply):			

(FOR OFFICE USE ONLY):	COUNTY CODE NUMBER: ()
KEYFIELD 1 CODE: ()	KEYFIELD 2 CODE: ()
KEYFIELD 3 CODE: ()	Rev. 4/10/04