

Agenda Item #:

6F-2

PALM BEACH COUNTY
BOARD OF COUNTY COMMISSIONERS
AGENDA ITEM SUMMARY

Meeting Date: Sept 12, 2006

☐ Consent
☐ Workshop

☒ Regular
☐ Public Hearing

Department: Office of Financial Management and Budget

Submitted By: Office of Financial Management and Budget

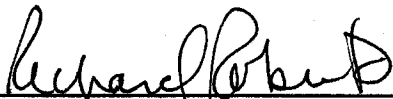
I. EXECUTIVE BRIEF

Motion and Title: Staff recommends motion to approve on preliminary reading and advertise for a Public Hearing on October 17, 2006 at 9:30 a.m. : 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: At the May 17, 2005, Public Hearing, the Board of County Commissioners amended the Palm Beach County Occupational License Tax Ordinance, which removed a provision that applied to licensed professionals required to practice their profession under the supervision of another person. This action made the Ordinance consistent with the Local Occupational License 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 License Tax Ordinance for licensed professionals in this category. **(Countywide) (RB)**

Background and Policy Issues: At the March 1, 2005, BCC meeting, the Board directed staff to review the classifications, as part of the biennial update of the occupational licensing ordinance and make recommendations. 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. This recommendation was approved by the BCC in May 2005. Real estate salespersons fall under this classification and have historically benefited from this exemption in Palm Beach County, and requested that this provision be reestablished in the ordinance. 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: 
Department Director

8/25/2006
Date

Approved by: 
County Administrator

8/28/06
Date

II. FISCAL IMPACT ANALYSIS

A. Five Year Summary of Fiscal Impact:

Fiscal Years	2006	2007	2008	2009	2010
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	\$ -0-	-0-	-0-	-0-	-0-
# ADDITIONAL FTE POSITIONS (Cumulative) _____					

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

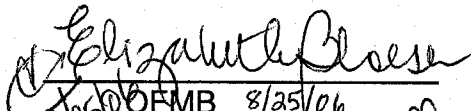
B. Recommended Sources of Funds/Summary of Fiscal Impact:

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: _____

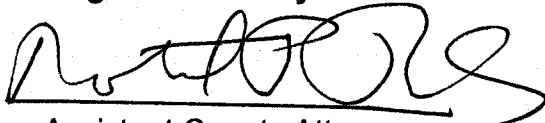
III. REVIEW COMMENTS:

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


 8/25/06 OFMB 8/25/06 pm 8-25-06

N/A
 Contract Dev. and Control

B. Legal Sufficiency:


 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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