



Meeting Date: September 11, 2017

From (Dept): Clerks Dept.

Signature: [Signature]  
Department Director

Approved for  
Agenda: [Signature]  
City Administrator

**Official Use Only**

Reviewed by  
City Attorney: \_\_\_\_\_

Council Action: \_\_\_\_\_

Date: \_\_\_\_\_

**SUBJECT:** Ordinance #ORD2017-09 Business Tax Receipt (BTR)

**Request For Approval:** Adopt Ordinance #ORD2017-09, increasing the Business Tax to \$57.42

**SUMMARY EXPLANATION & BACKGROUND** The City of Dunnellon has an opportunity to increase the Business Tax Receipt (BTR) fees for the fiscal year 2017/2018. The last increase was fiscal year 2007/08. The City of Dunnellon City Council adopted Ordinance No. 2007-19, increasing the Business License Tax fees from \$52.09 to \$54.69. The proposed increase of \$2.73 each will increase tax rate to \$57.42.

Accordingly, State Statute 205.0535 (A copy of which is attached.) provides,

“After the conditions specified in subsections (2) and (3) are met, municipalities and counties may, **every other year thereafter**, increase by ordinance the rates of local occupational license taxes by 5 percent. The increase, however, may not be enacted by less than a majority plus one vote of the governing body” Subsections (2) and (3) have been met, as follows: (2) an equity study has previously been completed; and (3) a new ordinance was adopted.”

Because BTR's for fiscal year 17/18 have already been processed, the increase will affect only new businesses. An estimation of approximately 10 new business may apply, which would be a nominal amount. The City will realize additional revenue of approximately \$1,160.25 for approx. 425 BTR's in the F/Y18/19. This fee would fluctuate with the flow of business within City Limits of Dunnellon.

**FISCAL INFORMATION:**

**PROCUREMENT METHOD:**

**PURCHASE REQUISITION NUMBER:**

**RECOMMENDED ACTION:** First reading on 9/11/2017.

Initiated by: LB

**ORDINANCE #ORD2017-09**

**AN ORDINANCE OF THE CITY OF DUNNELLON, AMENDING SECTION 18-49 OF THE CODE OF ORDINANCES BY INCREASING BUSINESS TAX RECEIPT FEES CURRENTLY LISTED IN SAID SECTION BY THE AMOUNT OF FIVE PERCENT (5% = \$2.73) AS ALLOWED BY SECTION 205.0535(4) FLORIDA STATUTES; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the City of Dunnellon in 1994 adopted a reclassification and revision Ordinance with respect to Occupational Licenses after having first established and received the report from an equity study commission as provided by Section 205.0535; and

**WHEREAS**, subsection four (4) of § 205.0535, Florida Statutes, provides that municipalities may every other year after adoption of local business tax receipts increase said taxes up to five (5%) percent, provided not less than majority plus one of the members of the City Council approve the Ordinance adopting such increase.

**WHEREAS**, the City Council has previously approved the following rate changes for items 1 – 3 in Section 1 below:

3/17/1994.....	\$45.00
8/27/2001 Ordinance #01-7.....	\$47.25 (5% increase=\$2.25)
7/14/2003 Ordinance #03-09.....	\$49.61 (5% increase=\$2.36)
6/13/2005 Ordinance #05-04.....	\$52.09 (5% increase=\$2.48)
7/23/2007 Ordinance #07-19.....	\$54.69 (5% increase=\$2.60)

NOW THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUNNELLON, FLORIDA AS FOLLOWS:

**Section 1.** The Code of Ordinances of the City of Dunnellon, Florida is hereby amended, by amending Section 18-49 entitled Schedule of Fees to read as follows:

**Section. 18-49. Schedule of Fees.**

The following business tax receipt fees shall be paid as hereinafter provided.

1. By any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any business within its jurisdiction.....~~\$54.69~~ \$57.42

- 2. By any person who maintains a permanent business location or branch office within the municipality, for the privilege of engaging in or managing any profession or occupation within its jurisdiction.....~~\$54.69~~ \$57.42
- 3. By any person who does not qualify under subsection (1) or (2) and who transacts any business or engages in any occupation or profession in interstate commerce within the jurisdiction limits of the City, if the license tax is not prohibited by Section 8, Article. I of the United States Constitution.....~~\$54.69~~ \$57.42
- 4. Additional requirements and qualifications:
  - a). The rental of two or more properties or units shall qualify the landlord/owner thereof as engaging in business under this section.

**Section 2. Severability**

The provisions of this Ordinance are declared to be severable. If any section, sentence, clause or phrase of this Ordinance shall, for any reason, be held to be invalid or unconstitutional, such decision shall not effect validity of the remaining sections, sentences, clauses and phrases of this Ordinance, but shall remain in effect, it being the legislative intent that this Ordinance shall stand, not withstanding the invalidity of any part.

**Section 3. Effective Date**

This ordinance shall be effective immediately upon passage.

**Upon motion duly made and carried,** the foregoing ordinance was adopted on the first reading on the 18th day of September, 2017.

**Upon motion duly made and carried,** the foregoing ordinance was adopted on the second and final reading on the 9th day of October, 2017.

\_\_\_\_\_  
Walter Green, Mayor

Attest:

\_\_\_\_\_  
Amanda L. Roberts, CMC  
City Clerk

Approved as to form and Legal Sufficiency:

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Andrew Hand, City Attorney

**CERTIFICATE OF POSTING**

**I HEREBY CERTIFY** that copies of the foregoing Ordinance were posted at City Hall, the Chamber of Commerce, and the Dunnellon Library, in the City of Dunnellon, Florida this 14<sup>th</sup> day of September and on the City's Official Website the 8<sup>th</sup> day of September, 2017.

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Amanda L. Roberts, City Clerk