

ORDINANCE No. 2018-23

AN ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AMENDING ARTICLE III “BUSINESS TAX” OF THE CITY CODE OF ORDINANCES, BY REVISING THE APPLICATION PROCEDURES FOR A BUSINESS TAX RECEIPT TO INCLUDE A NOTARIZED STATEMENT DISCLOSING ANY AND ALL PARTIES FINANCIALLY AND OR CONTRACTUALLY INTERESTED IN THE BUSINESS; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Article III of Chapter 41 of the City of Doral’s (the “City”) Code of Ordinances (the “Code”) provides, in part, for the application procedures governing the issuance of business tax receipts and/or certificates of use from the City for all businesses and/or professionals operating within the limits of the City boundaries; and

WHEREAS, the Mayor and City Council desire to amend the application procedures to require greater financial accountability and transparency from the businesses and/or professionals applying for business tax receipts and/or certificates; and

WHEREAS, money laundering is the criminal practice of filtering ill-gotten gains or “dirty” money through a series of transactions, so that the funds are “cleaned” to look like proceeds from legal activities; and

WHEREAS, money laundering is driven by criminal activities and conceals the true source, ownership, or use of funds; and

WHEREAS, money laundering is a problem requiring collective efforts on the Federal, State and local government levels to combat effectively; and

WHEREAS, while civil and criminal enforcement of the laws regulating money laundering is reserved to several federal and state agencies, the City of Doral desires to

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implement administrative measures focused on the requirement that applications for business tax receipts and/or a certificates of use from the City of Doral include a sworn affidavit signed by the applicant under the penalty of perjury which requires full disclosure of all parties that have a financial interest in the business or who have guaranteed loans or co-signed a lease or loan or any person or entity who has loaned money to the business that is not a traditional lending institution; and

WHEREAS, in response to the growing problem of money laundering the Mayor and City Council desire to modify the application procedures as specified herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAL, FLORIDA, AS FOLLOWS:

Section 1. **Recitals.** The above recitals are confirmed, adopted, and incorporated herein and made part hereof by this reference.

Section 2. **Code Amended.** Article III, "Business Tax," of Chapter 41, "Taxation," of the Code of Ordinances of the City of Doral is hereby amended as follows:

CHAPTER 41 - TAXATION

ARTICLE III. - BUSINESS TAX

* * *

Sec. 41-77. - 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

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purpose, disclosing under oath the following:

- (1) The applicant's name and address.
- (2) The name of the business for which a business tax receipt is sought.
- (3) 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. If the applicant is a corporation or partnership, the full name of the corporation or partnership and the state of incorporation.
- (4) The type or classification of the business and the relationship of the applicant to the business.
- (5) The location in the City where the business will be operated.
- (6) The date of birth, social security number and driver's license number of the owner/operator and any applicable federal employer identification numbers.
- (7) A notarized statement signed by the applicant under the penalty of perjury which requires full disclosure of all parties that have a financial interest in the business or who have guaranteed loans or co-signed a lease or loan or any person or entity who has loaned money to the business that is not a traditional lending institution. Enforcement of the laws regulating money laundering is reserved to federal and state agencies.
- (8) When necessary for determining the proper business tax under this article, the area, number of seats, machines, units and/or number of persons or things employer or engaged or such other information as may be required by this article for purposes

of determining the proper business tax.

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(9) 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.

Section 3. Implementation. The City Manager, City Clerk, and City Attorney are hereby authorized and directed to implement the provisions of this Ordinance and to take any and all necessary administrative actions as may be appropriate by their position to execute the purpose of this Ordinance.

Section 4. Incorporation into the Code. The provisions of this Ordinance, to the extent appropriate, shall become and be made a part of the Code of Ordinances of the City of Doral. The City Clerk is authorized to take all actions necessary to incorporate the provisions of this Ordinance into the Code of Ordinances, including, but not limited to, renumbering or relettering sections and to change and that the word “ordinance” may be changes to “section,” “article,” or such other appropriate word or phrase in order to accomplish such intention.

Section 5. Severability. The provisions of this Ordinance are declared to be severable and 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 affect the validity of the remaining sections, sentences, clauses, and phrases of this Ordinance but they shall remain in effect, it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

Section 6. Conflicts. All ordinances or parts of ordinances, resolution or parts of resolutions, in conflict herewith, are repealed to the extent of such conflict.

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Section 7. Effective Date. This Ordinance shall become effective immediately upon adoption.

The foregoing Ordinance was offered by Vice Mayor Mariaca who moved its adoption. The motion was seconded by Councilmember Rodriguez upon being put to a vote, the vote was as follows:

Mayor Juan Carlos Bermudez	Yes
Vice Mayor Claudia Mariaca	Yes
Councilman Pete Cabrera	Absent/Excused
Councilwoman Christi Fraga	Yes
Councilwoman Ana Maria Rodriguez	Yes

PASSED AND ADOPTED on FIRST READING this 10 day of October, 2018.

PASSED AND ADOPTED on SECOND READING this 1 day of November, 2018.



JUAN CARLOS BERMUDEZ, MAYOR

ATTEST:



CONNIE DIAZ, CMC
CITY CLERK

APPROVED AS TO FORM AND LEGAL SUFFICIENCY
FOR THE USE AND RELIANCE OF THE CITY OF DORAL ONLY:



LUIS FIGUEREDO, ESQ.
CITY ATTORNEY

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