

ORDINANCE NO. 09-09

AN ORDINANCE OF THE CITY OF KEY WEST,  
FLORIDA, AMENDING CHAPTER 66, ARTICLE  
IV OF THE CODE OF ORDINANCES ENTITLED  
"BUSINESS TAX" BY AMENDING SECTION 66-  
108 TO PROVIDE FOR AN INCREASE IN FEES  
PURSUANT TO FLORIDA STATUTES; PROVIDING  
FOR REPEAL OF INCONSISTENT PROVISIONS;  
PROVIDING FOR AN EFFECTIVE DATE

WHEREAS, Florida Statute section 205.0535(4) permits municipalities to increase license taxes by up to 5% every other year;

NOW, THEREFORE, BE IT ORDAINED BY THE CITY OF KEY WEST, FLORIDA:

**Section 1:** That Chapter 66 of the Code of Ordinances is hereby amended as follows\*:

**Sec. 66-109. Schedule of taxes.**

Each individual who acts as an agent and each individual who acts as a business or sales agent for a corporation engaged in any business mentioned in this section, when his principal has not paid a license in accordance with this section, shall be required to take out a license as agent in his own name. This section shall apply to every person who seeks, negotiates or transacts, for himself or for any other person or corporation mentioned in this section, but not to inactive stockholders in corporations or members of agencies who do not attempt to transact any business for such agency. A license tax in the sum set opposite each of the following businesses, occupations or professions is levied and imposed upon the business, occupation or profession opposite which such sum is set:

(1) *Amusement/entertainment.*

a. Bars or restaurants with entertainment for patrons . .  
. \$ ~~185.00~~ — 194.25

- b. Entertainment establishment or facility (theater, museum, golf course, special equipment, or similar activity) . . . ~~255.00~~—267.75
- c. Sightseeing vehicles (unit may be trolley, train or other vehicle), per vehicle . . . ~~295.00~~—309.75
- d. Charter boat for fishing, diving or similar activity conducted under "six-pack license" . . . ~~76.00~~—79.80
- e. Charter boat for fishing, diving, sightseeing, parasailing, water taxi, or similar activity other than those licensed under subsection (1)d of this section . . . ~~155.00~~—162.75
- (2) *Coin-operated machines.*
  - a. Nonlaundry, per unit . . . ~~9.75~~—10.24
  - b. Laundry, per unit . . . ~~6.25~~—6.56
- (3) *Financial institutions.*
  - a. All financial institutions, including banks, savings and loan associations, finance companies, and credit unions . . . ~~1,050.00~~—1,102.50
  - b. Automated teller machines, except those located on the site of, and used in conjunction with, a financial institution . . . ~~175.00~~—183.75
- (4) *Food service activities.*
  - a. No seats (take out, deli, catering) . . . ~~130.00~~—136.50
  - b. Seating 1 to 15 . . . ~~130.00~~—136.50
  - c. Seating 16 to 40 . . . ~~185.00~~—194.25
  - d. Seating 41 to 60 . . . ~~255.00~~—267.75
  - e. Seating 61 to 120 . . . ~~295.00~~—309.75
  - f. Seating 121 and over . . . ~~360.00~~—378.00
- (5) *Gas station.* All gas stations, including those offering repairs and other accessory uses; does not include convenience stores . . . ~~255.00~~—267.75
- (6) *Hospital.* All hospitals . . . ~~600.00~~—630.00
- (7) *Insurance.* Companies writing any class of insurance upon any person or property residing or located within the city limits or risks occurring within the city limits . . . ~~280.00~~ 294.00
- (8) *Manufacturing/processing.* All manufacturing or processing businesses . . . ~~185.00~~ 194.25
- (9) *Newspaper or magazine publishers.*
  - a. Daily publication . . . ~~295.00~~—309.75
  - b. Periodical publication . . . ~~155.00~~—162.75
- (10) *Rentals.*
  - a. Commercial property rental (mall, shopping center, or any other property owner renting or leasing space to five or more commercial tenants, including booth tenants, on a single parcel), per rental unit . . . ~~26.00~~—27.30

- b. Nontransient residential rental, per unit . . . ~~19.00~~  
19.95
- c. Transient residential rental, per unit . . . ~~26.00~~  
27.30
- d. Motel/hotel/timeshare, per unit . . . ~~15.00~~  
15.75
- e. Guesthouse/bed and breakfast, per unit . . . ~~15.00~~  
15.75
- f. Campground or mobile home park or trailer camp, per space . . . ~~9.75~~  
10.24

Each rental unit within the park shall be charged in accordance with subsection (10)b or (10)c of this section, as applicable.

- g. Commercial parking lot . . . ~~76.00~~  
79.80
- h. Marina, wet slips, per slip . . . ~~15.00~~  
15.75
- i. Marina, dry slips; each dry or stacked storage slip . . . ~~3.10~~  
3.26
- j. Motor-driven rental items, including mopeds, jet skis, tools . . . ~~185.00~~  
194.25
- k. Non-motor-driven rental items, including bicycles and videotapes . . . ~~130.00~~  
136.50

(11) *Retail, mail order, or wholesale sales.* Gross square footage of entire structure area and/or outside display area, including storage, associated offices, restrooms, etc.:

- a. 0 to 500 square feet . . . ~~130.00~~  
136.50
- b. 501 to 2,000 square feet . . . ~~185.00~~  
194.25
- c. 2,001 to 5,000 square feet . . . ~~255.00~~  
267.75
- d. 5,001 to 10,000 square feet . . . ~~420.00~~  
441.00
- e. 10,001 to 25,000 square feet . . . ~~600.00~~  
630.00
- f. Over 25,000 square feet . . . ~~900.00~~  
945.00

(12) *Services.*

- a. Professional real estate salesperson, massage therapist, or cosmetologist, per person . . . ~~94.00~~  
98.70
- b. Professional attorney or any other state-licensed professional not listed in subsection (12)a of this section, per person . . . ~~295.00~~  
309.75
- c. General service provider not listed in subsection (12)a or (12)b of this section, per business . . . ~~94.00~~  
98.70

Per-business tax for businesses employing insurance agents shall be 50% of total state license tax for such agents, but not to exceed \$75.00 per business.

(13) *Transportation, excluding taxicabs and pedicabs.*

- a. Airlines . . . ~~130.00~~  
136.50

b. Vehicle, including bus service and ambulance service .  
. . . ~~185.00~~—194.25

(14) *Utility/communications.*

a. Telephone, gas, cable television, solid waste pickup,  
telegraph and similar utilities . . . ~~1,200.00~~—1,260.00

b. Radio stations maintaining business office within city  
. . . ~~185.00~~—194.25

(15) *Adult entertainment.*

a. Adult bookstore/video store--See subsection (11).

b. Adult performance establishment--See subsection (1)a.

c. Adult-themed merchandise store--See subsection (11).

d. Adult motion picture theater--See subsection (1)b.

e. Adult business--See subsection (12)c.

f. Limited adult cabaret--See subsection (1)a.

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\*(Coding: Added language is underlined; deleted language is ~~struck through~~.)

Section 2: If any section, provision, clause, phrase, or application of this Ordinance is held invalid or unconstitutional for any reason by any court of competent jurisdiction, the remaining provisions of this Ordinance shall be deemed severable therefrom and shall be construed as reasonable and necessary to achieve the lawful purposes of this Ordinance.

Section 3: All Ordinances or parts of Ordinances of said City in conflict with the provisions of this Ordinance are hereby superseded to the extent of such conflict.

Section 4: This Ordinance shall go into effect immediately upon its passage and adoption and authentication by the signature of the presiding officer and the Clerk of the Commission.

Read and passed on first reading at a meeting held  
this 19th day of May, 2009.

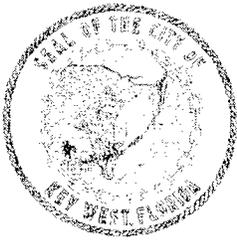
Read and passed on final reading at a meeting held  
this 2nd day of June, 2009.

Authenticated by the presiding officer and Clerk of  
the Commission on 3rd day of June, 2009.

Filed with the Clerk June 3, 2009.

  
\_\_\_\_\_  
MORGAN MCPHERSON, MAYOR

ATTEST:  
  
\_\_\_\_\_  
CHERYL SMITH, CITY CLERK



# MEMORANDUM

CITY OF KEY WEST

Licensing Division

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## EXECUTIVE SUMMARY

To: James Scholl, City Manager  
Mark Finigan, Assistant City Manager

From: Carolyn Walker, Licensing Official

Date: March 27, 2009

Subject: Business Tax Receipt increase

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Issue: Across the board 5% increase in business license tax as permitted by Florida Statute.

Background: Florida Statute 205.0535 (4) permits municipalities to increase license taxes by up to 5% every other year. We increased certain license fees by 5% in 1997, and all license fees by 5% in 1999. In 2001, 2003, 2005 and 2007 we increased fees from 0 to 5% to even-out the amounts, resulting in a bottom line increase of 2.25%, 3.75%, 3.5%, and 3.7% respectively. We are eligible to increase license fees again this year. Base license revenue at this time is \$1,201,770.00.

- Options:
1. No increase. We will again be able to introduce a 5% in 2011.
  2. Increase by the maximum 5%. Estimated license revenue will increase by \$60,088 for the 09/10 billing cycle.
  3. Increase in adjusted increments between 2.6% and 5%, in an effort to have "rounded-off" license fees, rather than odd amounts such as \$309.75 for a professional license. This scenario would increase license revenue by an estimated \$39,000 for the 9/10 billing cycle.

Recommendation: City Manager Scholl and Assistant City Manager Finigan have suggested increasing license fees by the full 5%, resulting in the greatest revenue increase.

	Current	Proposed	Increase
01A Bar with entertainment	185.00	194.25	5%
01B Entertainment Establishment	255.00	267.75	5%
01C Sightseeing vehicle, each	295.00	309.75	5%
01D 6 pack charter	76.00	79.80	5%
01E vessel over 6 passengers	155.00	162.75	5%
02A coin operated machine	9.75	10.24	5%
02B laundry machine	6.25	6.56	5%
03A Financial institution	1,050.00	1,102.50	5%
03B ATM	175.00	183.75	5%
04A Take out food	130.00	136.50	5%
04B Restaurant seating 1-15	130.00	136.50	5%
04C seating 16-40	185.00	194.25	5%
04D seating 41-60	255.00	267.75	5%
04E seating 61-120	295.00	309.75	5%
04F seating 121+	360.00	378.00	5%
05 Gas station	255.00	267.75	5%
06 Hospitals	600.00	630.00	5%
07 Insurance companies	280.00	294.00	5%
08 Manufacturing	185.00	194.25	5%
09A Daily Newspaper	295.00	309.75	5%
09B Periodical	155.00	162.75	5%
10A Rental, commercial unit	26.00	27.30	5%
10B Rental, nontransient unit	19.00	19.95	5%
10C Rental, transient	26.00	27.30	5%
10D Motel/timeshare unit	15.00	15.75	5%
10E Guesthouse unit	15.00	15.75	5%
10F Campground space	9.75	10.24	5%
10G Commercial parking lot	76.00	79.80	5%
10H Marina, slip	15.00	15.75	5%
10I Marina, drydock slip	3.10	3.26	5%
10J Motor driven rental	185.00	194.25	5%
10K Nonmotor driven rental	130.00	136.50	5%
11A Retail, 0 – 500 s.f.	130.00	136.50	5%
11B 501 – 2,000	185.00	194.25	5%
11C 2,001 – 5,000	255.00	267.75	5%
11D 5,001 – 10,000	420.00	441.00	5%
11E 10,001 – 25,000	600.00	630.00	5%
11F 25,000+	900.00	945.00	5%
12A1 Real Estate Sales	94.00	98.70	5%
12A2 Cosmetologist	94.00	98.70	5%
12A3 Massage Therapist	94.00	98.70	5%
12B Licensed Professional	295.00	309.75	5%
12C General Service	94.00	98.70	5%
13A Airline	130.00	136.50	5%
13B Vehicle transportation	185.00	194.25	5%
14A Utility	1,200.00	1,260.00	5%
14B Radio Station	185.00	194.25	5%