

Administrative Order



Administrative Order No.: 3-13

Title: Revocation and Refusal to Renew Occupational Licenses of Entities Doing Business with Cuba in Violation of Federal Law

Ordered: 7/29/1993

Effective: 7/29/1993

AUTHORITY:

Section 4.02 of the Metropolitan Dade County Charter and Ordinance 93-45.

POLICY:

This Administrative Order governs the ministerial duty of the Dade County Tax Collector in revoking, or refusing to renew, the occupational licenses of entities that engage in business with or related to Cuba in violation of federal law. It is the policy of Dade County to recognize that firms or persons having appropriate licensure from the federal government may engage in business related to Cuba.

PURPOSE:

This Administrative Order establishes the guidelines that are to be adhered to by the Tax Collector in making the determination of when it is appropriate to revoke or refuse the renewal of an occupational license pursuant to Ordinance 93-45.

PROCEDURES:

- A. The Tax Collector shall revoke an occupational license pursuant to Ordinance 93-45 only upon the following conditions being satisfied:
 - 1. The Tax Collector receives written confirmation by the Office of Foreign Assets Control of the U.S. Treasury Department that an entity or person has lost his or her federal license to engage in business related to Cuba by revocation or suspension and that the entity or person has not appealed such suspension or revocation by the federal government, or if he or she has appealed, that the appeal was resolved in favor of the federal government.

2. The Tax Collector receives written confirmation from the Office of Foreign Assets Control that an entity or person is engaging in activities subject to federal licensure for engaging in business related to Cuba, but such person or entity lacks an applicable federal license.

B. The Tax Collector shall refuse to renew occupational license pursuant to Ordinance 93-45 only upon the following conditions being satisfied:

1. On the date or renewal, the Tax Collector has written confirmation from the Office of Foreign Assets Control that an entity or person has lost his or her federal license to engage in business related to Cuba by revocation or suspension and that the entity or person has not appealed such suspension or revocation by the federal government, or if he or she has appealed, that the appeal was resolved in favor of the federal government.

In case of a suspension, the occupational license shall be renewed, upon proper application, if the applicant for licensure brings to the Tax Collector written proof of reinstatement or re-issuance of the federal license to engage in business related to Cuba.

2. On the date of renewal, the Tax Collector has written confirmation from the Office of Foreign Assets Control that an entity or person is engaging in transactions relating to Cuba and subject to federal licensing, but such person or entity lacks a federal license to engage in such business or transactions.

C. The foregoing notwithstanding, an entity whose license has been revoked or not renewed in accordance with this administrative order may apply for and obtain an occupational license to engage in a different business category from the license category previously held by the applicant. Any such occupational license applied for must not be subject to the federal requirements on trading with Cuba or on Cuba-related matters subject to federal licensing. Alternatively, an applicant whose license has been revoked or not renewed may apply for a license in the same business category not sooner than one year from the date of revocation or refusal to renew.

CONSUMER SERVICES DEPARTMENT:

Upon the Tax Collector revoking or refusing to renew the occupational license of an entity or person determined, upon written confirmation by the Office of Foreign Assets Control, to lack an appropriate federal license to engage in transactions or business related to Cuba, notice of such action by the Tax Collector shall be forwarded to the Consumer Services Department.

Consumer Services Department shall keep in its files all written complaints, or complaints recorded by telephone, pertaining to entities or persons transacting with Cuba or related to Cuba, as well as a listing of those entities or persons who lack an occupational license as a result of actions taken by the Tax Collector pursuant to Ordinance 93-45 and this administrative order. The Consumer Services Department shall provide information, whenever appropriate, to the Office of Foreign Assets Control, pertaining to entities or persons who may be violating the federal laws pertaining to Cuba.

APPEALS PROCEDURE:

Any person or entity who believes his or her occupational license was revoked or was not renewed as a result of a mistake in fact or error in application of law, may appeal to the County Manager or his or her designee within seven (7) days of receipt to the notification by the Tax Collector, and be afforded an informal hearing, at which time he or she must present all evidence relied upon for issuance of the occupational license. The County Manager or his or her designee shall provide the applicant with his or her decision within seven (7) days of the hearing.

This Administrative Order is hereby submitted to the Board of County Commissioners of Dade County, Florida.

Joaquin Aviñó, P.E., P.L.S.
County Manager