Village of Pinecrest
Business Assistance and Economic Development Guide

This guide is a reference tool designed to assist new and existing Pinecrest businesses in getting open, following local codes and regulations, and also accessing valuable resources. This guide includes information on opening a new business and required maintenance. Before applying for the Business Tax Receipt (formerly called an Occupational License), applicants are encouraged to review this guide.

First Things First
Before you register your business locally and begin operations, you will need to complete several steps with the state. Some of these include:

- Check to see if your business is a profession regulated by the state;
- Corporate/LLC Registration;
- Fictitious Name Registration (DBA) if you will be operating under a name other than the legal name of the business;
- Obtain a Sales Tax Certificate;
- Obtain an Unemployment Tax ID Number;
- Some states require that you reporting New Hires;
- Proof of Workman's Comp Insurance is required if you have more than 4 employees.

Overview of Steps to opening your business:
Identify your business structure
Conduct your due diligence (market research, assistance programs, site selection, costs, etc)
Take Advantage of technical assistance resources
Write your business plan
Review Regulations
Obtain Financing
Building Permits If applicable (permits are required for signs and painting)
Apply for your Business Tax Receipt (formerly known as an occupational license)
Review applicable operating guidelines, such as sanitation requirements.

Identify Your Business Structure

One of your first decisions as a business owner is to determine the legal structure of your business. Your choice determines what kind of taxes the business must pay, who's liable and what forms are necessary. There are four main choices: Sole Proprietorship, Partnership, Corporation or Limited Liability Company. In a sole proprietorship, the owner has absolute authority over all business decisions. In a partnership, two or more partners share control of the business.

Contact the Florida Department of State for more information at 850-488-9000 or visit them online at www.sunbiz.org. If you are forming an "S" corporation, you must also file with the Internal Revenue Service. Call 800-829-1040 or check online at www.irs.gov for more information.

Sole Proprietorship
In a sole proprietorship, the owner has absolute authority over all business decisions.

Partnership
In a partnership, two or more partners share control of the business. Contact your state's Department of State for more information.

Corporation
If you are forming an S corporation, you must also file with the Internal Revenue Service.

Limited Liability Company
The limited liability company combines selected corporate and partnership characteristics while still maintaining status as a legal entity distinct from its owners. LLC owners risk only their investment, not personal assets.

If you are planning on obtaining a franchise, under Federal Trade Commission rules, anyone selling a franchise or business opportunity must give the buyer a detailed disclosure document. Florida law requires a seller to file certain information and pay a filing fee. For additional information when buying or selling a franchise or business opportunity, contact the Department of Agriculture and Consumer Services, 800-435-7352 or visit www.800helpfla.com.

A trademark or service mark may be registered with the Florida Division of Corporations for use and protection only in the state of Florida. For protection of your trademark in the entire U.S., including Florida, you must register it with the U.S. Patent and Trademark Office. For information about registering in Florida, call 850-245-6051 or check the Division of Corporation's website at www.sunbiz.org. For information regarding federal registration, contact the U.S. Patent and Trademark Office, 800-786-9199 or visit them online at www.uspto.gov.

Federal Employer ID Number - A Federal Employer Identification Number is issued to most businesses. The applicant must file Form SS-4 (included in this package) from the Internal Revenue Service to receive a Federal Employer ID number. Additional information is available online at www.irs.ustreas.gov.

Insurance - In addition to Worker's Compensation, your business may be required to carry additional insurance. Worker's Comp insurance is required for businesses with more than 4 employees

New Hires - File a New Hire Reporting Form (included in this package) for every new employee, full-time or part-time. For more information contact the Florida New Hire Reporting Office (888) 854-4791 or www.fl-newhire.com

Due Diligence: Before Entering into a Commercial Lease and/or Contract to Purchase
Zoning Compliance – Make sure that the type of business you propose is permissible in the location you have chosen. The Planning Division can provide you with information about which uses are permitted in the different zoning classifications throughout the Village. For more information, please call the Planning Division at 305-234-2121.

Impact Fees– Check to determine if your proposed project will increase the site's demand on roads, water, drainage, sewer, parks and other Village or County services and facilities. New development and redevelopment projects and changes of use may result in the assessment of a concurrency mitigation fee.

Determine if your business is a Change of Use or a Change of Occupancy, and that the space you are considering has a valid Certificate of Occupancy:

///Change of Use – This term refers to a change in the type of business establishment or use of the space.///

Change of Occupancy – This term refers to a change in the classification of the business establishment or utilization of the space based on the Building Code and Fire Code. Each type of "use" can be categorized into an occupancy class. The Building Code and Fire Code specify requirements for each occupancy class. ///Existing buildings are evaluated and inspected using code requirements for existing buildings. However, when there is a change of occupancy, then the building must meet the requirements for new construction for that specific occupancy.///

Note: A change of use may or may not generate a change of occupancy. In other words, every change of use is not necessarily a change of occupancy.

Technical Assistance - Business Assistance Organizations

The Small Business Administration website has a great deal of information and assistance to new and existing businesses, including many short, free on-line seminars and classes. All businesses are urged to spend time on the SBA website and see what it has to offer.www.sba.gov.

Counselors to America's Small Business, SCORE is a non-profit association that provides small business entrepreneurs with FREE counseling (either in person or via email). If you are ready to ask questions about starting or expanding a small business, please visit SCORE (www.score.org) and make a counseling appointment today.

Small Business Development Centers offer locations throughout the United States to provide small business entrepreneurs with FREE counseling, management training, and information for prospering in the global economy.

Womens' Business Centers are a nationwide network of community based centers that provide business training, counseling, mentoring, and other assistance geared to women, particularly those who are socially and economically disadvantaged. www.sba.gov/women.

The Veterans Business Outreach Center Program provides online and face-to-face entrepreneurial development services such as business training, counseling and mentoring to eligible veterans owning or considering starting a small business. SBDCs and SCORE also provide targeted management assistance to veterans who are current or prospective small business owners.

What goes into a business plan?

There is no single formula for developing a business plan, but some elements are consistent throughout all business plans. Your plan should include an executive summary, a description of the business, a plan for how you will market and manage your business, financial projections and the appropriate supporting documents. Additional business plan resources are available at www.sba.com.

To help you get started in writing your business plan, we have summarized the essential elements in the following outline.

Elements of a Business Plan

Cover sheet

Executive summary - this section should include statement of the business purpose and needs that it fulfills in the marketplace. It can also contain very brief background on the principals of the business as well as the business' "Elevator Speech."

Table of contents

The Business Concept:

1. Description of business
2. Marketing
3. Competition
4. Operating procedures
5. Personnel
6. Business insurance

Financial data:

1. Loan applications
2. Capital equipment and supply list
3. Balance sheet
4. Breakeven analysis
5. Profit and loss statements
6. Three-year summary
7. Detail by month, first year
8. Detail by quarters, second and third year
9. Assumptions upon which projections were based
10. Pro-forma cash flow

Supporting documents:

1. Tax returns of principals (partners in the business) for last three years, personal financial statements (all banks have these forms)
2. Copy of franchise contract and all supporting documents provided by the franchisor (for franchise businesses)
3. Copy of proposed lease or purchase agreement for building space
4. Copy of licenses and other legal documents
5. Copy of resumes of all principals
6. Copies of letters of intent from suppliers, etc.

Due diligence:

1. List of mentors and others to seek counseling from for the idea
2. List of potential customers

Financing

Many entrepreneurs and small business owners need financial resources to start or expand a small business and must combine their own resources with other sources of financing. These sources can include family and friends, angel investors and venture capitalists, and business loans.

The Small Business Administration does not offer grants to individual business owners to start or grow a business. In fact, outright grants for businesses are very rare, and you should use caution if you are approached or solicited by an individual or organization that promises to obtain a business grant for you. If a grant is available, it will very likely be administered by a city or county, so check with your local jurisdiction to find out if anything is available.

Additionally, business loans are very difficult to obtain for a start-up business, and SBA-backed loans require that a business be in operation for a minimum of two-years. Bootstrapping personal resources and reaching out to friends and family are almost always the way that start-ups are financed. Angel Investors will sometimes help back a start-up, while venture capitalists look for existing companies that need capital for their growth phase.

<u>Loan Programs</u>

Micro and Peer Lending

There are many Micro Enterprise Assistance & Peer Lending Programs that assist entrepreneurs in building a strong credit history by borrowing incremental amounts of loan funds, developing stronger business skills, sharing business ideas, and providing support in a peer group setting. These types of programs may also provide direct loans up to $35,000.

<u>Small Business Administration</u>

Contact your area Small Business Administration office for information on their loan programs, which include Basic 7(a) Business Loan, Micro-Loans, and the CDC/504 Program. www.sba.gov.

The Basic 7(a) Business Loan Program: All 7(a) loans are provided by lenders who are called participants because they participate with SBA in the 7(a) program. 7(a) loans are only available on a guarantee basis. This means they are provided by lenders who choose to structure their own loans by SBA's requirements and who apply and receive a guarantee from SBA on a portion of this loan. The SBA does not fully guarantee 7(a) loans. For more information, visit http://www.sba.gov/financing/sbaloan/7a.html.

The Micro-Loan Program: The Micro-Loan Program provides very small loans to start-up, newly established, or growing small business concerns. Under this program, SBA makes funds available to nonprofit community based lenders (intermediaries) which, in turn, make loans to eligible borrowers in amounts up to a maximum of $35,000. For more information, visit http://www.sba.gov/financing/sbaloan/microloans.html.

CDC/504 Loan Program: The 504 Program provides growing businesses with long-term, fixed-rate financing for major fixed assets, such as land and buildings. A Certified Development Company is a nonprofit corporation set up to contribute to the economic development of its community. CDCs work with the SBA and private-sector lenders to provide financing to small businesses.

///Building Permits LINK TO EXISTING INFORMATION

Building permits are required for new construction, additions, and alterations of commercial space, multi-family or single-family residences, or changes to an interior or exterior that will require construction, demolition, or rehabilitation of the space. This includes any electrical, plumbing, air-conditioning, heating, or other work. Obtaining permits assures that the work meets the Florida Building Code and all applicable regulations. The permit process offers the opportunity to have the plans reviewed by professional zoning and design review staff, and includes inspections by certified experts who will make sure that the work is safely and professionally completed.///

Obtaining a Local Business Tax Receipt ///*LINK TO BTR GUIDE*///

A Local Business Tax License is required for all persons, either directly or indirectly, engaging or managing any business in the Village of Pinecrest.

Certificate of Use and Occupancy

Prior to opening a new business in the Village of Pinecrest you must obtain a Certificate of Use and Occupancy issued by the Village of Pinecrest. The fee for inspection and issuance of a certificate for a business located in a commercial area is a minimum of $183.31 or $0.07 per square foot of the area, whichever is greater. You may contact the Building Department via building@pinecrest-fl.gov o call 305.234.2121 for more information.

///If you are an existing business operating in the Village of Pinecrest obtaining a Village Local Business Tax Receipt, you will need to submit a copy of your Certificate of Use and Occupancy issued by Miami-Dade County. If you are unable to locate a copy of your Miami-Dade County Certificate of Use and Occupancy, you may contact Miami-Dade Certificate of Use and Occupancy Information at 305. 375.2700.///

You are required to obtain approval from DERM prior to the issuance of a Certificate of Use and Occupancy. In the event of a change of ownership or the name of a business which requires an operating permit from DERM, approval of that agency will be required. 701 NW 1st Court, Miami FL, 33136 | 305-372-6789.

You may also be required to have a fire inspection. Please call 786-331-4800 for more information and to schedule an inspection.

Business Tax Receipt

All businesses may be required to submit the following documents at the time of application for a Business Tax Receipt.

- Certificate of Use/Zoning Inspection
- Fire Inspection Report
- Corporate Documents
    - Fictitious Name Registration
    - Articles of Incorporation
    - Federal Employment Identification Number
- Lease Agreement
- Applicable State Licenses

///Articles, Licenses, FNR, EIN, Sales Tax, UE, Workers Comp, Ins./// REVIEW

You can obtain your Local Business Tax Receipt from the Village of Pinecrest by visiting the Building and Planning Department on the second floor of Village Hall, 12645 Pinecrest Parkway, Pinecrest FL 33156 | 305-234-2121. After you receive your Business Tax Receipt issued by the Village of Pinecrest, you must also obtain a Business Tax Receipt from Miami-Dade County at 140 West Flagler Street, 14th Floor, Miami, FL 33128 | 305-270-4949. You can also visit www.miami-dade.gov for more information.

Some business types also have **additional requirements** that must be met prior to the issuance of a business tax receipt. Information on these can be found on the following pages.

Requirements for Food, Alcohol, and Entertainment Establishments

All Establishments Serving / Selling Food:

1. State Regulation – In Florida, three agencies share responsibilities for ensuring that safe food is provided:
    - The Florida Department of Agriculture and Consumer Services conducts inspection on grocery stores, food processing plants, food storage and distribution points. 305-470-6900.
    - The Florida Department of Business and Professional Regulation regulates and inspects restaurants, mobile food vehicles, and caterers. 305-470-5680.
    - The Florida Department of Health is responsible for regulating and inspecting food service establishments that include institutions, child care facilities, schools, hospitals, civic or fraternal organizations, bars and lounges, and theaters that serve traditional theater foods;
    - The Florida Department of Health also regulates temporary food events, mobile food units, and vending machines that operate at or through any of these facilities. County Health Departments inspect and issue food certificates to these facilities. Unless exempted, these food operations are required to comply with food manager certification requirements.
2. The Florida Constitution prohibits smoking in indoor workplaces, with few exceptions. One of the exceptions is “stand-alone bars.” Contact the Department of Business and Professional Regulation's Customer Contact Center at 850-487-1395 for more information;

For Those Establishments Serving / Selling Alcohol:

1. A license from the Florida Department of Business and Professional Regulation, Division of Alcohol Beverages & Tobacco is required. Call 305-470-6787 for more information;
    - If you wish to sell only beer or wine, you can purchase a consumption-on-premise license or a package store license.
    - If you wish to also sell liquor, a quota license must be obtained, and they are limited in number throughout the state, based on county population.
    - A special (SRX) restaurant alcoholic beverage license can be obtained (if certain requirements are met) at any time, and is an exception to the number of licenses per county restrictions. The SRX license allows you to sell beer, wine, and liquor for consumption-on-premises, in connection with a restaurant.

2. It is unlawful for any person under the age of 21 years to have in his or her possession or be served alcoholic beverages.
3. The Florida Constitution prohibits smoking in indoor workplaces, with few exceptions. One of the exceptions is "stand-alone bars." Contact the Department of Business and Professional Regulation's Customer Contact Center at 850-487-1395 for more information;

Motor Vehicles

Motor vehicle repair facilities must obtain a Motor Vehicle Repair Registration form from the Miami-Dade Consumer Services Department: 111 NW 1st Street, Suite 1460, Miami, FL 33128 | 305-375-4222.

Motor vehicle repair shops that use, sell, and install used motor vehicle parts are required to obtain a Used Motor Vehicle Parts Dealers Permit from the Miami-Dade Police Department's Economic Crime Bureau/Auto Theft Section. 9501 NW 25th Street, Miami, FL 33172 | 305-471-2450.

Home offices

Additional regulations govern the activities of home offices in the Village of Pinecrest:

- No changes to the outside appearance of the home;
- No additional traffic;
- No outside display or storage;
- No employees on premise other than residents;
- Retail and wholesale trade is only allowed for internet, mail, and telephone sales;
- Services that require state inspections are not allowed;
- No more than one vehicle related to the home office may be parked on premise.

General Business Guidelines

Sign regulations

Sanitation

Promoting Your Business

Property Maintenance

Commercial Vehicles