

RESOLUTION NO. 2023-1615

A RESOLUTION OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA: PROVIDING FOR THE SUBMISSION TO THE VILLAGE ELECTORS, IN ACCORDANCE WITH SECTION 212.0306(2)(d), FLORIDA STATUTES, OF THE AUTHORIZATION FOR MIAMI-DADE COUNTY TO IMPOSE A ONE-PERCENT FOOD AND BEVERAGE TAX ON QUALIFIED ESTABLISHMENTS; PROVIDING REQUISITE BALLOT LANGUAGE FOR SUBMISSION TO THE ELECTORATE; CALLING AN ELECTION ON THE PROPOSED AMENDMENT TO THE VILLAGE CODE TO BE HELD ON TUESDAY, NOVEMBER 5, 2024; PROVIDING NOTICE OF ELECTION; PROVIDING FOR BALLOTING; PROVIDING FOR INCLUSION IN THE CODE; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 212.0306 authorizes any county to impose a one-percent tax on food, beverages and alcoholic beverages on establishments (excepting hotels and motels) with gross annual revenues in a previous calendar year of \$400,000; and

WHEREAS, historically, along with the municipalities of Miami Beach and Surfside, Bal Harbour Village ("Bal Harbour") has been exempt from Section 212.0306 in that it had already imposed a municipal resort tax authorized by Chapter 67-930, Laws of Florida; and

WHEREAS, this year, the Florida Legislature amended the statute to allow exempt municipalities to authorize Miami-Dade County to levy the one-percent tax by first adopting an ordinance that is subsequently approved at a local referendum held at a general election; and

WHEREAS, on December 18, 2023, the Bal Harbour Village Council will consider the adoption of an ordinance authorizing the voters of Bal Harbour to approve the homeless and domestic violence tax pursuant to Section 212.0306(2)(d) by referendum; and

WHEREAS, should the above-mentioned ordinance pass, a ballot question will be submitted to the electors of Bal Harbour, on whether to authorize Miami-Dade County to levy a one-percent tax on qualified establishments in the Village, at the general election to be held on November 5, 2024.

NOW, THEREFORE, BE IT RESOLVED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AS FOLLOWS:

Section 1. Ballot Question. That pursuant to Section 212.0306(2)(d) Florida Statutes, Bal Harbour is submitting to the Electors of Bal Harbour the following ballot question:

“Shall Miami-Dade County levy a homeless and domestic abuse tax of one percent on the sale of food, beverages, or alcoholic beverages for establishments licensed to sell alcoholic beverages for consumption on premises that gross over \$400,000 annually, except for hotels and motels, within the boundaries of the Village of Bal Harbour?”

Section 2. Election Called. That an election is hereby called, to be held on Tuesday, November 5, 2024, to present to the qualified electors of Bal Harbour, the ballot question provided in Section 1 of this Resolution.

Section 3. Form of Ballot. That the form of ballot for the referendum question provided for in Section 1 of this Resolution shall be substantially as follows:

REFERENDUM TO LEVY HOMELESS AND DOMESTIC ABUSE TAX IN THE VILLAGE OF BAL HARBOUR

“Shall Miami-Dade County levy a homeless and domestic abuse tax of one percent on the sale of food, beverages, or alcoholic beverages for establishments licensed to sell alcoholic beverages for consumption on premises that gross over \$400,000 annually, except for hotels and motels, within the boundaries of the Village of Bal Harbour?”

[] Yes

[] No

Section 4. Balloting. That balloting shall be conducted between the hours of 7:00 a.m. to 7:00 p.m. on the date of the election. Early Voting and Vote-by-mail ballots shall be available. All qualified Village electors who are timely registered in accordance with law shall be entitled to vote. The Village Clerk is authorized to obtain any necessary election administration services from the County Supervisor of Elections. The County registration books shall remain open at the Office of the County Supervisor of Elections until the date at which the registration books shall close, in accordance with the provisions of the general election laws. The Village Clerk and the Miami-Dade County Supervisor of

Elections are hereby authorized to take all appropriate action necessary to carry into effect and accomplish the provisions of this Resolution. This election shall be canvassed as required by law.

Section 5. Notice of Election. That notice of said election shall be published in accordance with Section 100.342, Fla. Stat., in a newspaper of general circulation within the Village at least 30 days prior to said election, the first publication to be in the fifth week prior to the election, and the second publication to be in the third week prior to the election, and shall be in substantially the following form:

"NOTICE OF ELECTION

PUBLIC NOTICE IS HEREBY GIVEN THAT PURSUANT TO RESOLUTION NO. 2023-____ ADOPTED BY THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, AN ELECTION HAS BEEN CALLED AND ORDERED TO BE HELD WITHIN THE VILLAGE ON TUESDAY, NOVEMBER 5, 2024, BETWEEN THE HOURS OF 7:00 A.M. AND 7:00 P.M., AT WHICH TIME THE FOLLOWING PROPOSAL SHALL BE SUBMITTED TO THE QUALIFIED ELECTORS OF THE VILLAGE.

REFERENDUM TO LEVY HOMELESS AND DOMESTIC ABUSE TAX IN THE VILLAGE OF BAL HARBOUR

"Shall Miami-Dade County levy a homeless and domestic abuse tax of one percent on the sale of food, beverages, or alcoholic beverages for establishments licensed to sell alcoholic beverages for consumption on premises that gross over \$400,000 annually, except for hotels and motels, within the boundaries of the Village of Bal Harbour?"

Yes

No

Polling place information and the full text of the proposed referendum question as set forth in the enabling Resolution is available at the office of the Village Clerk, located at 655-96th Street, Bal Harbour, Florida 33154.

Bal Harbour Village Clerk

Section 6. Copies. That copies of this Resolution concerning the proposed ballot question are on file at the office of the Village Clerk, located at 655-96th Street, Bal Harbour, Florida 33154, and are available for public inspection, during regular business hours.

Section 7. Effectiveness. That the proposal provided for in Section 1 above shall become effective only if the majority of the qualified electors voting on this proposal vote for its enactment, and it shall be considered enacted and the tax shall become effective upon the first day of January following the general election on November 5, 2024. Following adoption of the proposal by the Village Council and enactment by the voters, the Village Clerk shall file the adopted Ordinance with Miami-Dade County and the Florida Department of Revenue.

Section 8. Severability. That the provisions of the ballot question set forth above are severable, and if any clause, sentence, paragraph or section thereof is adjudged invalid by any court of competent jurisdiction, the remaining provisions shall continue to be effective to the fullest extent possible.

Section 9. Effective Date of Resolution. That this Resolution shall become effective immediately upon adoption hereof.

PASSED AND ADOPTED this 18th day of December, 2023.





Mayor Jeffrey P. Freimark

ATTEST:



Dwight S. Dame, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:



Village Attorney
Weiss Serota Helfman Cole & Bierman P.L.