

BAL HARBOUR

- V I L L A G E -

Raj Singh, Chair
Jonathan Kader, Vice Chair
Ed Ilyadzhinov, Committee Member
Neca Logan, Committee Member
Andrew J Shechtel, Committee Member

Village Manager Jorge M. Gonzalez
Village Clerk Dwight S. Danie
Village Attorneys Weiss Serota Helfman
Cole & Bierman, P.L.

BUDGET ADVISORY COMMITTEE

REGULAR MEETING AGENDA

JUNE 25, 2025

AT 6:30 P.M.

Bal Harbour Village Hall • 655 – 96th Street • Bal Harbour • Florida 33154

This meeting will be conducted in-person. Members of the public are encouraged to participate in person or by emailing (meetings@balharbourfl.gov) or by telephoning 305-865-6449.

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

3.A May 20, 2025 Budget Advisory Committee Meeting Minutes
[BudgetAdvisoryCommitteeMinutes-May20_2025.pdf](#)

4. REVIEW OF FYE 2026 BUDGET RELATED ITEMS

- a. Preliminary June 2025 Assessment Roll Estimate – Set Tentative Millage (Includes Legal Defense Funding)
[4a - LTC 095-2025 June 2025 Assessment Roll Estimate Final.pdf](#)
- b. Solid Waste Assessment- First Reading
[4b - Solid Waste Assessment - First Reading.pdf](#)
- c. Business Tax Receipt – First Reading
[4c - Local Business Tax - First Reading.pdf](#)
- d. Departmental Budget Reviews (Discussion)
 - i. Police
 - ii. Recreation
- e. Considerations – Employee Benefits:
 - i. Collective Bargaining - PBA
 - ii. Cost of Living (4% Increase)
 - iii. Pension Plan Actuarial Reports:
 1. GE
 2. Police
 3. FRS
- f. Considerations – Other Costs:

- i. Inflationary Impact on Current Level of Service
- ii. Other:
 - 1. Miami Beach Sewage Surcharge
 - 2. Others
- iii. Insurance:
 - 1. Property
 - 2. Health
 - 3. Other

5. IMPORTANT DATES

- a. Assessment Roll Estimate Calcs:
 - i. July 1st
- b. Council Meetings:
 - i. July 15th – Establish Millage Rate Ceiling
 - ii. September 15th – Millage Rate Affirmation & 1st Budget Hearing
 - iii. September 25th – Second & Final Budget Hearing

6. FUTURE MEETING DATES

- a. Next Meeting:
 - i. July 17th
 - ii. August 6th

7. OTHER BUSINESS

8. PUBLIC COMMENT

9. ADJOURNMENT

One or more members of any Village Committee/Board may attend this meeting of the Council and may discuss matters which may later come before their respective Boards/Committees.. On public comment matters, any person is entitled to be heard by this Council on any matter; however, no action shall be taken by the Council on a matter of public comment, unless the item is specifically listed on the agenda, or is added to the agenda by Council action.

Any person who acts as a lobbyist, pursuant to Village Code Section 2-301 (Lobbyists), must register with the Village Clerk, prior to engaging in lobbying activities before Village staff, boards, committees, and/or the Village Council. A copy of the Ordinance is available in the Village Clerk's Office at Village Hall.

If a person decides to appeal any decision made by the Village Council with respect to any matter considered at a meeting or hearing, that person will need a record of the proceedings and, for such purpose, may need to ensure that a verbatim record of the proceedings is made, which record includes the testimony and evidence upon which the appeal is to be based (F.S. 286.0105).

In accordance with the Americans with Disabilities Act of 1990, all persons who are disabled and who need special accommodations to participate in this proceeding because of that disability should contact the Village Clerk's Office (305-866-4633), not later than two business days prior to such proceeding.

All Village Council meeting attendees, including Village staff and consultants, are subject to security screening utilizing a metal detector and/or wand, prior to entering the Council Chamber, Conference Room, or other meeting area located within Village Hall. This is for the safety of everyone. Thanks for your cooperation.

BAL HARBOUR

- V I L L A G E -

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BUDGET ADVISORY COMMITTEE

REGULAR MEETING MINUTES

MAY 20, 2025

AT 6:30 P.M.

Bal Harbour Village Hall • 655 – 96th Street • Bal Harbour • Florida 33154

This meeting was conducted in-person. Members of the public were also encouraged to participate by email (meetings@balharbourfl.gov) or by telephone at 305-865-6449.

1 CALL TO ORDER/ ROLL CALL- Neca Logan, as previous Chair, called the meeting to order at 6:53 P.M.

The following were present:

Neca Logan
Ed Ilyadzhano (Via Zoom)
Raj Singh
Jonathan Kader
Andrew Shechtel

The following were also present:

Jorge Gonzalez, Village Manager
Claudia Dixon, Chief Financial
Dwight Danie, Village Clerk

2 PLEDGE OF ALLEGIANCE - The Pledge of Allegiance was led by the Village Clerk.

3 SELECTION OF CHAIR AND VICE CHAIR

Neca Logan nominated Raj Singh for Chair. Mr. Singh accepted the nomination, and the Committee unanimously approved the appointment. Ms. Logan then nominated Jonathan Kader for Vice Chair. Mr. Kader accepted, and the Committee again gave unanimous approval

4 APPROVAL OF MINUTES

4.A Budget Advisory Committee Meeting Minutes - August 6, 2024

MOTION: A Motion to approve the minutes was moved by Andrew Shechtel and seconded by Raj Singh.

VOTE: the motion passed by unanimous voice vote (4-0).

5 FY 2025 –

a. PROCESSING AND DEFENSE FUND

Ms. Dixon provided an update of the Processing and Defense Fund for FY 2025, funded with nearly \$2 million from targeted ad valorem taxes to cover legal and regulatory issues related to the Bal Harbour Shops development. She said that to date, \$850,000 of that fund had been spent

b. MID YEAR AMENDMENT

She then reviewed the mid-year budget amendment, explaining it serves to close out the prior fiscal year and carry forward unspent funds—primarily for capital and grant-funded projects—into the new year. She said that the General Fund closed FY 2024 with a \$7.67 million surplus, largely due to investment income and license fees, adding that other surpluses included \$1.16 million in resort tax, \$807,000 in the security and landscape fund, and \$1.28 million in the utility fund. She said that an additional \$2.5 million from the General Fund was earmarked for capital reserves, and \$2 million was allocated for the Utility Master Plan.

c. FY 2025-29 CAPITAL BUDGET AND 5-YEAR CAPITAL IMPROVEMENT PROGRAM

Matilde Reyes, Capital Program Director, provided an update on ongoing and planned capital projects. She recapped the Waterfront Park project, the completion of the Community Center and Playground, and described the upcoming Harbourfront Park, Jetty, and Cut Walk projects. She said that the Jetty project involves reconstructing a seawall, landscaping, and safety handrails, creating a linear park with viewing platforms.

Ms. Reyes said that the Jetty project is currently in the 80% construction drawing phase and is projected to cost around \$30 million, with a construction start targeted for October with a duration of 18-24 months. She described the use of a Construction Manager at Risk (CMAR) model and clarified that the full project scope may be adjusted if bid prices are too high and that several optional features, like an entry garden, have already been removed to manage costs.

Ms. Reyes also provided an update on the new Village Hall project, which is under contract with an architecture and engineering firm and is expected to be fully designed by summer 2026, with construction beginning in 2027 and completed by mid-2028. She said that after

the completion of the new Village Hall, design for the future Recreation Center will begin on the current Village Hall.

Julio Magrisso introduced himself as the new Director of the Public Works and Beautification Department who then introduced Mike Alvarez, Utility Compliance Officer. Mr. Alvarez handed out a map of the phased infrastructure work in the gated community showing completed and ongoing projects include water main replacements, sanitary sewer upgrades, and stormwater improvements from 2018 through 2025. He said that projects have largely used trenchless technology to minimize disruptions and that final paving and curb work in sections 6A and 6B are expected to be completed by early 2026, depending on weather and funding. He said Project 7, a new stormwater pump station, is set to launch soon with upgrades to pumps, generators, and underground infrastructure.

6 REVIEW OF FYE 2026 BUDGET RELATED ITEMS

- a. *CONSIDERATIONS - EMPLOYEE BENEFITS:*
 - i. *COLLECTIVE BARGAINING - PBA*
 - ii. *COST OF LIVING (3% INCREASE)*
 - iii. *EMPLOYEE HEALTH INSURANCE (PLACEHOLDER 10% INCREASE)*
 - iv. *PENSION PLAN ACTUARIAL REPORTS:*
 - 1. *GE*
 - 2. *POLICE*
 - 3. *FRS*

Ramiro Inguanzo, Assistant Village Manager, provided updates on employee benefits and collective bargaining negotiations. He said that the police union contract expired at the end of FY 2024, and that negotiations are ongoing, with hopes to ratify a new 3.5-year contract by July 15, 2025. He noted that a 10% placeholder has been set for employee health insurance increases pending final rates from the broker, and that pension plan contributions are expected to slightly decrease due to strong investment performance. He said that he was optimistic about holding the line on health insurance costs

Ms. Dixon added that the base COLA (Cost of Living Adjustment) set in the Police Benevolent Association (PBA) agreement is typically carried forward to general employees.

- b. *CONSIDERATIONS - OTHER COSTS:*
 - i. *INFLATIONARY IMPACT ON CURRENT LEVEL OF SERVICE*

Mr. Alvarez highlighted inflation's effects on construction including increased prices for concrete, building materials and labor. He said that contractors are finding it challenging to work in the area due to increased costs and traffic. Ms. Dixon described a strategic approach to mitigate inflation including locking in prices earlier, including make earlier purchases to lock in prices and the need to be proactive in budgeting and purchasing to

manage the financial impact of inflationary pressures, particularly in infrastructure and utility projects.

ii. *OTHER:*

1. *MIAMI BEACH SEWER SURCHARGE*

Ms. Dixon said that there was a concern regarding a \$581,000 proposed surcharge from the City of Miami Beach, for sewer outflow from Bal Harbour. She said that the surcharge reflects years of under-collection and will be passed through to customers, resulting in approximately \$24 per month or \$286 annually for a typical user. Mr. Shechtel suggested amortizing the cost over two years to soften the impact, and to create reserves and implement monitoring, as future annual charges may continue to increase.

She said that this increase is not a one-time cost and was expected to continue annually, although not necessarily at the same amount. The cost could escalate modestly year over year (e.g., 3% to 5%), depending on Miami Beach's future capital needs and ongoing operating expenses. She said that the Mayor is working with other mayors to potentially reduce the proposed \$581,000 increase and potentially spread it out over two years to make it more manageable for residents.

She added that Village is considering whether it can legally and prudently build reserves in advance to soften future rate spikes tied to outside providers like Miami Beach and Miami-Dade County.

2. *TAX COLLECTOR COMMISSION*

3. *PROPERTY TAX:*

- a. *SECOND HOMESTEAD ADJUSTED FOR CPI*
- b. *STATE COMMITTEE*

Ms. Dixon announced that the Miami-Dade County Tax Collector had proposed a 2% collection fee for municipalities, which Bal Harbour and other communities had successfully pushed back on, and that for FY 2026, that fee will not be imposed, avoiding an estimated \$200,000 cost.

4. *BUSINESS TAX*

Regarding the local business tax, Ms. Dixon noted that the Village has a biannual renewal or increase request for business taxes, which is typically a nominal amount. She estimated it would be around \$70,000 for the year.

5. *FPL RATE INCREASE*

Ms. Dixon also mentioned a Florida Power & Light (FP&L) rate proposed increase saying that FP&L is proposing a 2.5% per year increase over the next four years, and that while the Village pays FP&L for utilities, they also receive money from FP&L, and for the most part, this arrangement "pays for itself."

- c. *INSURANCE:*
 - 1. *PROPERTY*
 - 2. *HEALTH*
 - 3. *OTHER*

Mr. Inguanzo said that the Village might see significant rate increases in property insurance with Florida Municipal Insurance Trust (FMIT), reflecting increases across the industry, adding that renewal rates are usually not provided until June, which he said complicates budget planning. He said that some municipalities have tried alternative insurers but often return to FMIT because of significant rate hikes in subsequent years after signing up. He said that the Waterfront Park has impacted insurance costs and that the upcoming Jetty Project is expected to increase rates further.

7 APPROACH TOWARDS DEPARTMENTAL BUDGET REVIEWS (DISCUSSION)

Ms. Logan said that she would like to hear from the Department of Recreation, Arts and Culture in that it would have completed a full year of operation. Chair Singh said that he would like to hear from the Police Department. There was a general consensus for the Committee to review the departmental operating budgets.

8 IMPORTANT DATES -

- a. *ASSESSMENT ROLL ESTIMATE ROLL CALCS:*
 - i. *JUNE 1ST*
 - ii. *JULY 1ST*
- b. *COUNCIL MEETINGS:*
 - i. *JULY 17TH - ESTABLISH MILLAGE RATE CEILING*
 - ii. *SEPTEMBER TBD - MILLAGE RATE AFFIRMATION & 1ST BUDGET HEARING*
 - iii. *SEPTEMBER TBD - SECOND & FINAL BUDGET HEARING*

9 FUTURE MEETING DATES -

- a. *Next Meeting:*
 - i. *tbd*

Ms. Dixon reported several key dates including June 1st for when the Village should receive the assessment rolls and June 17th for when the Village Council would establish the tax rate ceiling. She said that the September Budget Hearing dates are yet to be determined, pending the determination of Miami-Dade County and Miami-Dade School Board budget hearing calendar dates. She said that she would reach out to Committee members regarding the date for the next Budget Advisory Committee meeting.

10 PUBLIC COMMENT - There were no comments from the public.

11 OTHER BUSINESS - There was no other business to be discussed.

12 ADJOURNMENT - The meeting was adjourned at 8:20 PM.

Raj Singh, Chair



Attest:

Dwight S. Danie, Village Clerk

BAL HARBOUR

- V I L L A G E -

OFFICE OF THE VILLAGE MANAGER

LETTER TO COUNCIL

NO. 095-2025

To: Mayor Jeffrey P. Freimark and Members of the Village Council

From: Jorge M. Gonzalez, Village Manager

Date: May 30, 2025

Subject: **2025 June Preliminary Assessment Roll Estimate**

The purpose of this Letter to Council (LTC) is to transmit to you a copy of the Assessment Roll Estimate provided by the Miami-Dade County Property Appraiser.

On June 1 of each year, the Miami-Dade County Property Appraiser provides an estimate of the current year's Assessment Roll Values, with the official certification following on July 1.

Existing property tax values increased \$503,560,152 or 7.3% from the July 1, 2024 Estimated Taxable Value of \$6,896,439,848 to the June 1, 2025 Estimated Taxable Value of \$7,400,000,000. Applying this estimated increase to our General Fund Property Tax values at the current millage rate, would result in an increase of \$1,025,603 in tax revenues, at 95% as required for budget purposes by the State of Florida of tax revenue Village-wide. As you may recall, starting with FYE 2025, Council approved funding for the Application Processing and Defense Fund to be included in the Ad Valorem Tax Revenue. The portion of this increase for the General Fund excluding funding for the Application Processing and Defense Fund is \$940,212. The overall property tax value increase results from property sales and new construction that occurred during Calendar 2024. This increase is timely due to increased costs resulting from increased contractual and labor costs; as well as continuing to invest in our capital projects. This increase, however, is subject to changes that will likely result from appeals to the Value Adjustment Board (VAB) Hearings.

In late June, we anticipate receipt of revenue estimates from the State of Florida Department of Revenue for Franchise Fees, Utility Taxes, State Revenue Sharing, Sales Tax, and Communication Service Taxes, this information will present a more complete picture of the estimated revenues for the coming Fiscal Year, which will continue the current focus on moving the Village forward with respect to service delivery, technology, and infrastructure improvements.

The millage rate determines the ad valorem revenue for the General Fund which funds a myriad of general governmental services. Every element of the Bal Harbour Experience is funded in part through General Fund resources and therefore are supported by the General Fund Property Taxes.

Should you have any questions or need any additional information, please contact me.

Attachment: 2025 Assessment Roll Estimate, Miami-Dade County Property Appraiser

JMG/CD

PROPERTY APPRAISER
OF MIAMI-DADE COUNTY
ADMINISTRATION

TOMAS REGALADO
PROPERTY APPRAISER



May 30, 2025

The Honorable Jeffrey P. Freemark, Mayor
Bal Harbour Village
655 - 96th Street
Bal Harbour, FL 33154

RE: 2025 JUNE 1st ESTIMATE OF TAXABLE VALUE

Dear Mayor Freemark:

The June 1st Estimate of \$7,400,000,000 in taxable value is being provided in accordance with section 200.065(8), Florida Statutes, so that you may start preparing for next year's budget. It is important to note that July 1st is the official certification date for the 2025 assessment roll. The June 1st taxable value is only an estimate, which is subject to change.

Although the taxable value of many properties has increased, the real estate market, after years of growth, appears to have stabilized. We are seeing a slight decrease in certain markets that may provide some relief for taxpayers so long as the local governments do not increase their millage rates. With the cost of home ownership, such as property insurance, continuing to increase I urge my elected colleagues to consider reducing their respective millage rates in an effort to alleviate the housing crisis.

I want to thank you for your consideration, and if you have questions, you may contact my office at 305-375-4004.

Sincerely,

Tomas Regalado
Property Appraiser

cc: Jorge M. Gonzalez, Village Manager
Claudia Dixon, CFO

BAL HARBOUR

- V I L L A G E -

COUNCIL ITEM SUMMARY

Condensed Title:

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR.

Issue:

Should the Village Council direct the preparation of the Solid Waste Assessment Roll and approve the initial Solid Waste Assessment for FY 2025-26?

The Bal Harbour Experience:

☒ Beautiful Environment ☐ Safety ☐ Modernized Public Facilities/Infrastructure
☐ Destination & Amenities ☐ Unique & Elegant ☒ Resiliency & Sustainable Community

Item Summary / Recommendation:

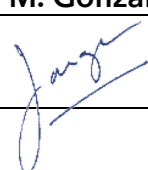
It is recommended that the Village Council approve the initial Solid Waste Assessment for FY 2025-26 at a rate of assessment equal to \$328.47 for each Dwelling Unit with a Multifamily Residential Establishment and \$702.03 for each Single-Family Residential Unit. This rate provides for Solid Waste and Recyclable Materials collection and disposal services to residential customers; which is an increase from the current year rate of \$312.83 for each Dwelling Unit with a Multifamily Residential Establishment and \$668.60 for each Single-Family Residential Unit. This proposed rate increase addresses the need to proactively manage increasing operational expenses by allocating additional funding for two key areas: (1) anticipated cost increases associated with the re-negotiation of the solid waste contract, and (2) mitigation of the financial impact on the General Fund due to rising internal service costs. These adjustments are essential to ensure continued service delivery, fiscal responsibility, and long-term sustainability.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS RESOLUTION.

Financial Information:

	Amount	Account	Account #
	\$948,589	Solid Waste Assessment	01-34-325200

Sign off:

	Chief Financial Officer	Village Manager
	Claudia Dixon	Jorge M. Gonzalez
		

BAL HARBOUR

- V I L L A G E -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager

DATE: June 17, 2025

SUBJECT: **A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

It is recommended that the Council approve the initial Solid Waste Assessment for Fiscal Year Ending (FYE) FYE 2025-26 at a rate of assessment equal to \$328.47 for each Dwelling Unit within a Multifamily Residential Establishment and \$702.03 for each Single-Family Residential Unit. These rates provide for Solid Waste and Recyclable Materials collection and disposal services to residential customers, which is an increase from the current year rate of \$312.83 within a Multifamily Residential Establishment and \$668.60 for each Single-Family Residential Unit. This proposed rate increases address the need to proactively manage increasing operational expenses by allocating additional funding for two key areas: (1) anticipated cost increases associated with the re-negotiation of the solid waste contract, and (2) mitigation of the financial impact on the General Fund due to rising internal service costs. These adjustments are essential to ensure continued service delivery, fiscal responsibility, and long-term sustainability.

BACKGROUND

To provide solid waste and recyclable materials services, the imposition of an annual Solid Waste Service Assessment was implemented in 2011 as an equitable and efficient method of allocating and apportioning solid waste costs among parcels of assessed property by Ordinance No. 2011-552. Adoption of this initial assessment Resolution provides for the determination of Solid Waste Costs and the identification of the assessed property for inclusion in the assessment roll for the provision of solid waste services. The provision of Additional Solid Waste and Recyclable Materials Services to any Single Family Residential Unit or any Multifamily Residential Establishments, which increases the Solid Waste Cost to the Village shall be billed separately to those Single Family Residential Units or Multifamily Residential Establishment that request and receive such Additional Solid Waste and

Recyclable Materials Services and must be paid in addition to the Solid Waste Service Assessment

ANALYSIS

Based on a combined 2,842 units, the rate of 328.47 for each Dwelling Unit within a Multifamily Residential Establishment and \$702.03 for each Single-Family Residential Unit will generate approximately \$948,589 budgeted at ninety-five percent to provide for solid waste collection services through FY 2025-26 using the tax bill method of collection.

In FYE 2017, a renewed agreement between Bal Harbour Village and Progressive Waste Solutions of FL, Inc. (dba Waste Connections of Florida), was approved by Council extending through 2025. This agreement provided for the delivery of solid waste services, inclusive of service improvements, at rates fixed pursuant to the 2012 agreement through September 30, 2019, and Consumer Price Index (CPI) adjustments beginning October 1, 2019 and each year thereafter. The agreement is currently under renegotiation, and the final cost has not yet been determined. Consequently, the Village reserves the right to seek recovery of any expenditures exceeding the proposed FYE 2026 budget during future fiscal year budgeting processes.

The Final Assessment Resolution must be adopted no later than September 18, 2025. The required public hearing for the final solid waste assessment will coincide with the Village's first public budget hearing, no later than September 18, 2025.

THE BAL HARBOUR EXPERIENCE

Approving the initial assessment rate will ensure the Solid Waste Assessment is sufficient to provide Solid Waste and Recycling Materials collection and disposal services to residential customers throughout the coming fiscal year, resulting in a Resilient and Sustainable Community.

CONCLUSION

Adoption of this Resolution is recommended to direct the preparation of an initial Solid Waste Assessment Roll for FY 2025-26 and approve an initial assessment rate equal to \$328.47 for each Dwelling Unit within a Multifamily Residential Establishment and \$702.03 for each Single-Family Residential Unit, an amount sufficient to provide for solid waste and recyclable materials collection and disposal services for the coming fiscal year.

Attachments:

1. Resolution Appendix A - Form of Notice to be Published

RESOLUTION NO. 2025-____

A RESOLUTION OF BAL HARBOUR VILLAGE, FLORIDA, RELATING TO THE COLLECTION AND DISPOSAL OF SOLID WASTE AND RECYCLABLE MATERIALS IN BAL HARBOUR VILLAGE, FLORIDA; DESCRIBING THE METHOD OF ASSESSING SOLID WASTE COSTS AGAINST ASSESSED PROPERTY LOCATED WITHIN BAL HARBOUR VILLAGE, FLORIDA; DETERMINING THE SOLID WASTE COST AND THE INITIAL SOLID WASTE SERVICE ASSESSMENTS; PROVIDING FOR A MAXIMUM ASSESSMENT RATE; DIRECTING THE PREPARATION OF AN ASSESSMENT ROLL; AUTHORIZING A PUBLIC HEARING AND DIRECTING THE PROVISION OF NOTICE THEREOF; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Village Council (the "Council") of Bal Harbour Village, Florida (the "Village"), currently provides for the imposition of an annual Solid Waste Service Assessment for Solid Waste and Recyclable Materials collection and disposal services, facilities or programs against certain Assessed Property within the Village; and

WHEREAS, the continued imposition of a Solid Waste Service Assessment for Solid Waste and Recyclable Materials Services, facilities or programs for Residential Properties is an equitable and efficient method of allocating and apportioning Solid Waste Costs among parcels of Assessed Property located in the Village; and

WHEREAS, the Council desires, as provided herein, to continue an annual Solid Waste and Recyclable Materials assessment program within the Village, using the Uniform Method of Collection for the Fiscal Year which commences on October 1, 2025.

WHEREAS, pursuant to the provisions of the Ordinance, the Village may establish a Maximum Assessment Rate, which is the maximum assessment rate in which the Village may impose without the need for providing mailed notice pursuant to the Uniform Assessment Collection Act (as defined in the Ordinance); and

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

Section 1. **Authority.** This resolution is adopted pursuant to the provisions of Section 16-5 of the Village Code, and Article IX of Chapter 2 of the Village Code

(collectively, the "Ordinance"), and sections 166.021 and 166.041, Florida Statutes, and other applicable provisions of law.

Section 2. Purpose and Definitions. This resolution constitutes the Initial Assessment Resolution as defined in the Ordinance. All capitalized words and terms not otherwise defined herein shall have the meanings set forth in the Ordinance. Unless the context indicates otherwise, words imparting the singular number, include the plural number, and vice versa. As used in this Initial Assessment Resolution, the following terms shall have the following meanings, unless the context hereof otherwise requires:

"Additional Solid Waste and Recyclable Materials Services" means those Solid Waste and Recyclable Materials Services requiring a total number of bins in excess of the number of bins provided to each Dwelling Unit and additional collection times for such collection and disposal service to any Single Family Residential Unit and any Multifamily Residential Establishment. Such Additional Solid Waste and Recyclable Materials Services include additional bins or additional collections above that which are to be provided to each Dwelling Unit for each Multifamily Residential Establishment.

"Assessed Property" means all parcels of land included on the Assessment Roll that receive a special benefit from the delivery of the Solid Waste and Recyclable Materials Services, facility or program identified in the Initial Assessment Resolution.

"Biohazardous Waste" means any waste which may present a threat of infection to humans. The term includes, but is not limited to, non-liquid human tissue and body parts, laboratory and veterinary waste which contains human disease-causing agents, used disposable sharps, human blood, and human blood products and body fluids, and other materials which represent a significant risk of infection to persons outside of the generating facility.

"Building" means any structure, whether temporary or permanent, built for support, shelter or enclosure of persons, chattel, or property of any kind. This term shall include mobile homes or any vehicles serving in any way the function of a Building.

"Commercial Establishment" means any structure used or constructed for use for business operations. For purposes of this article, hotels, hotel-condominiums and motels

are commercial establishments. The term "commercial establishment" shall not include any residential unit or multifamily residential establishment.

"Construction Debris" means materials generally not water soluble and nonhazardous in nature, including, but not limited to, steel, glass, brick, concrete, or roofing material, pipe, gypsum wallboard, and lumber. Construction Debris shall include materials from the construction or destruction of a structure as part of a construction or demolition project, and including rocks, soils, stumps, and other vegetative matter which normally results from land clearing or land development operations for a construction or home improvement project.

"Dwelling Unit" means a Building, or a portion thereof, which is located upon Residential Property and lawfully used for residential purposes, consisting of one or more rooms arranged, designed, used, or intended to be used as living quarters for one family unit only. The term Dwelling Unit shall include individual units located within Multifamily Residential Establishments.

"Garbage" means every refuse accumulation of animal, fruit, or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, meats, fish, fowl, fruit or vegetables, and decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ carrying insects.

"Hazardous Waste" means waste which requires special handling, including, but not limited to explosives, wet cell lead acid batteries, pathological wastes, radioactive materials, acidic, caustic, toxic, highly flammable chemicals, paints, petroleum products or cleaning fluids.

"Improved Property" means all Residential Property within the incorporated area of the Village on which a Building or other improvements have been placed or constructed, which improvements result in such property generating Solid Waste or being capable of generating Solid Waste.

"Maximum Assessment Rate" means the maximum rates established under Section 5(D) herein for Solid Waste Service Assessments.

"Multifamily Residential Establishment" means any structure, other than a Single-Family Residential Unit, which is used, or constructed for use, as a multiple dwelling facility. Multifamily residential establishments shall include, without limitation, rooming houses, tourist courts, trailer parks, apartment buildings with rental or cooperative apartments, or multiple-story condominiums with common means of ingress and egress. The term Multifamily Residential Establishments shall not include buildings operated as hotel-condominiums. Hotel-condominiums constitute Commercial Establishments hereunder.

"Noncombustible Refuse" means refuse materials that are unburnable at ordinary incinerator temperature, eight hundred (800) degrees to eighteen hundred (1800) degrees, such as metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts and other similar material or refuse not usual to housekeeping or to operation of stores or offices.

"Prohibited Waste" means any Noncombustible Refuse, Hazardous Waste, Biohazardous Waste, or Special Waste.

"Recyclable Materials" means materials which would be Garbage, commercial refuse, industrial refuse or rubbish but for the fact that it is usable and/or has commercial value.

"Residential Property" means all Improved Property containing a Single-Family Residential Unit or Multifamily Residential Establishment.

"Single Family Residential Unit" means any structure which is used, or constructed for use, as a single-family dwelling, duplex or townhouse, and which is located on a single lot, parcel or tract of land. The term "Single Family Residential Unit" shall not include any Multifamily Residential Establishment.

"Solid Waste" includes Garbage, Trash, Yard and Garden Waste, White Goods, or other discarded material resulting from normal housekeeping activities, and shall exclude Prohibited Waste. The term Solid Waste shall also include debris that accumulates on property within the Village during hurricanes and other extreme storm events.

"Solid Waste and Recyclable Materials Services" means those services relating to Solid Waste and Recyclable Materials collection and disposal provided to each Single Family Residential Unit and each Multifamily Residential Establishment, which includes the

number of bins provided and the number of days of collection to each Single Family Residential Unit and each Multifamily Residential Establishment which is necessary to service a typical Dwelling Unit in a Multifamily Residential Establishment and a typical Single Family Residential Unit.

"Solid Waste Assessment Roll" means the Assessment Roll as defined in the Ordinance relating to the Solid Waste Service Assessments.

"Solid Waste Service Assessment" means an Assessment, as defined in the Ordinance, lawfully imposed by the Village against Assessed Property to fund all or any portion of the cost of the provision of Solid Waste and Recyclable Materials Services, facilities, or programs providing a special benefit to property as a consequence of possessing a logical relationship to the value, use, or characteristics of the Assessed Property.

"Solid Waste Cost" means the amount necessary to fund the Village's collection and disposal of Solid Waste and the recycling activities of Recyclable Materials that are allocable to Assessed Property during a Fiscal Year and shall include, but not be limited to: (A) the cost, whether direct or indirect, of all services, programs or facilities provided by the Village, or through contractual arrangements with the Village relating to Solid Waste and Recyclable Materials collection and disposal services, facilities or programs; (B) the cost of any indemnity or surety bonds and premiums for insurance; (C) the cost of salaries, volunteer pay, workers' compensation insurance, or other employment benefits; (D) the cost of computer services, data processing, and communications; (E) the cost of training, travel and per diem; (F) the recovery of unpaid or delinquent fees or charges advanced by the Village and due for Solid Waste and Recyclable Materials management and disposal services, programs or facilities allocable to specific parcels; (G) the cost of engineering, financial, legal or other professional services; (H) all costs associated with the structure, implementation, collection, and enforcement of the Solid Waste Service Assessments or a prior year's assessment for a comparable service, facility or program, including any service charges of the Tax Collector or Property Appraiser; (I) all other costs and expenses necessary or incidental to the acquisition, provision, or delivery of the services, programs or facilities funded by the Solid Waste Service Assessment, and such

other expenses as may be necessary or incidental to any related financing authorized by the Village Council; (J) a reasonable amount for contingency to provide for clearing, removing and disposal of debris accumulated on property within the Village during hurricanes or other extreme weather events; (K) a reasonable amount for contingency and anticipated delinquencies and uncollectible Solid Waste Service Assessments; and (L) reimbursement to the Village or any other Person for any monies advanced for any costs incurred by the Village or such Person in connection with any of the foregoing items of Solid Waste Cost.

"Special Waste" means Solid Waste that requires special handling and management, including, but not limited to, asbestos, whole tires, used tires, used oil, lead acid batteries, and Biohazardous Wastes and shall include items that exceed any size limitations for Yard and Garden Waste or other bulk trash.

"Trash" means refuse, accumulations of paper, excelsior, rags or wooden or paper boxes or containers, sweepings and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of stores, offices and other business places; and any bottles, cans or other containers which, due to their ability to retain water, may serve as breeding places for mosquitoes or other water breeding insects. Trash shall not include Noncombustible Refuse.

"Unimproved Property" means any vacant lot located within the Village.

"White Goods" means discarded appliances, including but not limited to stoves, refrigerators, dishwashers, washing machines, dryers, water heaters, air conditioners, and heating units.

"Yard and Garden Waste" means grass, leaves, tree or shrubbery cuttings incidental to the care of lawns and gardens. This includes large tree or shrubbery cuttings including tree limbs and logs less than four (4) inches in diameter and no more than five (5) feet in length, stumps less than fifteen (15) inches in diameter or fifty (50) pounds in weight and palm fronds, but excluding debris from unimproved lots, soil and sod.

Section 3. Legislative Determinations of Special Benefit and Fair Apportionment. It is hereby ascertained, declared and determined that the Solid Waste

Costs provide a special benefit to the Assessed Property based upon the following legislative determinations:

General

(A) Upon the adoption of this Initial Assessment Resolution determining the Solid Waste Costs and identifying the Assessed Property to be included in the Assessment Roll, the legislative determinations of special benefit ascertained and declared in Section 2-372 of the Village Code are hereby ratified and confirmed.

(B) Pursuant to Section 16-5 of the Village Code, the Village has the general authority to impose fees for the collection and transport of Solid Waste and Recyclable Materials generated within its jurisdiction to appropriate disposal facilities.

(C) The existence of any Building or other improvement on Improved Property results in such property generating Solid Waste and Recyclable Materials or being capable of generating Solid Waste and Recyclable Materials.

(D) The imposition of a recurring annual Solid Waste Service Assessment is an alternative, equitable and efficient method to fairly and reasonably apportion and recover the Solid Waste Costs experienced by the Village for the provision of Solid Waste collection services to Residential Property within the area assessed.

Special Benefit

(E) The Solid Waste and Recyclable Materials Services, facilities, and programs furnished by the Village possess a logical relationship to the use and enjoyment of Assessed Property by providing: (1) Solid Waste and Recyclable Materials Services, facilities, and programs to the Owners and occupants of Residential Property for proper, safe, and cost effective disposal of Solid Waste and Recyclable Materials generated on such property, (2) better service to Owners and tenants, (3) the enhancement of environmentally responsible use and enjoyment of Residential Property, and (4) the protection of property values and the health and safety of the Owners and occupants of Residential Property resulting from the uniform delivery and availability of such Solid Waste and Recyclable Materials Services, facilities, and programs.

(F) The provision of comprehensive Solid Waste and Recyclable Materials Services, facilities and programs furnished by or through the Village to Assessed Property enhances and strengthens the relationship of such services, facilities and programs to the use and enjoyment of Assessed Property within the Village.

Apportionment

(G) The size or value of Assessed Property does not determine the scope and cost of Solid Waste and Recyclable Materials Services to be provided to such property. The use of Solid Waste and Recyclable Materials Services, facilities, and programs is driven by the existence of a Dwelling Unit.

(H) Apportioning the Solid Waste Costs for Solid Waste and Recyclable Materials Services provided to each Single Family Residential Units within the incorporated area of the Village on a per Dwelling Unit basis to single family residential properties as identified in Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Solid Waste Costs for providing Solid Waste and Recyclable Materials Services.

(I) Apportioning the Solid Waste Costs for Solid Waste and Recyclable Materials Services provided to Multifamily Residential Establishments within the incorporated area of the Village on a Dwelling Unit basis as identified in the Tax Roll data base, is required to avoid cost inefficiency and unnecessary administration, and is a fair and reasonable method of apportioning Solid Waste Costs for providing Solid Waste and Recyclable Materials Services.

(J) The owners of Commercial Properties shall obtain Solid Waste and Recyclable Materials collection and disposal services from an authorized franchisee of the Village at their own expense. The Village shall not provide for the collection of Solid Waste and Recyclable Materials from Commercial Properties located within the Village. Accordingly, Commercial Properties shall not be assessed pursuant to this Resolution.

(K) The provision of Additional Solid Waste and Recyclable Materials Services to any Single Family Residential Unit or any Multifamily Residential Establishment which increases the Solid Waste Cost to the Village shall be billed separately to those Single

Family Residential Units or Multifamily Residential Establishments that request and receive such Additional Solid Waste and Recyclable Materials Services and must be paid in addition to the Solid Waste Service Assessment.

Section 4. Solid Waste and Recyclable Materials Services.

(A) Upon the imposition of Solid Waste Service Assessment against Assessed Property located within the Village, the Village shall cause Solid Waste and Recyclable Materials Services, facilities or programs to be provided to such Assessed Property. Solid Waste Costs for Solid Waste and Recyclable Material Services, facilities or programs shall be paid from proceeds of the Solid Waste Service Assessments. Any Solid Waste Cost relating to the provision of Additional Solid Waste and Recyclable Materials Services shall be separately billed and paid by the recipient of such Additional Solid Waste and Recyclable Materials Services.

(B) It is hereby ascertained, determined, and declared that each parcel of Assessed Property will be benefited by the Village's provision of Solid Waste and Recyclable Materials Services, facilities or programs in an amount not less than the Solid Waste Service Assessment upon such parcel computed in the manner set forth in this Initial Assessment Resolution.

Section 5. Determination of Solid Waste Cost; Establishment of Initial Solid Waste Service Assessments.

(A) The Solid Waste Cost to be assessed and apportioned among benefited parcels for the Fiscal Year beginning October 1, 2025, is \$948,589 for Solid Waste and Recyclable Materials Services, facilities or programs. The approval of this Initial Assessment Resolution determines the amount of the Solid Waste Cost for Solid Waste and Recyclable Materials Services, facilities or programs.

(B) For the Fiscal Year in which Solid Waste Service Assessments for Solid Waste and Recyclable Materials Services, facilities or programs are imposed, the Solid Waste Cost shall be allocated among all Assessed Property within the Village, based upon each parcels' classification as Residential Property and the number of Dwelling Units for such parcels. A rate of assessment equal to \$328.47 for each Dwelling Unit within a Multifamily Residential Establishment and \$702.03 for each Single-Family Residential Unit for Solid

Waste and Recyclable Materials Services, facilities and programs is hereby approved for the Fiscal Year beginning October 1, 2025.

(C) The rate of the Solid Waste Service Assessments established in this Initial Assessment Resolution shall be the rates applied by the Village Manager in the preparation of the initial Solid Waste Assessment Roll for the Fiscal Year commencing October 1, 2025, as provided in Section 6 of this Initial Assessment Resolution.

(D) In order to provide for increases in Solid Waste Costs for Solid Waste and Recyclable Materials Services, facilities and programs subsequent to the Fiscal Year commencing October 1, 2025, a Maximum Assessment Rate for any future fiscal year for each Dwelling Unit within a Multifamily Residential Establishment and for each Single-Family Residential Unit on each parcel shall not exceed annually (5%) five percent of the prior fiscal year's annual assessment rate; unless notified otherwise.

Section 6. Solid Waste Assessment Roll.

(A) The Village Manager is hereby directed to prepare, or cause to be prepared, an initial Solid Waste Assessment Roll for the Fiscal Year beginning October 1, 2025. Such initial Solid Waste Assessment Roll shall contain the following: (1) a summary description of all Assessed Property within the Village conforming to the description contained on the Tax Roll, (2) the name and address of the owner of record of each Assessed Property as shown on the Tax Roll, and (3) the amount of the initial Solid Waste Service Assessment. The initial Solid Waste Assessment Roll shall be open to public inspection. The foregoing shall not be construed to require that the initial Solid Waste Assessment Roll be in printed form if the amount of the Solid Waste Service Assessment for each parcel of property can be determined by use of a computer terminal available to the public. Such Solid Waste Service Assessment for each parcel of Assessed Property shall be computed by multiplying the applicable assessment rate by the number of Dwelling Units on the Assessed Property in accordance with Section 5 (B) above.

(B) It is hereby ascertained, determined, and declared that the foregoing method of determining the Solid Waste Service Assessments (1) is a fair and reasonable method of apportioning the Solid Waste Cost for Solid Waste and Recyclable Materials Services, facilities or programs among parcels of Assessed Property and (2) is an equitable

and efficient mechanism to address payment delinquencies and recover funds advanced for Solid Waste and Recyclable Materials Services, facilities or programs which are allocable to specific parcels of Assessed Property.

Section 7. Authorization of Public Hearing.

There is hereby established a public hearing to be held at _____P.M., on _____, the ____ day of September 2025, in the Village Council Chamber, Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving and considering any comments on the Solid Waste Service Assessments from affected property owners, including the proposed Maximum Assessment Rate.

Section 8. Notice by Publication.

The Village Clerk shall publish a notice, as required by Section 2-384 of the Village Code, in substantially the form attached hereto as Appendix A. Such notice shall be published not later than _____, 2025 in a newspaper generally circulated in the Village.

Section 9. Notice by Mail.

The Village Manager shall ensure that proper and timely notice is provided to the Owners of Assessed Property in a manner consistent with the requirements of the Village's Ordinance and Section 197.3632, Florida Statutes.

Section 10. Adjustment of Public Hearing Date.

In the event that the public hearing date or time which is provided for herein is revised because of scheduling or other conflicts, the Village Manager shall revise or direct the revision of the required public notices to conform to the revised date and time of the public hearing.

Section 11. Effective Date.

This Initial Assessment Resolution shall take effect immediately upon its passage and adoption and shall serve to ratify any action earlier taken by the Village in furtherance of the purposes of this Resolution.

PASSED AND ADOPTED this 17th day of June, 2025.



Mayor Jeffrey P. Freimark

ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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

APPENDIX A

FORM OF NOTICE TO BE PUBLISHED

To Be Published by _____, 2025

NOTICE OF HEARING TO IMPOSE AND PROVIDE FOR COLLECTION OF SOLID WASTE AND RECYCLABLE MATERIALS SERVICE SPECIAL ASSESSMENTS

Notice is hereby given that the Village Council of Bal Harbour Village, Florida, will conduct a public hearing to consider continuing to impose solid waste and recyclable materials special assessments against residential properties located within the incorporated area of the Village and to authorize the continued collection of such assessments on the tax bill for the fiscal year which commences on October 1, 2025 and future fiscal years.

The Solid Waste Service Assessments will be imposed to fund the cost of Solid Waste and Recyclable Materials Services, facilities and programs provided to such properties. The Solid Waste Costs to be assessed and apportioned among benefited parcels for the Fiscal Year beginning on October 1, 2025 is \$948,589.

The hearing will be held at _____ **P.M., on _____, the ____ day of September, 2025, in Council Chamber,** Village Hall, 655 - 96th Street, Bal Harbour, Florida, for the purpose of receiving public comment on the proposed assessments and to impose the assessment. All affected property owners have a right to appear at the hearing and to file written objections with the Village Council within 20 days of this notice. If a person decides to appeal any decision made by the Village Council with respect to any matter considered at the hearing, such person will need a record of the proceedings and may need to ensure that a verbatim record is made, including the testimony and evidence upon which the appeal is to be made. In accordance with the Americans with Disabilities Act, persons needing a special accommodation or an interpreter to participate in this proceeding should contact the Village Clerk at (305)866-4633, at least two days prior to the date of the hearing.

Unless proper steps are initiated in a court of competent jurisdiction to secure relief within 20 days from the date of Village Council action at the above hearing (including the method of apportionment, the rate of assessment and the imposition of assessments), such action shall be the final adjudication of the issues presented.

The	Solid	Waste	Service
Assessments will be computed by multiplying the number of dwelling units on each parcel by the applicable rate of assessment. The annual rate of assessment for the upcoming fiscal year shall be \$328.47 for each Multifamily Residential Establishment's Dwelling Unit within a multifamily residential building and \$702.03 for each Single-Family Residential Unit Dwelling Unit on each parcel. The Maximum Assessment Rate shall not exceed annually (5%) five percent from the prior fiscal year's annual assessment rate, unless notified otherwise. Copies of the assessment roll, showing the amount of the assessment to be imposed against each parcel of property, and the legal documentation relating to the assessments are available for inspection at the office of the Village Clerk, located at Village Hall, 655 - 96th Street, Bal Harbour, Florida.			

The assessments will be collected on the ad valorem tax bill to be mailed in November 2025, as authorized by section 197.3632, Florida Statutes. Failure to pay the assessments will cause a tax certificate to be issued against the property which may result in a loss of title.

If you have any questions, please contact the Village at (305) 866-4633, Monday through Friday between 9:00 a.m. and 5:00 p.m.

[INSERT MAP OF VILLAGE]

**VILLAGE CLERK
BAL HARBOUR VILLAGE, FLORIDA**

BAL HARBOUR

- VILLAGE -

COUNCIL ITEM SUMMARY

Condensed Title:

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA AMENDING ARTICLE II "LOCAL BUSINESS TAX" OF CHAPTER 9 "BUSINESS REGULATIONS AND BUSINESS TAX" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES.

Issue:

Should the Village Council approve the proposed 5% Local Business Tax Rate Increase for FY 2025-26 on Second Reading?

The Bal Harbour Experience:

- | | | |
|---|--|---|
| <input checked="" type="checkbox"/> Beautiful Environment | <input checked="" type="checkbox"/> Safety | <input checked="" type="checkbox"/> Modernized Public Facilities/Infrastructure |
| <input checked="" type="checkbox"/> Destination & Amenities | <input checked="" type="checkbox"/> Unique & Elegant | <input checked="" type="checkbox"/> Resiliency & Sustainable Community |
| <input checked="" type="checkbox"/> Other: <u>State Requirement</u> | | |

Item Summary / Recommendation:

Business Tax Receipt (BTR) fees are based on the type of business being run and gross sales. Businesses will need to pay a minimum fee plus a tax percentage based on the gross receipts for the calendar year. These fees are included in the General Fund revenue to fund operating budget expenditures.

With the exception of FY21, which was deferred due to the anticipated impacts of COVID-19, the BTR has been adjusted every other year since FY 2015. The annual renewal rate was increased by 5% after a historical analysis was conducted to determine BTR rate history. In FY 2015, it was determined that it had been more than 10 years since the BTR rates had been reviewed and changed, causing a significant erosion of real value due to inflation factors. The Council then approved the increase and directed staff to review the rates every other year to ensure we catch up and/or maintain the rates against inflation.


It is recommended that the Council approve the Ordinance authorizing a five-percent (5%) rate adjustment to Local Business Taxes for FY 2025-26. An increase of 5% would generate an increase of approximately \$44,000 of general revenue for FY 2026 for a projected total of \$923,079.

THE ADMINISTRATION RECOMMENDS APPROVAL OF THIS ORDINANCE.

Financial Information:

	Amount	Account	Account #
	\$923,079	Business Tax Receipt Revenue	01-00-316000

Sign off:

	Chief Financial Officer	Village Manager
	Claudia Dixon	Jorge M. Gonzalez
		

BAL HARBOUR

- V I L L A G E -

COUNCIL MEMORANDUM

TO: Honorable Mayor and Village Council

FROM: Jorge M. Gonzalez, Village Manager 

DATE: June 17, 2025

SUBJECT: **AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA; AMENDING ARTICLE II "LOCAL BUSINESS TAX" OF CHAPTER 9 "BUSINESS REGULATIONS AND BUSINESS TAX" OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES; PROVIDING FOR AN INCREASE IN CERTAIN BUSINESS TAXES; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE; AND PROVIDING FOR AN EFFECTIVE DATE.**

ADMINISTRATIVE RECOMMENDATION

It is recommended that the Council approve this Ordinance on First Reading authorizing a five-percent (5%) rate adjustment to Local Business Taxes for FY 2025-26 (FY 2026).

BACKGROUND

Pursuant to Chapter 205, Florida Statutes, counties, and municipalities are authorized to levy a local business tax. As part of the levy, each local government establishes categories of professions, occupations, and businesses, and then imposes a tax on each designated category. Under current law, the rate structures and classifications cannot be modified and the rates can only be increased by 5% every other year. Revenues collected remain with local governments as general revenue.

Beginning in FY 2023, Business Tax is expected to be temporarily negatively impacted as a result of the Shops Expansion. The average license fee for FY 2025 was \$4,034. An increase of 5% would result in an increase of the average license fee of approximately \$202.

With the exception of FY21, which was deferred due to the anticipated impacts of COVID-19, the BTR has been adjusted every other year since FY 2015. The annual renewal rate was increased by 5% after a historical analysis was conducted to determine BTR rate history. In FY 2015, it was determined that it had been more than 10 years since the BTR rates had been reviewed and changed, causing a significant erosion of real value due to inflation factors. The Council then approved the increase and directed staff to review the rates every other year to ensure we catch up and/or maintain the rates against inflation.

The BTR rates are eligible for adjustment for FY2026 by Ordinance and an increase of 5% would generate approximately \$44,000 more in general revenue than the current year projected revenue of \$879,400. By choosing not to adjust these rates as provided by Florida Statutes the Village would not keep pace with the Consumer Price Index for the

same time period and would forgo an estimated \$176,000 over four years that could be collected by the Village. Keeping current with BTR rate adjustments ensures that commercial properties carry their fair and proportionate share of the cost of government services.

THE BAL HARBOUR EXPERIENCE

This action is aligned with the Village's mission through The Bal Harbour Experience. The proposed BTR rate increase ensures that commercial properties carry their fair and proportionate share of the cost of government services, which corresponds directly to all goals, as amounts collected remain as general revenue, which supports the general government services.

CONCLUSION

Approval of this Ordinance is recommended to help ensure that BTR rates will keep pace with the Consumer Price Index adjustments and that commercial properties pay their proportionate share for the cost of Village services.

ORDINANCE NO. 2025-____

AN ORDINANCE OF BAL HARBOUR VILLAGE, FLORIDA;
AMENDING ARTICLE II "LOCAL BUSINESS TAX" OF
CHAPTER 9 "BUSINESS REGULATIONS AND BUSINESS TAX"
OF THE BAL HARBOUR VILLAGE CODE OF ORDINANCES;
PROVIDING FOR AN INCREASE IN CERTAIN BUSINESS
TAXES; PROVIDING FOR SEVERABILITY; PROVIDING FOR
INCLUSION IN THE CODE; AND PROVIDING FOR AN
EFFECTIVE DATE.

WHEREAS, the Village Council desires to increase by 5% the annual rate charged by the Village for the issuance of certain business tax receipts as authorized by applicable law.

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

Section 1. **Recitals.** The above recitals are true and correct and hereby adopted.

Section 2. **Village Code Amended.** That Section 9-40 "Local business tax schedule" of Article II "Local Business Tax" of Chapter 9 "Business regulations and business tax" of the Code of Bal Harbour Village is hereby amended to read as follows:¹

Sec. 9-40. - Local business tax schedule.¹

Local business taxes for the following businesses, occupations, or professions are hereby levied and imposed as follows:

(a) Retail sales and lease-Goods.

(1) Businesses in this category shall include but not be limited to:

Florists;

Flower stands, selling cut or potted flowers or plants;

Food sales, where not in connection with regularly licensed grocery store;

Grocery stores, which, within the meaning of this chapter, shall be construed as any place of business where groceries are sold at retail;

¹ Additions to existing Village Code text are shown by underline; deletions from existing Village Code text are shown by ~~striketrough~~. Any changes between first and second reading are shown by highlighted double underline and ~~double striketrough~~ font.

Merchants, including any person engaged in the business of selling merchandise of any kind.

(2) Taxes:

- a. Where goods carried do not exceed \$1,000.00 of stock in value
~~\$73.70~~ \$77.38
- b. For each additional \$1,000.00 or fractional part thereof ~~4.35~~ \$4.56

(3) No additional receipt required for storage accessory to selling of merchandise. Merchants possessing a local business tax receipt from the Village under the "Merchants" category for a business premises located within a building (the "Primary Business Premises") may occupy a second location within the same building or shopping mall development, solely for the purpose of providing accessory storage space for the Primary Business Premises, without being required to obtain a second local business tax receipt, so long as the value of any goods maintained in such accessory storage area have been included in calculating the local business tax applicable for the Primary Business Premises. This accessory storage space shall only be used for the storage of merchandise and shall not be used to conduct business. The use by a merchant of a desk, chair, copier, telephone, fax, modem, computer or like furnishings within said accessory storage space shall constitute conducting a business.

(b) Same–Services.

(1) Businesses in this category shall include but not be limited to:

- Automobile renting business; per auto;
- Barbershop;
- Beauty parlor;
- Boat livery, including rental, leasing; per boat;
- Carwash facility;
- Caterer;
- Dry cleaning agency and/or valet shop;

Fruit shipping;

Golf, practice driving nets;

Parking cars, meaning the business of parking motor vehicles for guests
of hotels, apartment houses, clubs and similar places;

Parking lot;

Photographer;

Service station;

Solarium.

(2) Taxes:

a. Generally ~~\$73.70~~ \$77.38

b. For barber shops or beauty parlors with chairs in excess of four, per
chair ~~15.40~~ \$16.17

(c) *Lodging.*

(1) Business in this category shall include but not be limited to:

Apartment houses or other leased or rented buildings (each room that
can be leased or rented not including kitchens and bathrooms); per each
room;

Cabanas; each;

Hotel, motel; per each room that can be leased or rented.

(2) Taxes, per room or per cabana ~~\$2.68~~ \$2.81

(d) *Restaurants.*

(1) Business in this category shall include but not be limited to:

Restaurants, drugstores, soda fountains, or other establishment serving
food, and/or liquor.

(2) Taxes:

a. For the first 35 chairs or seats ~~\$73.70~~ \$77.38

b. For each additional chair or seat over 35 ~~2.00~~ \$2.10

(e) *Late hour bars.*

(1) Business in this category shall include but not be limited to:

Establishments serving intoxicating liquor, either given away or consumed on the premises between the hours of midnight and 7:00 a.m., and shall be subject to the late hour bar business tax as well as the restaurant business tax defined in this section.

(2) Taxes ~~\$670.05~~ \$703.55

(f) Professional.

(1) Business in this category shall include but not be limited to:

Agent, broker, operator dealer, all kinds;

All individuals holding a professional license, engaged in the practice of any profession who offers his services for a consideration;

Professional management;

Stockbroker.

(2) Taxes:

a. Generally ~~\$87.10~~ \$91.45

b. Per Professional ~~26.81~~ \$28.15

(g) Vending machines.

Per machine ~~\$3.68~~ \$3.86

(h) Insurance.

Insurance company. A business tax receipt of ~~\$87.10~~ \$91.45 shall be paid by each insurance company doing business whether an office is maintained or an agent or a representative resides in the Village.

(i) Financial institutions.

(1) Business in this category shall include but not be limited to:

Financial institution, which, within the meaning of this chapter, shall include federal and State chartered banks, federal and State chartered savings and loans, industrial savings banks, trust companies, international banking agencies or representative office, credit unions and other financial businesses which are regulated by State and federal law.

(2) Taxes:

a. Generally ~~\$268.02~~ \$281.42

b. Per branch (if main bank within Village) ~~67.00~~ \$70.35

(j) *Nightclubs*. Which is defined to be a restaurant or dining room with entertainment. In addition to business tax for a restaurant or the sale of liquor.

Tax ~~\$3,350.24~~ \$3,517.75

Section 3. **Severability.** That 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 4. **Inclusion in the Code.** That it is the intention of the Village Council, and it is hereby ordained that the provisions of this Ordinance shall become and be made a part of the Code of Bal Harbour Village; that the sections of this Ordinance may be renumbered or relettered to accomplish such intentions; and that the word "Ordinance" shall be changed to "Section" or other appropriate word.

Section 5. **Effective Date.** That this Ordinance shall take effect immediately upon the adoption hereof on Second and Final Reading.

PASSED AND ADOPTED on first reading this 17th day of June, 2025.

PASSED AND ADOPTED on second reading this ____ day of _____, 2025.



Mayor Jeffrey P. Freimark

ATTEST:

Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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