

ORDINANCE NO. 2023-____

AN ORDINANCE OF THE VILLAGE COUNCIL OF BAL HARBOUR VILLAGE, FLORIDA, ADOPTING THE HOMELESS AND DOMESTIC VIOLENCE TAX, PURSUANT TO SECTION 212.0306(2)(d), FLORIDA STATUTES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1993, the Florida Legislature authorized Miami-Dade County to levy a homeless and domestic violence tax of one percent on establishments grossing over \$400,000 that are licensed by the State of Florida to sell alcoholic beverages for consumption on the premises, except for hotels and motels (Section 212.0306, Florida Statutes); and

WHEREAS, the statute exempted cities or villages imposing a municipal resort tax as authorized by Chapter 67-930 (Bal Harbour, Surfside, and Miami Beach) from this tax; and

WHEREAS, this year, the Florida Legislature amended subsection (2)(d) of the statute so these three municipalities could choose to place an item on a ballot for voter approval of the levying of the homeless and domestic violence tax within their jurisdictions, by adopting an ordinance and then placing a ballot question on a future general election; and

WHEREAS, if this tax is approved by a majority of the voters in Bal Harbour, this tax will take effect on the first day of January following the general election in which the Ordinance was approved.

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

Section 1. Recitals Adopted. That the above recitals are true and correct and incorporated into this Ordinance by this reference.

Section 2. Adoption of Tax, Subject to Voter Approval. That, pursuant to Section 212.0306(2)(d), Florida Statutes, the Village Council hereby adopts a homeless and domestic violence tax of one percent on establishments grossing over \$400,000 that are

licensed by the State of Florida to sell alcoholic beverages for consumption on the premises, except for hotels and motels. Following voter approval of this tax at a general election, this tax will become effective on the first day of January following the date of that election.

Section 3. Clerk to Distribute. That, if the tax is approved by the voters, the Village Clerk shall transmit documentation of the levying of the tax to the Florida Department of Revenue and to the Miami-Dade County Tax Collector.

Section 3. Conflicts. That all sections or parts of sections of Village resolutions or ordinances that conflict with this Ordinance are repealed to the extent of such conflict.

Section 4. Effective Date. That this Ordinance shall take effect immediately upon the adoption hereof.

PASSED AND ADOPTED on first reading this 21st day of November, 2023

PASSED AND ADOPTED on second reading this ____ day of _____, 2023.



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.