

**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 21<sup>st</sup> day of November, 2023

PASSED AND ADOPTED on second reading this 18<sup>th</sup> day of December, 2023.



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Mayor Jeffrey P. Freimark

ATTEST:

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Dwight S. Danie, Village Clerk

APPROVED AS TO FORM AND LEGAL SUFFICIENCY:

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