

**RESOLUTION NO. 2023-32719**

**A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER A 1% TAX ON FOOD/BEVERAGE SALES IN MIAMI BEACH SHOULD BE LEVIED TO FUND THE CONSTRUCTION/OPERATION OF HOUSING FOR HOMELESS PERSONS AND DOMESTIC VIOLENCE CENTERS, AND SHELTER, FOOD, CLOTHING, MEDICAL CARE, MENTAL HEALTH TREATMENT, TRAINING, AND EDUCATION.**

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH:

**SECTION 1.**

In accordance with provisions of the Charter of the City of Miami Beach, Florida and the general laws of the State of Florida, a Special Election is hereby called and directed to be held in the City of Miami Beach, Florida, from 7:00 a.m. to 7:00 p.m. on Tuesday, November 5, 2024, for the purpose of submitting to the electorate the question as set forth hereinafter.

**SECTION 2.**

That the appropriate and proper Miami-Dade County election officials shall conduct the said Special Election hereby called, with acceptance of the certification of the results of said Special Election to be performed by the City Commission. The official returns for each precinct shall be furnished to the City Clerk of the City of Miami Beach as soon as the ballots from all precincts have been tabulated.

**SECTION 3.**

That the said voting precincts in the City of said Special Election shall be as established by the proper and appropriate Miami-Dade County Election Officials. All electors shall vote at the polling places and the voting precincts as determined by the Miami-Dade County Election Officials.<sup>1</sup>

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<sup>1</sup> Pursuant to City Code Section 38-3(b): "The City Clerk shall further publish, in a newspaper meeting the requirements set forth in Florida Statute § 50.031 and on the City's website, the polling places for the election twice, once in the third week and once in the first week prior to the week in which the election is to be held."

**SECTION 4.**

Notice of the adoption of this Resolution and of its provisions calling this Special Election shall be given by publication in the Miami Herald, a newspaper of general circulation in Miami Beach, Miami-Dade County, Florida. Such publication shall be made in accordance with the provisions of Section 100.342, Florida Statutes, and Section 38-3 of the Code of the City of Miami Beach.

**SECTION 5.**

The Notice of Election shall be substantially in the following form:

THE CITY OF MIAMI BEACH, FLORIDA

NOTICE OF SPECIAL ELECTION

NOTICE IS HEREBY GIVEN THAT A SPECIAL ELECTION HAS BEEN CALLED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, AND WILL BE HELD IN SAID CITY FROM 7:00 A.M. UNTIL 7:00 P.M. ON THE 5th DAY OF NOVEMBER, 2024, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING QUESTION:

**Approve 1% Tax on Food and Beverage Sales for Homeless Assistance / Domestic Violence Centers**

To assist homeless persons and domestic abuse victims, shall Miami-Dade County levy a 1% tax on food/beverage sales for consumption on premises at alcoholic beverage establishments in Miami Beach with gross annual revenues exceeding \$400,000, except at hotels and motels, subject to approval by Miami-Dade County, to construct/operate housing for homeless persons and domestic violence centers, and provide shelter, food, clothing, medical care, mental health treatment, training, and education?

Yes \_\_\_\_\_  
No \_\_\_\_\_

Said Notice shall further set forth pertinent information regarding eligibility of electors to participate in said elections.

**SECTION 6.**

That the official ballot to be used in the Special Election to be held on November 5, 2024, hereby called, shall be in substantially the following form, to-wit:

**“OFFICIAL BALLOT”**

**Approve 1% Tax on Food and Beverage Sales for Homeless Assistance / Domestic Violence Centers**

To assist homeless persons and domestic abuse victims, shall Miami-Dade County levy a 1% tax on food/beverage sales for consumption on premises at alcoholic beverage establishments in Miami Beach with gross annual revenues exceeding \$400,000, except at hotels and motels, subject to approval by Miami-Dade County, to construct/operate housing for homeless persons and domestic violence centers, and provide shelter, food, clothing, medical care, mental health treatment, training, and education?

Yes \_\_\_\_\_

No \_\_\_\_\_

**SECTION 7.**

The form of the ballots to be used in this Special Election and their preparation shall be in compliance with all statutory requirements relating to the use of mechanical or other approved voting machines or devices.

**SECTION 8.**

Registration of persons desiring to vote in the Special and Runoff Elections shall be in accordance with the general law of the State of Florida governing voter registration. Qualified persons may obtain registration forms to vote at the Office of the City Clerk, City Hall, 1700 Convention Center Drive, First Floor, Miami Beach, Florida 33139, during normal business hours, and at such other voter registration centers and during such times as may be provided by the Supervisor of Elections of Miami-Dade County. The Miami-Dade County Supervisor of Elections will register voters for the Special Election until 5:00 p.m. on Monday, October 7, 2024. All persons eligible to vote at the Elections must be registered before the times and dates set forth herein or have registered previously, as provided by law. Each person desiring to become a registered voter shall be responsible for properly filling out the registration form and returning it to the Miami-Dade County Elections Department. All questions concerning voter registration should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87<sup>th</sup> Avenue, Miami, Florida 33172; Telephone:(305) 499-VOTE (8683).

**SECTION 9.**

That voters participating via a Vote-by-Mail ballot in said Special Election shall be entitled to cast their ballots in accordance with the provisions of the Laws of the State of Florida with

respect to such voting. All questions concerning Vote-by-Mail ballots should be directed to the Miami-Dade County Elections Department, 2700 N.W. 87" Avenue, Miami, Florida 33172; Telephone: (305) 499-VOTE (8683).

**SECTION 10.**

That the City of Miami Beach shall pay all expenses for conducting this Special Election and will pay to Miami-Dade County or directly to all persons or firms, upon receipt of invoice or statement approved by the Supervisor of Elections of Miami-Dade County, Florida.

**SECTION 11.**

That if the measure provided for in Sections 5 and 6 above shall be approved by the voters as specifically required in Section 252.0306(2)(d), Florida Statutes, as may be amended from time to time, it shall be considered adopted and effective upon the City Commission's acceptance of certification of final election results.

**SECTION 12.**

If any section, sentence, clause or phrase of this Resolution or of the ballot measure set forth in Exhibit A and incorporated herein is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way affect the validity of the remaining portions of said Resolution or ballot measure.

**SECTION 13.**

This Resolution shall be effective immediately upon its passage.


**PASSED and ADOPTED** this 26 day of July, 2023.

**ATTEST:**

JUL 28 2023

  
\_\_\_\_\_  
Rafael E. Granado  
City Clerk



  
\_\_\_\_\_  
Dan Gelber  
Mayor

(Requested by Commissioner Ricky Arriola)

JUL 28 2023

APPROVED AS TO  
FORM & LANGUAGE  
& FOR EXECUTION

  
\_\_\_\_\_  
City Attorney

7-18-23  
Date

NK

**BALLOT QUESTION AND ORDINANCE REQUIRING VOTER APPROVAL  
NOVEMBER 5, 2024 SPECIAL ELECTION**

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**I. BALLOT QUESTION:**

**Approve 1% Tax on Food and Beverage Sales for Homeless Assistance / Domestic Violence Centers**

To assist homeless persons and domestic abuse victims, shall Miami-Dade County levy a 1% tax on food/beverage sales for consumption on premises at alcoholic beverage establishments in Miami Beach with gross annual revenues exceeding \$400,000, except at hotels and motels, subject to approval by Miami-Dade County, to construct/operate housing for homeless persons and domestic violence centers, and provide shelter, food, clothing, medical care, mental health treatment, training, and education?

Yes \_\_\_\_\_  
No \_\_\_\_\_

**II. ORDINANCE SUBJECT TO VOTER APPROVAL:**

**CHAPTER 102  
TAXATION**

\* \* \*

**ARTICLE V. LOCAL BUSINESS TAX**

\* \* \*

**Sec. 102-388. Levy, collection and administration of 1% local option food and beverage tax (homeless and domestic violence tax).**

- (a) The City of Miami Beach authorizes Miami-Dade County to levy, collect and administer the 1% local option food and beverage tax (also known as the "homeless and domestic violence tax"), within the municipal limits of Miami Beach, as provided in section 212.0306 of the Florida Statutes, as the same may be amended from time to time.
- (b) The homeless and domestic violence tax shall be imposed at the rate of one (1) percent on each whole and major fraction of each dollar charged every person for the purchase of food, beverages or alcoholic beverages in establishments that are licensed by the State of Florida to sell alcoholic beverages for consumption on the premises, except hotels and motels, in the same manner, and subject to the same provisions as otherwise applicable throughout Miami-Dade County, Florida, in accordance with the Miami-Dade County Code of Ordinances, as the same may be amended from time to time.
- (c) This section 102-388 of the city code shall be subject to voter referendum approval in accordance with section 212.0306(1)(d) of the Florida Statutes, as same may be amended from time to time. If the requisite voter referendum approval is obtained, the imposition of the foregoing tax shall be further subject to approval by the Miami-Dade County Board of County Commissioners, the taxing authority authorized to levy, collect and administer the tax.

# MIAMI BEACH

## COMMISSION MEMORANDUM

TO: Honorable Mayor and Members of the City Commission  
FROM: Rafael A. Paz, City Attorney  
DATE: July 26, 2023

SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER A 1% TAX ON FOOD/BEVERAGE SALES IN MIAMI BEACH SHOULD BE LEVIED TO FUND THE CONSTRUCTION/OPERATION OF HOUSING FOR HOMELESS PERSONS AND DOMESTIC VIOLENCE CENTERS, AND SHELTER, FOOD, CLOTHING, MEDICAL CARE, MENTAL HEALTH TREATMENT, TRAINING, AND EDUCATION.

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### BACKGROUND/HISTORY

See attached Commission Memorandum.

### SUPPORTING SURVEY DATA

n/a

### FINANCIAL INFORMATION

See attached Commission Memorandum.

### Applicable Area

Citywide

Is this a "Residents Right to Know" item, pursuant to City Code Section 2-14?

Yes

Does this item utilize G.O. Bond Funds?

No

### Strategic Connection

Non-Applicable

### Legislative Tracking

Office of the City Attorney

**Sponsor**

Vice-Mayor Ricky Arriola

**ATTACHMENTS:**

**Description**

- Commission Memorandum
- Resolution

## COMMISSION MEMORANDUM

**TO:** Mayor Dan Gelber and Members of the City Commission  
City Manager Alina T. Hudak

**FROM:** Rafael A. Paz, City Attorney



**DATE:** July 26, 2023

**SUBJECT: A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, CALLING FOR A NOVEMBER 5, 2024 CITY OF MIAMI BEACH SPECIAL ELECTION, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH A QUESTION ASKING WHETHER A 1% TAX ON FOOD/BEVERAGE SALES IN MIAMI BEACH SHOULD BE LEVIED TO FUND THE CONSTRUCTION/OPERATION OF HOUSING FOR HOMELESS PERSONS AND DOMESTIC VIOLENCE CENTERS, AND SHELTER, FOOD, CLOTHING, MEDICAL CARE, MENTAL HEALTH TREATMENT, TRAINING, AND EDUCATION.**

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Pursuant to the request of Commissioner Ricky Arriola, the attached Resolution has been prepared calling for a City of Miami Beach Special Election to be held on November 5, 2024 for the purpose of submitting to the City's voters the following question:

**Approve 1% Tax on Food and Beverage Sales for Homeless Assistance / Domestic Violence Centers**

**To assist homeless persons and domestic abuse victims, shall Miami-Dade County levy a 1% tax on food/beverage sales for consumption on premises at alcoholic beverage establishments in Miami Beach with gross annual revenues exceeding \$400,000, except at hotels and motels, subject to approval by Miami-Dade County, to construct/operate housing for homeless persons and domestic violence centers, and provide shelter, food, clothing, medical care, mental health treatment, training, and education?**

As a related matter, a separate Ordinance has been placed on the July 26, 2023 agenda, which would authorize Miami-Dade County to levy, collect, and administer the 1% local option food and beverage tax (also known as the "homeless and domestic violence tax") within the municipal limits of Miami Beach, as provided in Section 212.0306, Florida Statutes (the "Statute"). The Statute was amended by the Florida Legislature earlier this year to authorize the levy of the 1% homeless and domestic violence tax in Miami Beach, subject to voter referendum approval in a General Election in an even-numbered year.

Accordingly, if the City Commission adopts the related Ordinance, the Commission must also



adopt the attached Resolution calling for a Special Election on November 5, 2024, to approve the levy of the tax, as required under Section 212.0306(2)(d), Florida Statutes.

The text of the related City Code amendment is as follows:

**CHAPTER 102  
TAXATION**

\* \* \*

**ARTICLE V. LOCAL BUSINESS TAX**

\* \* \*

**Sec. 102-388. Levy, collection and administration of 1% local option food and beverage tax (homeless and domestic violence tax).**

- (a) The City of Miami Beach authorizes Miami-Dade County to levy, collect and administer the 1% local option food and beverage tax (also known as the "homeless and domestic violence tax"), within the municipal limits of Miami Beach, as provided in section 212.0306 of the Florida Statutes, as the same may be amended from time to time.
- (b) The homeless and domestic violence tax shall be imposed at the rate of one (1) percent on each whole and major fraction of each dollar charged every person for the purchase of food, beverages or alcoholic beverages in establishments that are licensed by the State of Florida to sell alcoholic beverages for consumption on the premises, except hotels and motels, in the same manner, and subject to the same provisions as otherwise applicable throughout Miami-Dade County, Florida, in accordance with the Miami-Dade County Code of Ordinances, as the same may be amended from time to time.
- (c) This section 102-388 of the city code shall be subject to voter referendum approval in accordance with section 212.0306(1)(d) of the Florida Statutes, as same may be amended from time to time. If the requisite voter referendum approval is obtained, the imposition of the foregoing tax shall be further subject to approval by the Miami-Dade County Board of County Commissioners, the taxing authority authorized to levy, collect and administer the tax.

\* \* \*

**FISCAL IMPACT STATEMENT**

The Miami-Dade County Elections Department has provided the City Clerk with an estimate of approximately \$28,747.40 (Cost Estimate for One Page Ballot) and \$56,041.70 (Cost Estimate in the Scenario Multiple Questions Triggers an Additional Page) to conduct the November 5, 2024 Special Election. (See Department of Election Estimates.) Additionally, the City will incur approximately \$42,000 in legally mandated advertisements, required by the Florida Statutes and the City Code, to notice this Special Election.

**Amount(s)/Account(s):**

\$28,747.40 - Estimate 1-page ballot (Scenario 1)

\$56,041.70 - Estimate 2-page ballot (Scenario 2)

Commission Memorandum –1% Local Option Food and Beverage Tax  
July 26, 2023  
Page 3

\$42,000.00 - Estimate of Legally Mandated Advertisements for Special Election (Charter  
Amendments/Ballot Questions)

Maximum Estimated Amount: \$126,789.10

Account: 011-9322-000312-90-400-592-00-00-00

RAP/NK/ag

## ESTIMATE

### City of Miami Beach - Piggyback Election - November 5, 2024

Rafael E. Granado, City Clerk  
 City of Miami Beach  
 1700 Convention Center Dr., #200  
 Miami Beach, FL 33139

Estimate N°: MB-PB-110524  
 Estimate Date: July 6, 2023

Registered Voters:	50,948	Early Voting Days:	
Precincts:	29	Early Voting Sites:	
Polling Places:	23		
Permanent Absentee Ballots:	15,000		

<b>Personnel</b>	<b>\$</b>	<b>-</b>
<i>Salaries &amp; Fringe Benefits, Overtime, Poll Workers</i>		
<b>Polling Places</b>		-
<i>Security, Polling Place Rentals</i>		
<b>Supplies and Services</b>		-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>		
<b>Trucks and Vehicles</b>		-
<i>Truck Rentals, GSA Vehicles</i>		
<b>Printing and Advertising</b>		25,474.00
<i>Absentee, Early Voting &amp; Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>		
<b>Postage</b>		-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>		
<b>Ballot Creation</b>		660.00
<i>In-House &amp; Outside Contractual Services, Translations - Based on one question</i>		
<b>Administrative Overhead</b>		2,613.40
<i>Indirect Costs, Logic &amp; Accuracy, Post-Election Audits</i>		
<b>*TOTAL</b>	<b>\$</b>	<b><u>28,747.40</u></b>

\* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Jose J Ponce  
 Deputy Supervisor of Elections  
 Miami-Dade Elections Department  
 2700 NW 87 Avenue  
 Miami, Florida 33172

Office: 305-499-8320 E-mail: jose.ponce@miamidade.gov

## ESTIMATE

### City of Miami Beach - Piggyback Election - November 5, 2024 w/ additional page

Rafael E. Granado, City Clerk  
 City of Miami Beach  
 1700 Convention Center Dr., #200  
 Miami Beach, FL 33139

Estimate N°: MB-(2)-PB-110524  
 Estimate Date: July 6, 2023

Registered Voters:	50,948	Early Voting Days:	
Precincts:	29	Early Voting Sites:	
Polling Places:	23		
Permanent Absentee Ballots:	15,000		

<b>Personnel</b>	\$ -
<i>Salaries &amp; Fringe Benefits, Overtime, Poll Workers</i>	
<b>Polling Places</b>	-
<i>Security, Polling Place Rentals</i>	
<b>Supplies and Services</b>	-
<i>Election Supplies, Communication Charges, Absentee Ballots Set Up</i>	
<b>Trucks and Vehicles</b>	-
<i>Truck Rentals, GSA Vehicles</i>	
<b>Printing and Advertising</b>	50,287.00
<i>Absentee, Early Voting &amp; Precinct Ballots, Temporary Polling Place Change Notices, Newspaper Ads</i>	
<b>Postage</b>	-
<i>Absentee Ballots Sent and Business Reply, Temporary Polling Place Change Notices, Letters</i>	
<b>Ballot Creation</b>	660.00
<i>In-House &amp; Outside Contractual Services, Translations - Based on one question</i>	
<b>Administrative Overhead</b>	5,094.70
<i>Indirect Costs, Logic &amp; Accuracy, Post-Election Audits</i>	
<b>*TOTAL</b>	<b>\$ 56,041.70</b>

\* Please note these costs are estimates and are subject to change. This estimate does include the cost of ballot printing; however, if your question(s)/race(s) creates an additional ballot page, the cost will be adjusted accordingly.

For more information, you may contact:

Jose J Ponce  
 Deputy Supervisor of Elections  
 Miami-Dade Elections Department  
 2700 NW 87 Avenue  
 Miami, Florida 33172

Office: 305-499-8320 E-mail: jose.ponce@miamidade.gov