

**ORDINANCE NO. 2024-1776**

**AN ORDINANCE OF THE TOWN COMMISSION OF THE TOWN OF SURFSIDE, FLORIDA, AMENDING SECTION 70-122, OF DIVISION 1.–“RESORT TAX”, OF ARTICLE IV.–“RESORT TAX”, CHAPTER 70 OF THE TOWN CODE, TO AMEND THE TAXES TO CONSTITUTE SPECIAL FUND; PROVIDING FOR CODIFICATION; PROVIDING FOR SEVERABILITY; PROVIDING FOR CONFLICTS; PROVIDING FOR INCORPORATION OF RECITALS; AND PROVIDING FOR AN EFFECTIVE DATE.**

**WHEREAS**, the Town of Surfside (the “Town”) has a Resort Tax (the “Tax”) to explore, create, and organize events and activities that enhance Town tourism; and

**WHEREAS**, Section 70-122 of the Town Code establishes a separate fund for the Tax; and

**WHEREAS**, the Town Commission desires to delete any required minimum allocation of the Tax directed to advertising, promotion and special events; and

**WHEREAS**, in order to achieve the Town’s objectives, the Town Commission seeks to amend Section 70-122 to delete any specific allocation directed to particular activities; and

**WHEREAS**, the Town Commission finds that amending Section 70-122 of the Town Code is in the best interest and welfare of the Town.

**NOW, THEREFORE, THE COMMISSION OF THE TOWN OF SURFSIDE HEREBY ORDAINS:**

**Section 1.      Recitals Adopted.** The above-stated recitals are hereby adopted and confirmed.

**Section 2.      Town Code Amended.** The Code of Ordinances of the Town of Surfside, Florida is hereby amended by amending Section 70-122, “Taxes to constitute special fund”, as follows:

Chapter 70 – Taxation

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<sup>1</sup> Coding: ~~Strikethrough words~~ are deletions to the existing words. Underlined words are additions to the existing words. Changes between first and second reading are indicated with highlighted ~~double-strikethrough~~ and double underline.

Article IV. – Resort Tax

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Division 2. – Resort Tax Board

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Sec. 70-122. – Taxes to constitute special fund.

The total receipts of the resort tax portion from the tax imposed and levied pursuant to this article shall be kept and maintained in a separate fund and shall in no event be transferred to the general fund. The use of this fund is subject to the budgetary process of the town on a fiscal year basis. A budget for the utilization of this fund must be submitted for the town commission approval as a part of the budget adoption process. ~~A minimum of 34 percent of the fund shall be used for the promotion of the tourist industry under the annual tourist bureau budget, which shall include but not be restricted to the following: publicity, advertising, promotional events, tourist bureau activities.~~

\* \* \*

**Section 3. Severability.** If any section, sentence, clause or phrase of this ordinance 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 this ordinance.

**Section 4. Inclusion in the Code.** It is the intention of the Town Commission, and it is hereby ordained that the provisions of this Ordinance shall become and made a part of the Town of Surfside Code of Ordinances, that the sections of this Ordinance may be renumbered or re-lettered to accomplish such intentions; and the word "Ordinance" may be changed to "Section" or other appropriate word.

**Section 5. Conflicts.** Any and all Ordinances and Resolutions or parts of Ordinances or Resolutions in conflict herewith are hereby repealed.

**Section 6. Effective Date.** That this Ordinance shall become effective upon adoption.

**PASSED AND ADOPTED** on first reading this 18<sup>th</sup> day of June, 2024.

**PASSED AND ADOPTED** on second reading this 9<sup>th</sup> day of July, 2024.

**First Reading:**

Motion by: Commissioner Velasquez

Second by: Commissioner Coto

**Second Reading:**

Motion by: Commissioner Velasquez

Second by: Commissioner Coto

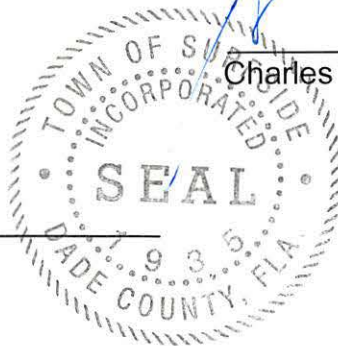
**FINAL VOTE ON ADOPTION**

|                                  |            |
|----------------------------------|------------|
| Commissioner Ruben A. Coto       | <u>Yes</u> |
| Commissioner Nelly Velasquez     | <u>Yes</u> |
| Commissioner Gerardo Vildostegui | <u>Yes</u> |
| Vice Mayor Tina Paul             | <u>Yes</u> |
| Mayor Charles W. Burkett         | <u>Yes</u> |


Charles W. Burkett, Mayor

**ATTEST:**

  
Sandra N. McCreedy, MMC  
Town Clerk



**APPROVED AS TO FORM AND LEGALITY FOR THE USE  
AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**

  
Mark Blumstein, Esq.  
Interim Town Attorney