

**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.**

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

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

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

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

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

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

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

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19           **Section 2.**           **Town Code Amended.**   The Code of Ordinances of the Town of  
20 Surfside, Florida is hereby amended by amending Section 70-122, “Taxes to constitute  
21 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.

27 Article IV. – Resort Tax

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31 Division 2. – Resort Tax Board

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

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

46 \* \* \*

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49 **Section 3. Severability.** If any section, sentence, clause or phrase of this  
50 ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction,  
51 then said holding shall in no way affect the validity of the remaining portions of this  
52 ordinance.

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

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

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

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

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

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70 **First Reading:**

71 Motion by: Commissioner Velasquez

72 Second by: Commissioner Coto

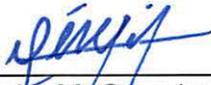
73 **Second Reading:**  
74 Motion by: Commissioner Velasquez  
75 Second by: Commissioner Coto  
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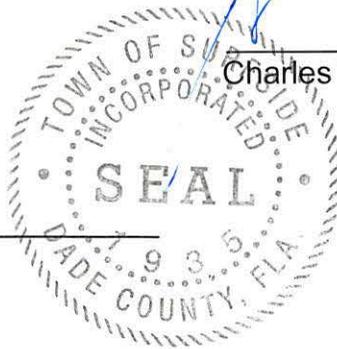
77 **FINAL VOTE ON ADOPTION**

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79 Commissioner Ruben A. Coto Yes  
80 Commissioner Nelly Velasquez Yes  
81 Commissioner Gerardo Vildostegui Yes  
82 Vice Mayor Tina Paul Yes  
83 Mayor Charles W. Burkett Yes  
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88 \_\_\_\_\_ Charles W. Burkett, Mayor

89 **ATTEST:**

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92 \_\_\_\_\_  
93 *for* Sandra N. McCreedy, MMC  
94 Town Clerk



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96 **APPROVED AS TO FORM AND LEGALITY FOR THE USE**  
97 **AND BENEFIT OF THE TOWN OF SURFSIDE ONLY:**  
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101 Mark Blumstein, Esq.  
102 Interim Town Attorney