RESOLUTION NO. 2019-022

RESOLUTION OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, URGING THE FLORIDA LEGISLATURE TO PASS LEGISLATION MODIFYING THE TOURIST DEVELOPMENT TAX ("BED TAX") SO AS TO CREATE A MORE FAIR APPORTIONMENT OF RELATED FUNDING TO MUNICIPALITIES IN MIAMI-DADE COUNTY; PROVIDING FOR TRANSMITTAL; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, in 1978, the Florida Legislature passed the Tourist Development Tax (commonly referred to as the "Bed Tax"), which called for a tax to be imposed on every person who rents, leases, or lets for consideration any living quarters or accommodations in any hotel, apartment hotel, motel, resort motel, apartment, apartment motel, rooming house, mobile home park, recreational vehicle park, condominium, or timeshare resort for a term of 6 months or less is exercising a privilege which is subject to taxation under this section, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of chapter 212; and

WHEREAS, pursuant to Section 125.0104, the Bed Tax was and continues to be levied by counties, unless a municipality had a similar tax in place at the time of the implementation of the Tourist Development Tax legislation; and

WHEREAS, in Miami-Dade County, three municipalities - Surfside, Bal Harbour, and Miami Beach - are exempt from the Bed Tax legislation and levy their own similar tax; and

WHEREAS, the Bed Tax is a two percent (2%) tax, collected throughout Miami- Dade County, with the exception of the cities of Surfside, Bal Harbour and Miami Beach, with sixty percent (60%) of the Bed Tax distributed to the Greater Miami Convention and Visitors Bureau, twenty percent (20%) to the Miami-Dade County Department of Cultural Affairs, and twenty percent (20%) to the City of Miami; and

WHEREAS, many municipalities in Miami-Dade County have experienced tremendous growth in the number of hotels and hotel guests in their communities; and

WHEREAS, such growth has increased demand for a variety of municipal services, including, but not limited to, police services, for which the Bed Tax has not been properly distributed to assist in the recovery of those increased costs; and

WHEREAS, many municipalities in Miami-Dade have not benefitted from their fair share of promotional and economic development funds associated with the Bed Tax; and

WHEREAS, as a result, municipalities are demanding for a change to the Chapter 125, Florida Statutes, so as to provide municipalities with their fair share of Bed Tax funds, which are being generated in their communities and not being fairly returned.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, AS FOLLOWS:

Section 1. The foregoing recitals are confirmed, adopted, and incorporated herein and made a part hereof by this reference.

Section 2. The Florida Legislature is hereby strongly urged to pass legislation that either allows municipalities to levy their own hotel tax in addition to the Bed Tax or change the apportionment formula so as to require Miami-Dade County to proportionately and more fairly distribute Bed Tax funds throughout municipalities.

Section 3. The City Clerk is hereby directed to transmit this Resolution to the Speaker of the Florida House of Representatives, the President of the Florida Senate, the Governor of the State of Florida, and such individuals of the Florida legislature and staff as deemed appropriate by the Mayor, to ensure that the City's position with this regard is clearly received and understood.

Section 4. This Resolution shall become effective immediately upon signature of the Mayor of the City of Hialeah, Florida or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 26 day of February, 2019.

Vivian Casáls-Muñoz
Council President

Attest:

Approved on this 5 day of March, 2019.

Marbelys Fatjo, City Clerk

Mayor Carlos Hernandez

Approved as to legal sufficiency and form:

Lorena E. Bravo, City Attorney

Resolution was adopted by a 7-0 vote with Councilmembers, Caragol, Zogby, Lozano, Casáls-Munoz, Hernandez, Garcia-Martinez and Cue-Fuente voting "Yes".

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