

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA CALLING FOR A SPECIAL ELECTION ON NOVEMBER 7, 2017, FOR THE PURPOSE OF SUBMITTING TO THE ELECTORATE OF THE CITY OF MIAMI BEACH, FLORIDA A BALLOT QUESTION ASKING WHETHER THE CITY COMMISSION SHALL ADOPT AN ORDINANCE TERMINATING AT 2:00 A.M. (INSTEAD OF 5:00 A.M.) THE SALE AND CONSUMPTION OF ALCOHOLIC BEVERAGES AT ALCOHOLIC BEVERAGE ESTABLISHMENTS LOCATED ON OCEAN DRIVE BETWEEN 5TH AND 15TH STREETS, EXEMPTING INDOOR PORTIONS OF ALCOHOLIC BEVERAGE ESTABLISHMENTS THAT ARE COMPLETELY ENCLOSED AND LOCATED ENTIRELY WITHIN HOTELS, AND REQUIRING A 6/7THS VOTE OF THE CITY COMMISSION TO AMEND OR REPEAL THE ORDINANCE.

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 7, 2017, for the purpose of submitting to the electorate the advisory, nonbinding straw ballot 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 Miami Beach 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 as set forth in the attached Exhibit "A".¹

SECTION 4.

Not less than thirty days 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 ("Notice") 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 7th DAY OF NOVEMBER, 2017, AT WHICH TIME THERE SHALL BE SUBMITTED TO THE DULY REGISTERED AND QUALIFIED VOTERS OF THE CITY OF MIAMI BEACH THE FOLLOWING BALLOT QUESTION:

¹ As of date, the City of Miami Beach has not received from Miami-Dade County Elections Department the final list of polling places for the City's November 7, 2017 Special Election. Accordingly, attached to this Resolution is a list of polling places from the City's November 2016 General Election, which upon receipt from the County, will be superseded by the Department of Elections' list of polling places for the City's subject November 7, 2017 Special Election, which list of polling places for the City's November 7, 2017 Special Election will be publicly noticed by the City.

**Ordinance terminating the sale and consumption
of alcoholic beverages on Ocean Drive at 2:00 a.m**

Shall the City Commission adopt an Ordinance terminating at 2:00 a.m. (instead of 5:00 a.m.) the sale and consumption of alcoholic beverages at alcoholic beverage establishments located on Ocean Drive between 5th and 15th Streets, exempting indoor portions of alcoholic beverage establishments that are completely enclosed and located entirely within hotels, and requiring a 6/7ths vote of the City Commission to amend or repeal the Ordinance?

_____ YES
_____ NO

Said Notice shall further set forth the several polling places in the election precincts as established in accordance with Section 3 hereof, and shall further set forth pertinent information regarding eligibility of electors to participate in said election.

SECTION 6.

That the official ballot to be used in the Special Election to be held on November 7, 2017, hereby called, shall be in substantially the following form:

OFFICIAL BALLOT

**Ordinance terminating the sale and consumption
of alcoholic beverages on Ocean Drive at 2:00 a.m**

Shall the City Commission adopt an Ordinance terminating at 2:00 a.m. (instead of 5:00 a.m.) the sale and consumption of alcoholic beverages at alcoholic beverage establishments located on Ocean Drive between 5th and 15th Streets, exempting indoor portions of alcoholic beverage establishments that are completely enclosed and located entirely within hotels, and requiring a 6/7ths vote of the City Commission to amend or repeal the Ordinance?

_____ 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 Election 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 this Special Election until 5:00 p.m. on October 10, 2017. All persons eligible to vote in this Special Election must be registered before the time and date 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 Office. All questions concerning voter registration should be directed to the Miami-Dade County Elections Office, 2700 N.W. 87th Avenue, Doral, Florida 33172; Telephone: (305) 499-VOTE (8683).

SECTION 9.

That the absentee voters participating 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 absentee voting.

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.

If any section, sentence, clause or phrase of the ballot measure set forth above in this Resolution 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 ballot measure.

SECTION 12.

This Resolution shall be effective immediately upon its passage.

PASSED and **ADOPTED** this _____ day of _____, 2017.

ATTEST:

Philip Levine
Mayor

Rafael E. Granado
City Clerk

(Sponsored by Mayor Philip Levine)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION

Rafael *6-2-17*

City Attorney Date

NK

**PROPOSED BALLOT QUESTION
NOVEMBER 7, 2017 SPECIAL ELECTION**

I. PROPOSED BALLOT QUESTION:

**Ordinance terminating the sale and consumption
of alcoholic beverages on Ocean Drive at 2:00 a.m**

Shall the City Commission adopt an Ordinance terminating at 2:00 a.m. (instead of 5:00 a.m.) the sale and consumption of alcoholic beverages at alcoholic beverage establishments located on Ocean Drive between 5th and 15th Streets, exempting indoor portions of alcoholic beverage establishments that are completely enclosed and located entirely within hotels, and requiring a 6/7ths vote of the City Commission to amend or repeal the Ordinance?

_____ YES

_____ NO

II. PROPOSED LEGISLATION:

**CHAPTER 142
ZONING DISTRICTS AND REGULATIONS**

* * *

ARTICLE II. – DISTRICT REGULATIONS

* * *

DIVISION 13. – MXE MIXED USE ENTERTAINMENT DISTRICT

* * *

Sec. 142-551. Additional regulations for alcoholic beverage establishments.

(a) Hours of sale. Notwithstanding the regulations set forth in section 6-3, alcoholic beverages shall not be offered for sale or consumption between the hours of 2:00 a.m. and 8:00 a.m. at alcoholic beverage establishments located between Ocean Court to the west, Ocean Drive to the east, 5th Street to the south, and 15th Street to the north.

(b) Exceptions. Notwithstanding subsection (a), and only as applicable to indoor portions of alcoholic beverage establishments that are completely enclosed and located entirely within hotels located between Ocean Court to the west, Ocean Drive to the east, 5th Street to the south, and 15th Street to the north, alcoholic beverages shall not be offered for sale or consumption between the hours of 5:00 a.m. and 8:00 a.m.