

MEMORANDUM

Agenda Item No. 11(A)(4)

TO: Honorable Chairman Jose "Pepe" Diaz
and Members, Board of County Commissioners

DATE: February 2, 2021

FROM: Geri Bonzon-Keenan
Successor County Attorney

SUBJECT: Resolution opposing Senate Bill
522, House Bill 219, or similar
legislation that would further
preempt counties and cities in
Florida from regulating short-
term vacation rentals

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Commissioner Sally A. Heyman.



Geri Bonzon-Keenan
Successor County Attorney

GBK/smm




MEMORANDUM

(Revised)

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and Members, Board of County Commissioners

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Please note any items checked.

- ☐ "3-Day Rule" for committees applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Statement of social equity required
- ☐ Ordinance creating a new board requires detailed County Mayor's report for public hearing
- ☒ No committee review
- ☐ Applicable legislation requires more than a majority vote (i.e., 2/3's present ____, 2/3 membership ____, 3/5's ____, unanimous ____, CDMP 7 vote requirement per 2-116.1(3)(h) or (4)(c) ____, CDMP 2/3 vote requirement per 2-116.1(3)(h) or (4)(c) ____, or CDMP 9 vote requirement per 2-116.1(4)(c)(2) ____ to approve
- ☐ Current information regarding funding source, index code and available balance, and available capacity (if debt is contemplated) required

Approved _____ Mayor
Veto _____
Override _____

Agenda Item No. 11(A)(4)

2-2-21

RESOLUTION NO. _____

RESOLUTION OPPOSING SENATE BILL 522, HOUSE BILL
219, OR SIMILAR LEGISLATION THAT WOULD
FURTHER PREEMPT COUNTIES AND CITIES IN FLORIDA
FROM REGULATING SHORT-TERM VACATION
RENTALS

WHEREAS, in recent years, short-term vacation rentals available through home-sharing platforms, such as Airbnb and HomeAway, have become increasingly popular in local communities throughout Florida; and

WHEREAS, short-term vacation rentals are appealing in part because they may provide tourists with more economical options for lodging, and may allow local residents to supplement their incomes by periodically renting out their homes, condominiums, or apartments, or some portion thereof; and

WHEREAS, nevertheless, short-term vacation rentals also sometimes present challenges to local communities because, until recent years, they have largely been operating unregulated, circumventing the rules and taxes enforced on traditional lodging accommodations; and

WHEREAS, in addition, short-term vacation rentals also may pose concerns related to safety, security, noise, traffic, and overall quality of life in neighborhoods that have traditionally been residential in character; and

WHEREAS, under current Florida law, chapter 509, Florida Statutes, local governments are preempted from enacting new regulations, after June 2011, that would prohibit vacation rentals or that would regulate the duration or frequency of such rentals; and

WHEREAS, while some local governments, including Miami-Dade County, have been able to craft appropriate regulations to meet the needs of their communities and protect local neighborhoods under current state law, any further preemption of local governments in this area would be detrimental to local communities and their residents; and

WHEREAS, the problems presented by short-term vacation rentals are inherently local in nature and are therefore best addressed at the local level; and

WHEREAS, in 2017, Miami-Dade County adopted commonsense local regulations pertaining to vacation rentals, including a requirement that vacation rental operators obtain an annually-renewable certificate of use from the County for each vacation rental property; and

WHEREAS, in 2020, those regulations were revised in cooperation with certain home-sharing platforms, facilitating a partnership between the County and such platforms to ensure that vacation rentals can operate safely and appropriately in our residential communities; and

WHEREAS, Senate Bill (SB) 522 and House Bill (HB) 219 have been filed by Senator Manny Diaz (R – Hialeah Gardens) and Representative Jason Fischer (R – Jacksonville), respectively, for consideration during the Florida Legislature’s 2021 session; and

WHEREAS, among other things, those bills would expand the preemption existing under current state law, noted above, and prohibit local governments from regulating home-sharing platforms and requiring the local inspection or licensing of vacation rental properties; and

WHEREAS, in addition, SB 522 and HB 219 purport to allow local governments to continue to regulate “activities that arise when a property is used as a vacation rental,” but only if the local regulation “applies uniformly to all residential properties without regard to whether the property is used as a vacation rental”; and

WHEREAS, thus, under this new expanded preemption, local governments would not be able to effectively regulate, and prevent, the sometimes negative effects specific to vacation rentals—such as increased traffic, noise, and crime—without also burdening regular residential property owners who do not choose to use their property for such purposes; and

WHEREAS, the County is a prime tourist destination, drawing visitors from all over the world, many of whom choose to utilize vacation rentals for lodging when visiting; and

WHEREAS, properties located in residential neighborhoods in the County are therefore often rented for short periods of time and are sometimes used as party houses, with substantial negative effects on the peace and tranquility of the long-term residents who have chosen to live in quiet neighborhoods away from commercial activities; and

WHEREAS, under the proposed legislation, the County and other local governments in Florida likely would not be able to continue to protect these residents and their neighborhoods without also burdening them with additional regulations that, but for the proposed expanded preemption, would not be necessary or desirable; and

WHEREAS, such an indiscriminate approach to regulation does not allow local governments to target the problems associated with vacation rentals in a narrow and discrete manner; and

WHEREAS, to protect their communities, local governments must continue to have the ability and flexibility to enforce existing regulations pertaining specifically to vacation rentals and to enact new regulations as circumstances may in the future require; and

WHEREAS, accordingly, this Board wishes to oppose the proposed legislation, which would further preempt local governments from regulating vacation rentals in Florida,

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF MIAMI-DADE COUNTY, FLORIDA, that this Board:

Section 1. Opposes Senate Bill 522, House Bill 219, or similar legislation that would further preempt counties and cities in Florida from regulating short-term vacation rentals.

Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, Senator Manny Diaz, Representative Jason Fischer, and the Chair and Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to oppose the legislation described in Section 1 above, and authorizes and directs the Office of Intergovernmental Affairs to amend the 2021 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Sally A. Heyman. It was offered by Commissioner _____, who moved its adoption. The motion was seconded by Commissioner _____ and upon being put to a vote, the vote was as follows:

Jose "Pepe" Diaz, Chairman	
Oliver G. Gilbert, III, Vice-Chairman	
Sen. René García	Keon Hardemon
Sally A. Heyman	Danielle Cohen Higgins
Eileen Higgins	Joe A. Martinez
Kionne L. McGhee	Jean Monestime
Raquel A. Regalado	Rebeca Sosa
Sen. Javier D. Souto	

The Chairperson thereupon declared this resolution duly passed and adopted this 2nd day of February, 2021. This resolution shall become effective upon the earlier of (1) 10 days after the date of its adoption unless vetoed by the County Mayor, and if vetoed, shall become effective only upon an override by this Board, or (2) approval by the County Mayor of this resolution and the filing of this approval with the Clerk of the Board.

MIAMI-DADE COUNTY, FLORIDA
BY ITS BOARD OF
COUNTY COMMISSIONERS

HARVEY RUVIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



James Eddie Kirtley