

MEMORANDUM

Agenda Item No. 11(A)(31)


TO: Honorable Chairman Oliver G. Gilbert, III
and Members, Board of County Commissioners

DATE: December 12, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution opposing Senate
Bill 280 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 Micky Steinberg and Co-Sponsor Commissioner Eileen Higgins.



Geri Bonzon-Keenan
County Attorney

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MDC001



MEMORANDUM
(Revised)

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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)(31)
12-12-23

RESOLUTION NO. _____

RESOLUTION OPPOSING SENATE BILL 280 OR SIMILAR
LEGISLATION THAT WOULD FURTHER PREEMPT
COUNTIES AND CITIES IN FLORIDA FROM
REGULATING SHORT-TERM VACATION RENTALS

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

WHEREAS, short-term vacation rentals 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 have a tendency to present 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 law, as provided in chapter 509 of the Florida Statutes, local governments are preempted from enacting new regulations after June 2011 that would prohibit vacation rentals or regulate the duration or frequency of such rentals; and

WHEREAS, Senate Bill (SB) 280 has been filed by Senator Nick DiCeglie (R – St. Petersburg) for consideration during the Florida Legislature’s 2024 session; and

WHEREAS, among other things, this bill would expand the preemption existing under current state law by prohibiting local governments from regulating advertising platforms, such as Airbnb and HomeAway, subject to limited exceptions; and

WHEREAS, in addition, while SB 280 would allow local governments to create a local vacation rental registration program, it would limit their ability to impose certain fees and fines and to conduct certain inspections as part of such program; and

WHEREAS, in addition, SB 280 would require local governments to accept or deny each registration application within 15 days, absent an agreed-upon extension of time, or else the application shall be deemed accepted, and would require local governments to provide written reasons when denying an application; and

WHEREAS, SB 280 would also preempt local governments from imposing conditions upon vacation rental registrations, subject to certain exceptions; and

WHEREAS, in addition to the foregoing, SB 280 would allow local governments to impose other regulations upon vacation rentals only if such regulation “is uniformly applied without regard to whether the residential property is used as a vacation rental”; and

WHEREAS, thus, under this expanded preemption, local governments would not be able to effectively address certain 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, 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, the bill also caps at \$300 the fines that local governments may impose for failing to register a vacation rental or for violating the requirements enumerated above, and also limits the circumstances under which local governments may suspend or revoke a vacation rental registration; 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 comply with certain vacation rental standards; and

WHEREAS, in 2020, those regulations were revised in cooperation with certain advertising 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, 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 certain residential neighborhoods in the County are commonly 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 urban noise and commercial activities; and

WHEREAS, the use of vacation rentals in this manner has been widely reported in the media in recent years; 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 any further preemption of local governments in this area would be detrimental to the ability of local communities and residents to protect the quiet enjoyment of their neighborhoods; 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 280 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 Nick DiCeglie, 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 2024 State Legislative Package to include this item.

The Prime Sponsor of the foregoing resolution is Commissioner Micky Steinberg and the Co-Sponsor is Commissioner Eileen Higgins. 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:

Oliver G. Gilbert, III, Chairman
Anthony Rodriguez, Vice Chairman

Marleine Bastien	Juan Carlos Bermudez
Kevin Marino Cabrera	Sen. René García
Roberto J. Gonzalez	Keon Hardemon
Danielle Cohen Higgins	Eileen Higgins
Kionne L. McGhee	Raquel A. Regalado
Micky Steinberg	

The Chairperson thereupon declared this resolution duly passed and adopted this 12th day of December, 2023. 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

JUAN FERNANDEZ-BARQUIN, CLERK

By: _____
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.



James Eddie Kirtley