

MEMORANDUM

Agenda Item No. 11(A)(3)

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

DATE: October 3, 2023

FROM: Geri Bonzon-Keenan
County Attorney

SUBJECT: Resolution urging the Florida
Legislature to enact additional
legislation to clarify that public
lodging establishments may not
charge hourly rates or rates of
less or more than one hour or
other fractional increments, and
to permit local governments to
enforce the statutory prohibition
relating to such rates

Resolution No. R-887-23

The accompanying resolution was prepared and placed on the agenda at the request of Prime Sponsor Senator René García.



Geri Bonzon-Keenan
County Attorney

GBK/gh



MEMORANDUM

(Revised)

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

DATE: October 3, 2023

FROM: 
Gen Bonzon-Keenan
County Attorney

SUBJECT: Agenda Item No. 11(A)(3)

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)(3)
10-3-23

RESOLUTION NO. R-887-23

RESOLUTION URGING THE FLORIDA LEGISLATURE TO ENACT ADDITIONAL LEGISLATION TO CLARIFY THAT PUBLIC LODGING ESTABLISHMENTS MAY NOT CHARGE HOURLY RATES OR RATES OF LESS OR MORE THAN ONE HOUR OR OTHER FRACTIONAL INCREMENTS, AND TO PERMIT LOCAL GOVERNMENTS TO ENFORCE THE STATUTORY PROHIBITION RELATING TO SUCH RATES

WHEREAS, according to a report by the International Labor Organization, global human trafficking generates an estimated \$150,000,000,000.00 annually, with commercial sexual exploitation accounting for \$99,000,000,000.00; and

WHEREAS, in July 2018, a study conducted by the non-governmental organization Polaris revealed that 80 percent of forced commercial sex acts occur at a motel or hotel, and that traffickers also used such establishments to hold their victims in captivity; and

WHEREAS, because they are inexpensive and can be rented for short periods of time, motels and hotels that offer rooms for rent on an hourly basis may be particularly attractive to individuals engaged in prostitution, human sex trafficking, illicit drug sales and use, and other illegal conduct; and

WHEREAS, courts have recognized that it is reasonable to believe that motels and hotels offering shorter rental time periods may foster criminal activity, such as prostitution, and that the government may therefore regulate motels and hotels that rent rooms for short periods of time in the interest of crime prevention; and

WHEREAS, during the Florida Legislature's 2022 session, legislation was introduced to prohibit hotels and motels from charging an hourly rate; and

WHEREAS, House Bill 1439, relating to human sexual trafficking, would have prohibited such hourly rates; and

WHEREAS, as noted in a staff analysis to House Bill 1439, “traffickers frequently leverage and exploit legitimate businesses or institutions such as . . . hotels or motels”; and

WHEREAS, while House Bill 1439 was not enacted into law during the 2022 session, the Florida Legislature passed Senate Bill 898, also known as “Miya’s Law”, which included a prohibition relating to hourly rates at hotels and motels; and

WHEREAS, this law, which is codified within chapter 509 of the Florida Statutes, provides, in relevant part, that “[a]n operator of a public lodging establishment may not offer an hourly rate for an accommodation”; and

WHEREAS, chapter 509 governs the regulation of lodging and food services establishments in Florida, including hotels and motels, and such regulation is expressly preempted to the state; and

WHEREAS, this preemption includes a limited exception that allows local governments to conduct inspections of public lodging establishments for compliance with the Florida Building Code and the Florida Fire Prevention Code, and the role of local government in enforcement is expressly limited to providing assistance upon request to the Division of Hotels and Restaurants of the Florida Department of Business and Professional Regulation; and

WHEREAS, there is concern that some hotels and motels may attempt to evade the new prohibition on hourly rates in chapter 509 by offering rates of less or more than one hour or other fractional increments; and

WHEREAS, to ensure that the statutory prohibition is comprehensive in fulfilling its purpose, the Legislature should enact additional clarifying legislation to prevent hotels and motels from offering rates other than a daily rate, such as rates of less or more than one hour or other fractional rates, or should alternatively allow local governments to enact such clarifying legislation; and

WHEREAS, in addition, to ensure that the statutory prohibition is robustly enforced, the Legislature should revise the preemption in chapter 509 to allow local governments, as well as the state, to enforce the statutory prohibition on hourly and fractional rates,

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

Section 1. Urges the Florida Legislature to enact legislation to clarify that public lodging establishments may not charge hourly rates or rates of less or more than one hour or other fractional increments, and to revise the preemption provision in chapter 509 to specifically permit local governments to enforce the statutory prohibition relating to such rates.

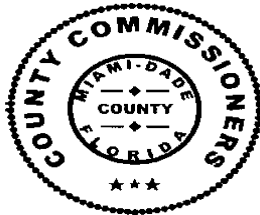
Section 2. Directs the Clerk of the Board to transmit certified copies of this resolution to the Governor, the Senate President, the House Speaker, and the Chair and the Members of the Miami-Dade State Legislative Delegation.

Section 3. Directs the County's state lobbyists to advocate for 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 and include this item in the 2025 State Legislative Package when it is presented to the Board.

The Prime Sponsor of the foregoing resolution is Senator René García. It was offered by Commissioner **Anthony Rodriguez**, who moved its adoption. The motion was seconded by Commissioner **Danielle Cohen Higgins** and upon being put to a vote, the vote was as follows:

Oliver G. Gilbert, III, Chairman	aye		
Anthony Rodríguez, Vice Chairman	aye		
Marleine Bastien	aye	Juan Carlos Bermudez	aye
Kevin Marino Cabrera	aye	Sen. René García	absent
Roberto J. Gonzalez	aye	Keon Hardemon	aye
Danielle Cohen Higgins	aye	Eileen Higgins	aye
Kionne L. McGhee	aye	Raquel A. Regalado	aye
Micky Steinberg	aye		

The Chairperson thereupon declared this resolution duly passed and adopted this 3rd day of October, 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: **Basia Pruna**
Deputy Clerk

Approved by County Attorney as
to form and legal sufficiency.

A handwritten signature in blue ink, appearing to read "James Eddie Kirtley", is written over a horizontal line.

James Eddie Kirtley
Lauren E. Morse