

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, STRONGLY OPPOSING SENATE BILL 522, AND ITS RELATED BILL, HOUSE BILL 219, BOTH OF WHICH SEEK TO PREEMPT TO THE STATE THE REGULATION OF SHORT-TERM RENTALS, UNDO ANY LOCAL REGISTRATION, INSPECTION OR LICENSING REQUIREMENTS SPECIFIC TO SHORT-TERM RENTALS ADOPTED SINCE 2011, AND REQUIRE ANY LOCAL REGULATORY ORDINANCES TO REGULATE SHORT-TERM RENTALS IN THE SAME MANNER AS OTHER PROPERTIES IN NEIGHBORHOODS; AND DIRECTING THE CITY CLERK TO SEND A COPY OF THIS RESOLUTION TO THE SPEAKER OF THE FLORIDA HOUSE OF REPRESENTATIVES, AND THE PRESIDENT OF THE FLORIDA SENATE.

WHEREAS, Senate Bill 522 (“SB 522”) and its related bill, House Bill 219 (“HB 219”), have been filed for consideration during the 2021 Florida Legislative Session by Senator Manny Diaz Jr., and House Representative Jason Fischer, respectively; and

WHEREAS, SB 522 seeks to place short-term vacation rental regulation exclusively under the Florida Department of Business and Professional Regulation’s (FDBPR) Division of Hotels and Restaurants; and

WHEREAS, if enacted, SB 522 would preempt to the State the regulation of short-term rentals, undo any local registration, inspection or licensing requirements specific to short-term rentals adopted since 2011, and limit counties and cities to regulating short-term rentals in the same manner as other properties in neighborhoods, regardless of how the property is being used; and

WHEREAS, while current Florida law already prohibits local laws, ordinances, or regulations that prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals, unless the local law, ordinance, or regulation was adopted on or before June 1, 2011, SB 522 takes it a step further and seeks to do away with local ordinances that allow or require inspections or licensing of all lodging establishments and restaurants; and

WHEREAS, there has been no demonstration that local municipalities in Florida should be deprived of their constitutional home rule powers, or their general powers to protect the health, safety and welfare of their citizens; and

WHEREAS, uniform state regulations for vacation-rental properties fail to capture the unique characteristics and needs of local Florida municipalities; and

WHEREAS, opposition to state regulation of vacation rentals has been voiced not only by local officials but Florida residents as well – a 2020 St. Pete Polls survey found that 75% of Floridians want the government closest to them regulating vacation rentals in their neighborhoods; and

WHEREAS, this concern over statewide uniform regulations of short-term rentals is especially applicable to the City of Miami Beach, where the great majority of investors in short-

term rental properties in the Miami Beach area are conglomerates, not private citizens seeking to supplement their income; and

WHEREAS, given the unique characteristics of Miami Beach, city officials are best-suited to ensure that regulations governing short-term rentals reflect what their respective communities need and want; and

WHEREAS, as such, the Mayor and City Commission declare their strong opposition to SB 522 and HB 219 and any substitute or similar legislation which preempts the authority of local municipalities to protect their citizens.

NOW, THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COMMISSION OF THE CITY OF MIAMI BEACH, FLORIDA, that the Mayor and City Commission hereby strongly oppose Senate Bill 522, and its related bill, House Bill 219, both of which seek to preempt to the State the regulation of short-term rentals, undo any local registration, inspection or licensing requirements specific to short-term rentals adopted since 2011, and require any local regulatory ordinances to regulate short-term rentals in the same manner as other properties in neighborhoods; and direct the City Clerk to transmit a copy of this Resolution to the Speaker of the Florida House of Representatives, and the President of the Florida Senate.

PASSED AND ADOPTED this 24th day of February, 2021.


ATTEST:

Dan Gelber, Mayor

Rafael E. Granado, City Clerk

(Sponsored by Commissioner Michael Gongora)

APPROVED AS TO
FORM & LANGUAGE
& FOR EXECUTION



City Attorney
FK

2-24-21

Date