

## **RESOLUTION 2017-12**

**A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF TARPON SPRINGS, FLORIDA, SUPPORTING HOME RULE POWERS AND REQUESTING THE FLORIDA LEGISLATURE TO AMEND FLORIDA STATUTE 509.032; BY AUTHORIZING LOCAL LAWS, ORDINANCES AND REGULATIONS TO PROHIBIT VACATION RENTALS; REQUESTING THE FLORIDA LEGISLATURE TO VOTE AGAINST ANY BILLS THAT WOULD DIMINISH HOME RULE POWER OF LOCAL GOVERNMENTS; REQUESTING THE FLORIDA LEGISLATURE TO VOTE IN FAVOR OF BILLS THAT WOULD RESTORE HOME RULE POWER TO LOCAL GOVERNMENTS; AND PROVIDING FOR AN EFFECTIVE DATE HEREOF**

**WHEREAS**, Florida Statute 509.032(7)(b) preempts local government authority to regulate vacation rentals; and,

**WHEREAS**, in 2011 the Florida Legislature passed HB 883, amending Florida Statute 509.302(7)(b) by adding the restriction preventing local laws, ordinances or regulations from regulating the use of vacation rental based solely on their classification, use or occupancy. This paragraph does not apply to any local laws, ordinances or regulations adopted on or before June 1, 2011; and

**WHEREAS**, in 2014 the Florida Legislature passed SB 356, amending Florida Statute 509.032(7)(b) as follows: A local law, ordinance or regulation may not prohibit vacation rentals or regulate the duration or frequency of rentals or vacation rentals. This paragraph does not apply to any local law, ordinance or regulation adopted on or before June 1, 2011; and

**WHEREAS**, HB 17 and SB 1158 have been introduced in the 2017 Florida Legislative Session. HB 17 and SB 1158 expressly preempt the regulation of businesses to the state. HB 17 provides that local governments may not adopt new requirements, including licensing or permit fees, on a business, profession, or occupation, unless expressly authorized by general law. SB 1158 preempts the regulation of commerce, trade, and labor unless expressly authorized by special or general law; and

**WHEREAS**, HB 425 and SB 188 have been introduced in the 2017 Florida Legislative Session. HB 425 and SB 188 would preempt cities from adopting ordinances specific to vacation rentals. HB 425 would return the preemption authority to what was enacted by the 2011 Florida Legislative Session, preventing local governments from enacting any new law, ordinance or regulation that prohibits, restricts the use of, or regulates vacation rentals based on classification, use or occupancy. Any local regulation adopted after June 1, 2011, including those adopted pursuant to the standards under the 2014 law, would be preempted and become void and unenforceable; and

**WHEREAS**, HB 687 and SB 596 have been introduced in the 2017 Florida Legislative Session. HB 687 and SB 596 would bar local governments from prohibiting or regulating the placement of micro wireless facilities on or next to existing cell phone towers and utility poles within municipally owned rights of way; and

**WHEREAS**, HB 6003 and SB 1516 have been introduced in the 2017 Florida Legislative Session. HB 6003 and SB 1516 would remove the current preemption on vacation rentals allowing local governments to regulate these properties through zoning, as well as adopting ordinances regulating the duration and frequency of the short-term rental; and

**WHEREAS**, the Board of Commissioners of the City of Tarpon Springs supports legislation that repeals the state preemption of the regulation of vacation rental properties in order to allow local governments to regulate such properties to protect the integrity of our residential neighborhoods and to protect health and welfare of residents, visitors and businesses; and

**WHEREAS**, the most precious powers a city in Florida has are its Home Rule powers. The ability to establish its form of government through the charter, and to then enact ordinances, codes, plans and resolutions based on the needs and standards of the community without state interference in essential. To further be able to enforce them “at home” and to make necessary changes as a city grows is a great reflection of the trust that citizens have in their respective leaders.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA, THAT:**

**SECTION 1.** The Board of Commissioners supports Home Rule powers and requests the Florida Legislature to amend Florida Statute 509.032 by authorizing local laws, ordinances and regulations to prohibit vacation rentals or regulate the duration and frequency of rentals of vacation rentals.

**SECTION 2.** The Board of Commissioners strongly believes in protecting the Home Rule powers of Florida’s municipalities during the 2017 Legislative Session.

**SECTION 3.** This Resolution shall be forwarded to the Governor of Florida, the Pinellas County Legislative Delegation, the Mayor’s Council of Pinellas County, Florida, and to all Pinellas County Municipalities.

**SECTION 4.** This Resolution shall become effective immediately upon its adoption.

**PASSED AND ADOPTED BY THE BOARD OF COMMISSIONERS OF THE CITY OF TARPON SPRINGS, FLORIDA THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.**

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MAYOR

ATTEST:

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CITY CLERK

PASSED ON FIRST READING:

PASSED ON SECOND READING:

Approved as to form:

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City Attorney