

RESOLUTION NO. 2021-043

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA, OPPOSING PROPOSED SENATE BILL 522 AND HOUSE BILL 219, PREEMPTING THE REGULATION OF VACATION RENTALS TO THE STATE; PROVIDING FOR DISTRIBUTION; PROVIDING FOR SEVERABILITY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on January 11, 2021, Florida Senator Manny Diaz, Jr. filed Senate Bill 522, seeking to preempt local regulation of vacation rentals; and

WHEREAS, on January 12, 2021, Florida Representative Jason Fischer, filed companion bill, House Bill 219, with identical preemptions to Senate Bill 522; and

WHEREAS, under the Florida Constitution and Section 166.021, Florida Statutes, municipalities are given broad home rule powers; and

WHEREAS, as part of their home rule powers, municipalities, as those closest to and most aware of the needs of their residents, should have the ability to regulate vacation rentals in their jurisdiction; and

WHEREAS, municipalities should continue to have the power to decide what is consistent with the needs of their own communities; and

WHEREAS, the City of Coconut Creek understands that not all vacation rental use is destructive, however, the City has experienced the negative impacts of vacation rental use first hand as residents have pleaded to City police, code enforcement, and City Commission members for assistance dealing with vacation rental properties; and

WHEREAS, property owners near vacation rental properties have experienced a deterioration in the neighborhood's sense of community as a result of the revolving stream of strangers; and

WHEREAS, City residents next door, or even in the same community, to some vacation rental properties routinely experience the negative impacts of properties used for vacation rentals, including uncontrolled noise and disruption, with vacation rental visitors, who have no interest in or concern for their neighbors, unresponsive to code enforcement officers, and even police warnings; and

WHEREAS, when people experience the negative impacts from vacation rentals, most often late at night and on weekends, they contact the City’s police department and code enforcement officers; and

WHEREAS, a message machine at night, or even an individual during the day, at the end of a complicated state agency phone menu would not have the ability, or the personal involvement and interest that local officials do, to provide timely assistance and the prompt response often necessary to protect local property owners and the significant investments they have made in their homes; and

WHEREAS, if Senate Bill 522/House Bill 219 is passed, it would violate the home rule powers of municipalities and destroy the ability of local officials to address the immediate needs of property owners who they are directly responsible to; and

WHEREAS, the City Commission continues to advocate for the protection of home rule powers and opposes Senate Bill 522 and House Bill 219; and

WHEREAS, the City Commission believes it is in the best interest of the City to approve this resolution.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF COCONUT CREEK, FLORIDA:

Section 1: That the foregoing “WHEREAS” clauses are hereby ratified and confirmed as being true and correct and are hereby made a specific part of this resolution.

Section 2: That the City Commission OPPOSES Senate Bill 522 and House Bill 219, which jeopardize the private property rights of our City residents.

Section 3: That the City Commission hereby directs the City Clerk to transmit this resolution to all of the municipalities in Broward County, the Broward County Commission, Florida Governor Ron DeSantis, every Senator and Representative currently serving in the State of Florida Legislature, every member of the Broward County Legislative Delegation, the Broward League of Cities, and the Florida League of Cities to help mobilize opposition against the proposed legislation on vacation rentals, Florida Senate Bill 522 and its companion Florida House Bill 219.

Section 4: That the City Manager, or designee, is hereby authorized to execute all necessary documents and to take any necessary action to effectuate the intent of this resolution.

Section 5: That if any clause, section, other part or application of this resolution is held by any court of competent jurisdiction to be unconstitutional or invalid, in part or in application, it shall not affect the validity of the remaining portion or applications of this resolution.

Section 6: That this resolution shall be in full force and effect immediately upon its adoption.

Adopted this 25th day of February, 2021.

Louis Sarbone, Mayor

Attest:

Leslie Wallace May, City Clerk

Sarbone	<u>Aye</u> ____
Rydell	<u>Aye</u> ____
Tooley	<u>Aye</u> ____
Belvedere	<u>Aye</u> ____
Welch	<u>Aye</u> ____

Initials: kmm
Date: 2.25.21