

Memorandum



Date: October 17, 2017
To: Honorable Chairman Esteban L. Bovo, Jr.,
and Members, Board of County Commissioners
From: Commissioner Sally A. Heyman
Subject: *Amendments to Ordinance Relating to Regulation of Vacation Rentals*

Supplement to:
Agenda Item No. 7(A)

At the October 3, 2017 Board of County Commissioners meeting, the Board considered and then deferred, to October 17, 2017, agenda item 7B, titled:

ORDINANCE RELATING TO REGULATION OF VACATION RENTALS; CREATING SECTION 33-28 OF THE CODE OF MIAMI-DADE COUNTY, FLORIDA; REQUIRING A CERTIFICATE OF USE AND ESTABLISHING ZONING REGULATIONS FOR VACATION RENTALS IN THE UNINCORPORATED AREA; PROVIDING REQUIREMENTS FOR ISSUANCE OF CERTIFICATE OF USE AND RENEWAL; PROVIDING VACATION RENTAL STANDARDS AND DUTIES OF PEER-TO-PEER OR PLATFORM ENTITIES AND RESPONSIBLE PARTIES; REQUIRING A BOND UNDER CERTAIN CIRCUMSTANCES; REQUIRING VACATION RENTALS TO COMPLY WITH CERTAIN EXISTING CODE PROVISIONS AND IMPOSING CERTAIN ADDITIONAL CODE REQUIREMENTS INCLUDING REQUIREMENTS RELATED TO MAXIMUM OCCUPANCY, SIGNS, NOISE, PARKING AND PETS; PROHIBITING A SEXUAL PREDATOR OR OFFENDER FROM OCCUPYING A VACATION RENTAL UNDER CERTAIN CIRCUMSTANCES; PROHIBITING A PERSON FROM ALLOWING A SEXUAL PREDATOR OR OFFENDER TO OCCUPY A VACATION RENTAL UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 8CC; PROVIDING FOR ENFORCEMENT BY CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE, AND AN EFFECTIVE DATE

Prior to deferral, I introduced several written amendments to the item, copies of which were distributed at the dais. The amendments were also read into the record by the County Attorney. An additional amendment relating to the protection of confidential information was proffered by Vice Chairwoman Edmonson from the dais prior to deferral, and I accepted that amendment.

All of the proposed amendments are attached hereto in "Attachment A." In the interest of efficiency, I have asked that this memorandum, and the attached amendments, be made a supplement to the item for the October 17, 2017 Board of County Commissioners agenda.

ATTACHMENT A

**MIAMI-DADE COUNTY
BOARD OF COUNTY COMMISSIONERS MEETING
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Commissioner Heyman's Amendments to Agenda Item 7A

1) On handwritten page 14, in subsection (D)(1)(b) pertaining to the duties of a peer-to-peer or platform entity, the phrase "only provide a listing for, or collect a fee for listing" shall be replaced with the phrase "only provide payment processing services, or otherwise facilitate payment for."

2) On handwritten page 15, the phrase "provided, however, that certain confidential information, such as social security numbers, credit card information, and names of minors, shall not be subject to inspection upon request of the County" shall be added to the end of subsections (D)(1)(d) and (e) pertaining to the duties of a peer-to-peer or platform entity.

3) On handwritten page 17, the provision entitled "responsible party onsite" shall be deleted and replaced with the following provision pertaining to responsible party residency on the property:

(4) Responsible party residency. In any area designated on the CDMP as Estate or Low Density residential, the property on which a vacation rental is operated shall be a residence in which the responsible party resides for more than six months per calendar year. Nothing in this subsection shall preclude the rental of the property at the same time that the responsible party is residing there. The requirement of responsible party residency set forth in this subsection shall not apply to a vacation rental located in any area designated Low-Medium, Medium, Medium-High, or High Density residential on the CDMP.

4) On handwritten page 19, the public nuisance provision in the ordinance shall be amended as follows to conform to article XIII A of the code by adding references to sections 823.05 and 823.10 of the Florida Statutes pertaining to illegal drug violations, gang-related activities, and other state criminal law violations declared a public nuisance by state statute:

(11) Public nuisance. The responsible party and all transient occupants shall abide by all applicable state and local public nuisance laws and ordinances, including, but not limited to, sections 823.05 and 823.10 of the Florida Statutes and article XIII A of this code, which prohibits any place or premise from being used as the site for the unlawful sale or delivery of controlled substances, prostitution, youth and street gang activity, gambling, illegal sale or consumption of alcoholic beverages, or lewd or lascivious behavior that adversely affects the public health, safety, morals, and welfare.

**MIAMI-DADE COUNTY
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Commissioner Heyman's Amendments to Agenda Item 7A

5) On handwritten page 20, a new subsection (13) pertaining to swimming pool safety shall be added as follows, and the existing subsection (13) shall be renumbered accordingly:

- (13) Swimming pool safety features. If there is a swimming pool onsite, the responsible party shall ensure that the swimming pool has in place at least one of the pool safety features listed in Section 515.27, Florida Statutes, (i.e., pool safety barrier, pool safety cover, pool alarm, or door latch/alarm) prior to use of the property as a vacation rental by any person under the age of six. The responsible party shall be deemed to have complied with this provision if the pool safety feature is put in place at the time that the property is turned over to any transient occupant occupying the vacation rental. This provision shall not apply to a vacation rental with a community swimming pool onsite, such as in a condominium, as determined by the Director. Compliance with this provision shall be in addition to compliance with section 33-12 of this code pertaining to swimming pool fences.

6) On handwritten pages 21, a new subsection (4) shall be added as follows to specify that five percent of money collected from vacation rental code enforcement violations shall be deposited into the County's Affordable Housing Trust Fund:

- (4) Affordable Housing Trust Fund. Five percent of all monies collected as penalties or fines based on violations of this section shall be deposited into the Affordable Housing Trust Fund of Miami-Dade County, established in chapter 17, article VIII of this code.