


**CITY OF ATLANTIC BEACH
CITY COMMISSION
STAFF REPORT**

AGENDA ITEM: Resolution No. 21-75 supporting State legislation that restores authority to local governments for the regulation of short-term rental properties as necessary for quality of life, public safety and a fair lodging marketplace; supports legislation clarifying that existing, grandfathered municipal short-term rental ordinances can be amended without penalty; and opposes legislation that preempts municipal authority as it relates to the regulation of short-term rental properties.

TODAY'S DATE: Nov. 10, 2021

MEETING DATE: Nov. 22, 2021

SUBMITTED BY: Kevin Hogencamp, Deputy City Manager 

PRIORITY: Supports "Livability: An initiative to improve health, education, housing conditions, culture and leisure, and other quality-of-life indicators."

SUMMARY: When Florida cities were pre-empted by the Florida Legislature from regulating short-term vacation rentals in 2011, Atlantic Beach and other cities with an existing ordinance were "grandfathered" and allowed to keep what was already in place. Laws further preempting the City's control over preserving the quality of life for those residents by regulating short-term rentals would dramatically impair many of the characteristics that make Atlantic Beach great place to live and work.

RECOMMENDATION: Commission consider approving Resolution No. 21-75

BUDGET: N.A.

ATTACHMENT: Resolution No 21-75

CITY MANAGER: 

RESOLUTION NO. 21-75

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ATLANTIC BEACH, FLORIDA, SUPPORTING STATE LEGISLATION THAT RESTORES AUTHORITY TO LOCAL GOVERNMENTS FOR THE REGULATION OF SHORT-TERM RENTAL PROPERTIES AS NECESSARY FOR QUALITY OF LIFE, PUBLIC SAFETY AND A FAIR LODGING MARKETPLACE; SUPPORTING STATE LEGISLATION CLARIFYING THAT EXISTING, GRANDFATHERED MUNICIPAL SHORT-TERM RENTAL ORDINANCES CAN BE AMENDED WITHOUT PENALTY; AND OPPOSING STATE LEGISLATION THAT PREEMPTS MUNICIPAL AUTHORITY AS IT RELATES TO THE REGULATION OF SHORT-TERM RENTAL PROPERTIES; PROVIDING FOR CONFLICTS; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, when Florida cities were pre-empted by the Florida Legislature from regulating short-term vacation rentals in 2011, Atlantic Beach and other cities with an existing ordinance were “grandfathered” and allowed to keep what was already in place. Cities without an ordinance lost the ability to regulate the location of these properties, resulting in a proliferation of short-term rentals in areas that had traditionally been long-term residential neighborhoods; and

WHEREAS, a “one size fits all” approach by state regulation of short-term rentals in Florida ignores the fact that communities throughout our state are unique and have different needs with regard to this issue; and

WHEREAS, decisions regarding matters directly impacting the quality of life of Florida’s localities should be left to Florida’s localities; and

WHEREAS, the City of Atlantic Beach seeks to preserve and protect home rule authority for Atlantic Beach and local governments statewide; and

WHEREAS, laws further preempting the City’s control over preserving the quality of life for those residents by regulating short-term rentals would dramatically impair many of the characteristics that make Atlantic Beach great place to live and work; and

NOW THEREFORE, be it resolved the City Commission of the City of Atlantic Beach, Florida:

Section 1. That the City Commission of the City of Atlantic Beach, Florida, supports State legislation that restores authority to local governments for the regulation of short-term rental properties as necessary for quality of life, public safety and a fair lodging marketplace; supports legislation clarifying that existing, grandfathered municipal short-term rental ordinances can be amended without penalty; and opposes legislation that preempts municipal authority as it relates to the regulation of short-term rental properties.

Section 2. That the City Commission directs the City Clerk to transmit a copy of this Resolution to the Florida Governor, the City of Jacksonville, the Florida League of Cities, and the Duval County delegation of the Florida Legislature, for distribution.

Section 3. That all resolutions or parts of resolutions in conflict with this Resolution are repealed to the extent of such conflict.

Section 4. This Resolution shall take effect immediately upon its passage and adoption.

PASSED AND ADOPTED by the City Commission of the City of Atlantic Beach, this 22nd day of November, 2021.

Ellen Glasser, Mayor

Attest:

Donna L. Bartle, City Clerk

Approved as to form and correctness:

Brenna M. Durden, City Attorney