



## **AGENDA ITEM COVER PAGE**

**File ID: #9022**

**Ordinance**

**First Reading**

**Sponsored by: Alex Diaz de la Portilla, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AMENDING CHAPTER 31 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "LOCAL BUSINESS TAX AND MISCELLANEOUS BUSINESS REGULATIONS," CREATING ARTICLE V, TITLED "HOURLY HOTEL/MOTEL RENTALS," PROHIBITING HOTELS AND MOTELS LOCATED IN THE CITY OF MIAMI FROM RENTING HOTEL AND MOTEL ROOMS ON AN HOURLY BASIS; MORE PARTICULARLY BY CREATING SECTION 31-88, TITLED "HOTEL/MOTEL HOURLY RENTALS PROHIBITED"; SECTION 31-89, TITLED "PENALTIES"; SECTION 31-90 TITLED "CUMULATIVE REMEDIES"; SECTION 31-91, TITLED "IMMUNITY"; SECTION 31-92, TITLED "SEVERABILITY OF ORDINANCE"; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.



# City of Miami

## Legislation

### Ordinance

**File Number: 9022**

**Final Action Date:**

AN ORDINANCE OF THE MIAMI CITY COMMISSION, BY A FOUR-FIFTHS (4/5THS) AFFIRMATIVE VOTE, AMENDING CHAPTER 31 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED, TITLED "LOCAL BUSINESS TAX AND MISCELLANEOUS BUSINESS REGULATIONS," CREATING ARTICLE V, TITLED "HOURLY HOTEL/MOTEL RENTALS," PROHIBITING HOTELS AND MOTELS LOCATED IN THE CITY OF MIAMI FROM RENTING HOTEL AND MOTEL ROOMS ON AN HOURLY BASIS; MORE PARTICULARLY BY CREATING SECTION 31-88, TITLED "HOTEL/MOTEL HOURLY RENTALS PROHIBITED"; SECTION 31-89, TITLED "PENALTIES"; SECTION 31-90 TITLED "CUMULATIVE REMEDIES"; SECTION 31-91, TITLED "IMMUNITY"; SECTION 31-92, TITLED "SEVERABILITY OF ORDINANCE"; CONTAINING A SEVERABILITY CLAUSE; PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, it is well established that hotels/motels that allow for the hourly rental of rooms, are frequented by individuals engaged in prostitution and/or human sex trafficking, as well as other illegal activity; and

WHEREAS, human sex trafficking has become an epidemic of significant consequences to our community such that the Miami-Dade State Attorney's Office established a Human Trafficking Unit in 2012 to more effectively combat the issue; and

WHEREAS, the U.S. Department of State estimates that as many as 600,000 to 800,000 individuals are trafficked across our nation's borders every year, with Florida receiving a high percentage of those victims; and

WHEREAS, victims of human sex trafficking are often exposed to serious health risks, including sexually transmitted diseases, drug and alcohol addiction, broken bones and burns, memory loss, miscarriages or forced abortions, as well as PTSD, anxiety, fear and psychological trauma; and

WHEREAS, individuals engaged in prostitution are exposed to similar physical and psychological effects; and

WHEREAS, pursuant to Section 162.09(2)(d), Florida Statutes, a municipality with a population of more than 50,000 people may adopt by a majority plus one vote per diem fines not to exceed \$1,000.00 per diem, per violation for a first time offender; \$5,000.00 per diem, per violation for a Repeat Offender; and up to \$15,000.00 per violation if a code enforcement board finds a violation to irreparable or irreversible in nature and the criteria for such determination is included in the municipality's ordinance; and

WHEREAS, the Miami City Commission deems it to be in the best interest of the health, safety, and welfare of its residents, businesses, and visitors to create Article V, under Chapter 31 of the City Code, to reflect the prohibition against hotel/motel room rentals by the hour.

NOW, THEREFORE, BE IT ORDAINED BY THE COMMISSION OF THE CITY OF MIAMI, FLORIDA:

Section 1. The recitals and findings contained in the Preamble of this Ordinance are adopted by reference and incorporated as if fully set forth in this Section.

Section 2. Chapter 31 of the City Code is further amended creating Article V and the following particulars:<sup>1</sup>

“CHAPTER 31

LOCAL BUSINESS TAX AND MISCELLANEOUS BUSINESS REGULATIONS

\* \* \*

ARTICLE V. HOURLY HOTEL/MOTEL RENTALS

Sec. 31-88. Hotel/Motel Hourly Rentals Prohibited.

(a) Hourly rentals prohibited. It shall be illegal to rent any hotel or motel rooms on an hourly basis. All hotel/motel rooms must be rented for a minimum of one (1) day.

Sec. 31-89. Penalties.

(a) An employee of any hotel or motel establishment, who accepts payment for the rental of a hotel/motel room on an hourly basis, is subject to arrest and punishable by a fine of \$500 or sixty (60) days in jail. The first time a law enforcement officer finds an employee violating this section, the employee shall be issued a warning. If the employee re-engages in the conduct, he/she will arrested and/or fined, as provided for in this section.

(b) The owner or operator of any hotel or motel establishment found to be renting or allowing an employee of the hotel or motel to accept payment for the rental of hotel/motel rooms on an hourly basis is subject to the following penalties:

(1) First violation shall be subject to a \$1,000.00 per diem fine;

(2) Second and subsequent violations shall be subject to a fine of up to \$5,000.00 per day as a Repeat Violator and a revocation of the Certificate of Use for the business establishment.

(c) Any individual or business found to have facilitated prostitution, human sex trafficking or other illegal conduct is subject to a fine of up to \$15,000.00, as a code enforcement matter, if the Code Enforcement Board or Special Master finds the violation to be irreparable or irreversible in nature in accordance with the criteria set forth in Sec. 2-817(c) of the City Code, revocation of the Certificate of Use for the business, and forfeiture of the building pursuant to the Florida Contraband Forfeiture Act of Sec. 932.701 - 932.7062, Florida Statutes.

Sec. 31-90. Cumulative remedies.

(a) Remedies provided under this section are cumulative and do not preclude in any way, a law enforcement officer's right to effectuate an arrest for related criminal conduct or the city from seeking an injunction or other appropriate remedies. The City Attorney is authorized to file a civil action to enforce and collect attorney's fees and costs and such proceedings shall be expedited by the court.

Sec. 31-91. Immunity.

(a) The City and its elected and appointed officials, employees and agents are immunized from civil or criminal liability for actions taken in accordance with this section.

Sec. 31-92. Severability of Ordinance.

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<sup>1</sup> Words and/or figures stricken through shall be deleted. Underscored words and/or figures shall be added. The remaining provisions are now in effect and remain unchanged. Asterisks indicate omitted and unchanged material.

(a) If any provision of this ordinance or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect other provisions or applications of the ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this ordinance are declared severable.

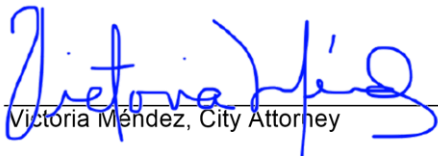
\* \* \*

Section 3. If any section, part of a section, paragraph, clause, phrase, or word of this Ordinance is declared invalid, the remaining provisions of this Ordinance shall not be Affected.

Section 4. It is the intention of the City Commission that the provisions of this Ordinance shall become and be made a part of the City Code, which provisions may be renumbered or re-lettered and the word ordinance be changed to "section", "article", or other appropriate word to accomplish such intention.

Section 5. This Ordinance shall become effective thirty (30) days after final reading and adoption thereof.<sup>2</sup>

APPROVED AS TO FORM AND CORRECTNESS:

  
Victoria Méndez, City Attorney 5/4/2021

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<sup>2</sup> This Ordinance shall become effective as specified herein unless vetoed by the Mayor within ten (10) days from the date it was passed and adopted. If the Mayor vetoes this Ordinance, it shall become effective immediately upon override of the veto by the City Commission or upon the effective date stated herein, whichever is later.

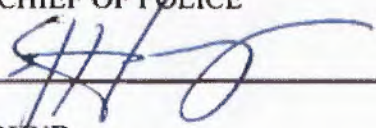
**CITY OF CORAL GABLES**  
**- MEMORANDUM -**

**TO:** MAYOR VINCE LAGO  
CITY OF CORAL GABLES

**DATE:** MAY 11, 2021

**FROM:** EDWARD J. HUDAK, JR.  
CHIEF OF POLICE

**SUBJECT:** ANTI-PROSTITUTION &  
HUMAN TRAFFICKING TASK  
FORCE



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**BACKGROUND**

On December 6, 2016, the City of Coral Gables Commission enacted Ordinance 14-141 prohibiting all hotel/motel rooms from renting on an hourly basis. The Gables Cove Motel, aka The Wishes Motel, located at 4700 SW Eighth Street, was renting rooms on an hourly basis. This motel is located at the intersection of Cortez Street and SW Eighth Street, an area historically associated with illegal and illicit activity.

**CITY OF CORAL GABLES ENFORCEMENT EFFORTS**

From January 1, 2015 to present, the Coral Gables Police Department responded to twenty-four (24) calls for service along the SW Eight Street corridor regarding solicitation and prostitution. Fourteen (14) of the calls for service were determined to be in our jurisdiction. The Coral Gables Police Department Special Investigations Section (SIS) conducted twenty-six (26) undercover operations which included arrests, surveillances, and enforcement of code violations.

On February 21, 2019, "The Wishes Motel" was found to be in violation of the City Ordinance. The Coral Gables Police Department notified Code Enforcement, who responded and issued the owner/management a warning. No additional violations were observed.

On May 16, 2019, the Special Investigations Section assisted the State Attorney's Office Human Trafficking Section on a social media investigation at "The Wishes Motel". The State Attorney's Office led the operation which targeted individuals who used social media forums, platforms, and apps to facilitate prostitution. This is currently the prevalent method used for the solicitation of prostitution. This operation resulted in the arrest of four (4) individuals for prostitution and facilitating prostitution.

**MULTI-AGENCY ANTI-PROSTITUTION AND HUMAN TRAFFICKING TASK  
FORCE ENFORCEMENT EFFORTS**

On July 24, 2017, the City of Coral Gables and the City of Miami entered into a Mutual Aid Agreement to combat Human Trafficking and Prostitution and other related criminal violations.

Submitted into the public  
record for item(s) **9022**  
on 05/11/2021 City Clerk

Attachment: 9022 Submittal-Mayor Vince Lago-Memorandum (9022 : Amend Code - Chapter 31 - Hourly Hotel and Motel Rentals)

9022 } Submittal-Mayor Vince Lago-Memorandum  
9240 }

The Task Force conducted fifteen (15) proactive operations along the Eighth Street corridor including "The Wishes Motel" and businesses in the area that may contribute to prostitution.

The operations consisted of the following:

- Undercover surveillance
- Undercover officers attempting to rent rooms on an hourly basis
- Interviewing of potential Human Trafficking victims

**TASK FORCE ANNUAL OPERATIONS STATISTICS  
2018-YTD**

**2018 Enforcement Activity:**

**Operations: 5**

**Arrest Total: 57**

Friday, August 10, 2018

Arrests		Charges	
Felony	1	Narcotics Nexus	1
Misdemeanor	9	Prostitution	9
<b>Total Arrest</b>	<b>10</b>		

Friday, July 13, 2018

Arrests		Charges	
Felony	1	Narcotics Nexus	1
Misdemeanor	11	Prostitution	11
<b>Total Arrest</b>	<b>12</b>		

Friday, April 20, 2018

Arrests		Charges	
Felony	1	Narcotics Nexus	1
Misdemeanor	9	Prostitution	10
<b>Total Arrest</b>	<b>10</b>		

Thursday, February 15, 2018

Arrests		Charges	
Felony	1	Narcotics Nexus	
Misdemeanor	13	Prostitution	14
<b>Total Arrest</b>	<b>14</b>		

Friday, October 20, 2018

Arrests		Charges	
Felony	1	Narcotics Nexus	
Misdemeanor	10	Prostitution	11
<b>Total Arrest</b>	<b>11</b>		

Submitted into the public record for item(s) FR-13 on 06/24/2021 City Clerk

Attachment: 9022 Submittal-Mayor Vince Lago-Memorandum (9022 : Amend Code - Chapter 31 - Hourly Hotel and Motel Rentals)

**2019 Enforcement Activity:**

**Operations: 9**  
**Arrest Total: 62**

Tuesday, March 5, 2019

Arrest Totals		Charges	
Felony		Narcotics Nexus	1
Misdemeanor	6	Prostitution	6
<b>Total Arrests</b>	<b>6</b>		

Wednesday, April 17, 2019

Arrest Totals		Charges	
Felony		Narcotics Nexus	
Misdemeanor	8	Prostitution	8
<b>Total Arrests</b>	<b>8</b>		

Thursday, May 9, 2019

Arrest Totals		Charges	
Felony	1	Narcotics Nexus	2
Misdemeanor	7	Prostitution	7
<b>Total Arrests</b>	<b>8</b>		

Thursday, June 20, 2019

Arrest Totals		Charges	
Felony		Narcotics Nexus	2
Misdemeanor	8	Prostitution	8
<b>Total Arrests</b>	<b>8</b>		

Thursday, July 18, 2019

Arrest Totals		Charges	
Felony		Narcotics Nexus	
Misdemeanor	10	Prostitution	10
<b>Total Arrests</b>	<b>10</b>		

Thursday, August 22, 2019

Arrest Totals		Charges	
Felony		Narcotics Nexus	
Misdemeanor	6	Prostitution	6
<b>Total Arrests</b>	<b>6</b>		

Friday, September 27, 2019

Arrest Totals		Charges	
Felony		Narcotics Nexus	
Misdemeanor	11	Prostitution	11
<b>Total Arrests</b>	<b>11</b>		

Submitted into the public record for item(s) **ER-15** on **06/19/2021** City Clerk

Attachment: 9022 Submittal-Mayor Vince Lago-Memorandum (9022 : Amend Code - Chapter 31 - Hourly Hotel and Motel Rentals)

Tuesday, October 15, 2019

Arrest Totals		Charges	
Felony		Narcotics Nexus	
Misdemeanor	5	Prostitution	5
<b>Total Arrests</b>	<b>5</b>		

**2020 Enforcement Activity:**

Pro-active measures were curtailed due to the global Covid-19 pandemic.

**2021 Enforcement Activity:**

**Operations: 1**  
**Arrest Total: 7**

February 18, 2021

Arrest Totals		Charges	
Felony		Narcotics Nexus	
Misdemeanor	7	Prostitution	7
<b>Total Arrests</b>	<b>7</b>		

**TOTAL TASK FORCE OPERATIONS AND ARREST  
 2018-YTD**

Total Operations	
	15

Total Arrest	
Felony	6
Misdemeanor	120
<b>Total Arrests</b>	<b>126</b>

Charges	
Narcotics Nexus	8
Prostitution	125

Submitted into the public record for item(s) **EE-5** on **06/24/2021**. City Clerk

Attachment: 9022 Submittal-Mayor Vince Lago-Memorandum (9022 : Amend Code - Chapter 31 - Hourly Hotel and Motel Rentals)





**AGENDA ITEM COVER PAGE**

**File ID: #11135**

**Ordinance**

**First Reading**

**Sponsored by: Alex Diaz de la Portilla, Commissioner**

AN ORDINANCE OF THE MIAMI CITY COMMISSION AMENDING CHAPTER 8 OF THE CODE OF THE CITY OF MIAMI, FLORIDA, AS AMENDED ("CITY CODE"), TITLED "BICYCLES, SKATEBOARDS, SCOOTERS, AND OTHER SIMILAR DEVICES," MODIFYING AND PROVIDING FOR ADDITIONAL SAFETY MEASURES AND OTHER REGULATIONS; AND ADDING DIVISION 2 TO PROVIDE FOR THE PERMANENT MOTORIZED SCOOTER PROGRAM; CONTAINING A SEVERABILITY CLAUSE; AND PROVIDING FOR AN EFFECTIVE DATE.