



## **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.

---

<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.

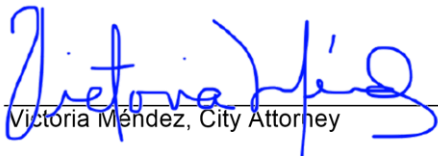
\* \* \*

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

---

<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.