

HOUSE OF REPRESENTATIVES LOCAL BILL STAFF ANALYSIS

BILL #: HB 1361 Town of Redington Beach, Pinellas County
SPONSOR(S): Peters
TIED BILLS: **IDEN./SIM. BILLS:**

REFERENCE	ACTION	ANALYST	STAFF DIRECTOR or BUDGET/POLICY CHIEF
1) Local, Federal & Veterans Affairs Subcommittee	13 Y, 0 N	Darden	Miller
2) Careers & Competition Subcommittee	10 Y, 1 N	Voyles	Anstead
3) Government Accountability Committee			

SUMMARY ANALYSIS

Local governments are preempted from prohibiting vacation rentals or regulating the duration or frequency by local law, ordinance, or regulation. This preemption does not apply to local laws, ordinances, or regulations that were adopted on or before June 1, 2011.

The Board of Commissioners of the Town of Redington Beach passed an ordinance in February 2008 to prohibit vacation rentals in certain parts of the municipality, but did not submit the ordinance to a referendum of Town as required by the town charter for zoning ordinance changes.

The bill provides an exemption to s. 509.032(7)(b), F.S. for the ordinance passed by the Board of Commissioners of the Town of Redington Beach in 2008, subject to approval of two-thirds of the voters in a referendum to be held by the town. If the referendum is approved by the voters, the ordinance shall be considered effective as of February 6, 2008.

The bill shall take effect upon becoming a law.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

FULL ANALYSIS

I. SUBSTANTIVE ANALYSIS

A. EFFECT OF PROPOSED CHANGES:

Present Situation

Vacation Rentals

The Division of Hotels and Restaurants of the Department of Business and Professional Regulation (DBPR) is responsible for the inspection and regulation of public lodging establishments in the state.¹ While vacation rentals would meet the criteria for being considered a “transient public lodging establishment,”² vacation rentals are specifically excluded from the definition of a public lodging establishment.³

DBPR is responsible for inspecting the premises of public lodging establishments to ensure the health, safety, and welfare of the public.⁴ Inspections are conducted on a biannual basis, except for transient and non-transient apartments, which are inspected on an annual basis. While vacation rentals are not subject to the inspection requirement, DBPR may inspect them upon request.

A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of vacation rentals.⁵ This preemption does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011. The exemption also does not apply to any local law, ordinance, or regulation relating exclusively to property valuation as a criterion for vacation rental if the local law, ordinance, or regulation is required to be approved by the state land planning agency under an area of critical state concern designation.⁶

Town of Redington Beach

The Town of Redington Beach (Town) passed an ordinance in 2008 to prohibit short-term rentals in certain parts of the municipality.⁷ The ordinance would prohibit single-family dwellings in Districts 2 and 3 from being rented for a period of less than 181 days. If a property owner is found to be in violation of the ordinance, the ordinance provided that:

- The property owner would be subject to penalties for violating the Town’s zoning ordinance.⁸
- If the property owner receives homestead exemption for the property, the Town will notify the Pinellas County Property Appraiser and appropriate state agencies to report the violation; and
- The Town will notify the Pinellas County Tax Collector to ensure the property owner is remitting the appropriate amount of Tourist Development Tax to the county and/or the state.

The Town charter requires any amendment, change, or repeal of zoning ordinances to be both adopted by a resolution of the Board of Commissioners of the Town and approved by the electors in a referendum.⁹ The referendum may be held during any election and must be approved by two-thirds of voters to take effect.

¹ Section 509.032(1), F.S.

² A “transient public lodging establishment” is “any unit, group of units, dwelling, building, or group of buildings within a single complex of buildings which is rented to guests more than three times in a calendar year for periods of less than 30 days or 1 calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.” S. 509.013,(4)(a)1. F.S.

³ Section 509.013(4)(b)9., F.S.

⁴ Section 509.032(2)(a), F.S.

⁵ Section 509.032(7)(b), F.S.

⁶ Section 509.032(7)(c), F.S.

⁷ Town of Redington Beach Ordinance No. 2008-01 (Feb. 5, 2008).

⁸ A fine of up to \$500 or up to 60 days in imprisonment. Town of Redington Beach Code of Ordinances, ch. 1, s. 1-14 (2017).

⁹ Town of Redington Beach Charter, s. 20.

Effect of Proposed Changes

The bill provides an exemption to s. 509.032(7)(b), F.S. for an ordinance passed by the city commission of the Town of Redington Beach in 2008, subject to approval of two-thirds of the voters in a referendum to be held by the town. If the referendum is approved by the voters, the ordinance shall be considered effective as of February 6, 2008.

According to House Rule 5.5(b), a local bill providing an exemption from general law may not be placed on the Special Order Calendar for expedited consideration. Since this bill creates an exemption to general law, the provisions of House Rule 5.5(b) apply.

B. SECTION DIRECTORY:

Section 1: Creates an exception to s. 509.032(70)(b), F.S., authorizing the Town of Redington Beach to submit Ordinance No. 2008-01 to a referendum of voters; providing that the ordinance shall be consider effective as February 6, 2008 if approved at referendum.

Section 2: Provides that the bill shall take effect upon becoming a law.

II. NOTICE/REFERENDUM AND OTHER REQUIREMENTS

A. NOTICE PUBLISHED? Yes No

IF YES, WHEN?

WHERE?

B. REFERENDUM(S) REQUIRED? Yes No

IF YES, WHEN?

C. LOCAL BILL CERTIFICATION FILED? Yes, attached No

D. ECONOMIC IMPACT STATEMENT FILED? Yes, attached No

III. COMMENTS

A. CONSTITUTIONAL ISSUES:

None.

B. RULE-MAKING AUTHORITY:

The bill does provide rulemaking authority or require executive branch rulemaking.

C. DRAFTING ISSUES OR OTHER COMMENTS:

None.

IV. AMENDMENTS/ COMMITTEE SUBSTITUTE CHANGES

None.