

RESOLUTION NO. R17-721

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA, OPPOSING LEGISLATION WHICH WOULD PROHIBIT THE CITY OF ANNA MARIA FROM USING THEIR HOME RULE POWERS TO REGULATE THE CLASSIFICATION, USE OR OCCUPANCY OF VACATION RENTALS, PROSPECTIVELY OR RETROACTIVELY TO A DATE CERTAIN; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, based on information presented at various city commission meetings by residents of the City of Anna Maria and owners and operators of existing vacation rentals in the City of Anna Maria, practical first-hand experience and observations of elected officials, information from the U.S. Census, the 2011 Short-Term Rental Housing Restrictions White Paper, prepared by Robinson & Cole, Attorneys at Law for the National Association of Realtors®, the Anna Maria City Commission adopted Ordinance 15-807 (“Vacation Rental Ordinance) on November 19, 2015; and

WHEREAS, the Vacation Rental Ordinance provides a general framework for the regulation of vacation rentals in the City of Anna Maria, including requirements for registration, inspection, duties of vacation rental owners and their agents, occupancy limits, postings, and compliance with all city, state and FEMA codes, for the health, welfare and benefit of property owners and visitors to the City of Anna Maria; and

WHEREAS, through the local enactment of the Vacation Rental Ordinance, the City of Anna Maria has been able to balance competing interests of resident property owners and property owners who purchased property for transient investment purposes; and

WHEREAS, there is a huge disparity in occupancy between the homes of permanent Anna Maria residents with average occupancy of 1.9 persons and the average occupancy of vacation rentals of 6.8 persons; and

WHEREAS, after the adoption of the Vacation Rental Ordinance, fewer permanent residents have left the city, property values have increased, residents know their neighbors and can enjoy their retirement and time in the city; and

WHEREAS, the current balance achieved due to the ability of the City of Anna Maria to regulate the classification, use and occupancy of vacation rentals by virtue of its home rule powers has not created a threat to the economic landscape of the city while simultaneously safeguarding the city’s small town charm; and

WHEREAS, in those instances where property owners have claimed the Vacation Rental Ordinance has infringed upon their property rights and/or investment backed expectations, the City of Anna Maria has reached settlements in good faith, without litigation, to balance the property

rights of owners and the health, safety and welfare of the City of Anna Maria to the mutual satisfaction of the owners of Vacation Rentals and the residents of the City; and

WHEREAS, the City has successfully defended its right to regulate vacation and transient rentals in court; and

WHEREAS, government operates at the will and consent of the people that are governed and the residents of the City of Anna Maria have elected local leaders to represent them on local matters that affect their daily lives such as regulation of vacation rental properties; and

WHEREAS, the proposed state pre-emption denies property owners their opportunity and their fundamental right to seek immediate redress of their grievances and concerns from their local elected city commissioners and instead requires property owners to seek redress in an already overloaded court system; and

WHEREAS, the proposed state pre-emption of the ability to regulate transient rentals retroactively to a date certain would have the effect of undoing the will of the residents of the City of Anna Maria, as implemented by their elected local leaders and upset the balance achieved by the Vacation Rental Ordinance; and

WHEREAS, there has already been a legislative fix in a past legislative session and any currently proposed changes clearly go against the will of the legislature and other parties involved in that previous change; and

WHEREAS, during the 2014 Regular Session, HB 307 and SB 356 rolled back prior legislation limiting governments from regulating Vacation Rentals; and

WHEREAS, the main companies that are supporting the currently proposed legislation are located outside of the State of Florida, and are located in San Francisco, California, and Austin, Texas;

WHEREAS, the proposed state pre-emption would endanger the City of Anna Maria and provide for no limit on the number of people who can occupy a residence, no requirement for a fire and safety inspection, and fewer ways to enforce FEMA requirements, as existed prior to the adoption of the Vacation Rental Ordinance.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF ANNA MARIA, FLORIDA, AS FOLLOWS:

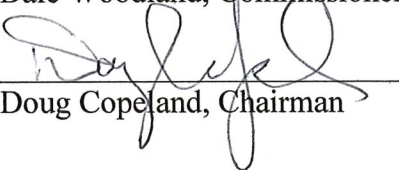
SECTION 1. The City of Anna Maria hereby urges its Legislative Delegation and all Florida legislators to oppose legislation, such as Senate Bill 188 filed by Senator Steube and House Bill 425 filed by Representative La Rosa, which would prohibit the City of Anna Maria from using its home rule power to regulate the classification, use or occupancy of vacation rentals, prospectively and retroactively to a date certain.

SECTION 2. The City Commission directs the Mayor to implement this Resolution and if necessary hire a lobbyist to advance the City of Anna Maria's position and concerns during the 2017 legislative session.

SECTION 3. This Resolution shall be effective upon adoption by the City Commission and approval by the Mayor in accordance with the Charter of the City of Anna Maria.

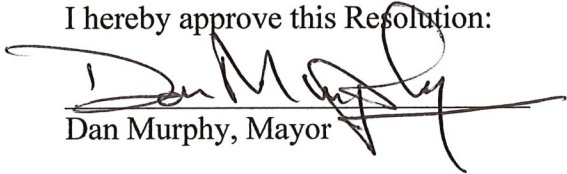
PASSED AND ADOPTED, by the City Commission of the City of Anna Maria, Florida, in regular session assembled, this 23 day of February, 2017.

Doug Copeland, Commissioner
Nancy Yetter, Commissioner
Brian Seymour, Commissioner
Carol Carter, Commissioner
Dale Woodland, Commissioner



Doug Copeland, Chairman

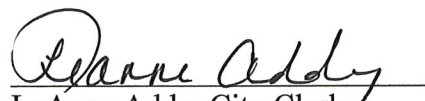
I hereby approve this Resolution:



Dan Murphy, Mayor

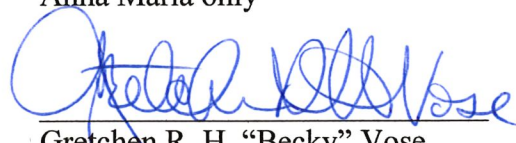
02.28, 2017

ATTEST:



LeAnne Addy, City Clerk

Approved as to form and legality for
the use and reliance of the City of
Anna Maria only



Gretchen R. H. "Becky" Vose
City Attorney