



November 20, 2020

Brevard County Board of County Commissioners
2725 Judge Fran Jamieson Way
Viera, Florida 32940

Dear Chair Pritchett and Commissioners:

1000 Friends of Florida is the state leader on growth management, working with local governments and elected state officials to build better communities throughout Florida. One issue that has caused considerable controversy across our state in recent years is the short-term vacation rental market.

Brevard County had the foresight in 2006 to protect its citizens' private-property rights by adding a layer of protection for single-family home neighborhoods from the intrusive impacts of short-term vacation rentals. The effort was the result of much work by your planning staff. Your staff engaged in significant outreach to impacted property owners and stakeholders alike in order to build consensus for an ordinance that struck the right balance to protect the various interests of your taxpaying residents and commercial interests.

Brevard is fortunate because a mere five years later, that ordinance would have been barred by state law. In 2011, the Florida Legislature adopted Fla. Stat. 509.032(7)(b). This preemption statute took away home rule from local governments to regulate short-term rentals. Brevard County was fortunately spared from this preemption power grab because the 2006 ordinance was grandfathered in and spared from the stringent limitations set forth in the statute.

However, the general legal consensus for local government attorneys is that if a grandfathered ordinance is amended or modified in any way, that grandfather status will be permanently lost. Local governments throughout the state have become embroiled in expensive litigation over this issue, trying to regain the control and authority they once had over the explosive vacation rental market.

Should Brevard County choose to modify its 2006 ordinance, you will be voluntarily conceding control to the state over a controversial issue over which you now enjoy exclusive control. Many local governments wish they could enjoy the status that you so wisely adopted in 2006.

1000 Friends has taken a particular interest in Brevard County this year. We accepted an invitation from local citizen leaders to partner on a workshop we presented last month on ways to protect the environment, economy and way of life in the county as it continues to grow over the next 50 years.

In the interest of preserving the special communities in Brevard, we strongly advise you to resist modifying your grandfathered short-term rental ordinance in order to maintain the will of planners, staff and, most importantly, the taxpaying citizens you serve. Thank you for your consideration.

Sincerely,



Jane West
Policy and Planning Director

Cc: Jennifer Jones
Tad Calkins

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