

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA**

**CASE NO. 1:19-cv-20045-RNS (SCOLA/LOUIS)**

AIRBNB, INC.,

Plaintiff

v.

CITY OF MIAMI BEACH,

Defendant.

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**STIPULATION OF DISMISSAL AND SETTLEMENT**

WHEREAS, on February 13, 2019, the City of Miami Beach (“the City”) amended Ordinance No. 2018-4211 by enacting Ordinance No. 2019-4245 (together, the “Ordinance”). The Ordinance imposes requirements on every “hosting platform, advertisement platform, or short-term residential rental advertising platforming” (collectively, “platforms”), defined as “an internet-enabled application, mobile application, or any other digital platform that is used to connect guests with a short-term residential rental provider for the purpose of renting a short-term residential rental.”

WHEREAS, Section 102-387 states, “[e]ach platform . . . will not list, or permit any person to list, any short-term residential rental on its platform, unless the platform . . . (b) Must display the property owner’s City-issued business tax receipt number and resort tax registration certificate number for each listing that appears on a short-term residential rental [platform].”

WHEREAS, Airbnb, Inc. (“Airbnb”) has filed this action against the City seeking to preliminarily and permanently enjoin the City from enforcing the Ordinance against Airbnb.

WHEREAS, Airbnb and the City have disagreed about the proper interpretation of Section 102-387.

NOW, THEREFORE, the parties hereto stipulate and agree as follows with respect to the interpretation and enforcement of the Ordinance:

1. Section 102-387(A) requires that hosting platforms (a) post a notice on its website advising short-term residential rental providers and property owners that such providers are required to obtain a City-issued business tax receipt and a resort tax registration certificate in order to list a rental property on a hosting platform and (b) display a user-inputted City-issued business tax receipt number (“BTR”) and City-issued resort tax registration certificate number on listings for short-term rentals covered by the Ordinance. The hosting platform is not required to verify whether those numbers are issued by the City or are otherwise valid.

2. The City will not enforce or otherwise seek to impose penalties under the Ordinance against Airbnb for violations of Section 102-387(A) unless Airbnb fails to make the required posting or to display a user-inputted City-issued BTR number and user-inputted resort tax registration certificate number for each individual short-term residential rental unit listing that appears on its platform.<sup>1</sup> For clarity, the City will not enforce or otherwise seek to impose penalties under Section 102-387(B) of the Ordinance against Airbnb for the failure to verify whether the alphanumeric BTR and resort tax registration certificate number that a user inputs was issued by the City or is otherwise valid.

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<sup>1</sup> The parties reserve all rights with respect to the applicability, if any, of Section 102-387(C)(3)(b) of the Ordinance, and with respect to any potential claims by the City for resort taxes, business tax receipt fees, and resort tax registration certificate fees incurred prior to the effective date of this agreement.

3. Airbnb agrees to comply with the Ordinance, as set forth in paragraphs 1 and 2 above, including by posting the required notice and displaying a user-inputted City-issued BTR number and resort tax registration certificate number for each individual short-term residential rental unit listing covered by the Ordinance in the City that appears on Airbnb's platform.

4. Airbnb's compliance with the Ordinance in this manner shall commence one month from the Effective Date for new listings and three months from the Effective Date for existing listings, during which time Airbnb will engage in an effort to educate and communicate with users in Miami Beach about the Ordinance's requirements, as set forth in paragraphs 1 and 2 above.

5. As long as Airbnb continues to geofence as set forth in Section 102-387(C) of the Ordinance through the date set forth in paragraph 4 above, Airbnb and its hosts may honor bookings for listings in Miami Beach made prior to the deadlines set forth in paragraph 4 above associated with Airbnb's suspension of a listing for failure to display a user-inputted business tax receipt number and/or resort tax registration certificate number made prior to the deadlines set forth in paragraph 4 above as long as such bookings have a check-in date commencing on or before December 31, 2019. Any bookings allowed by this paragraph must be located in a zoning district of the City of Miami Beach which permits transient (short-term) rentals pursuant to the City's applicable Land Development Regulations.

6. Airbnb shall provide \$380,000 to the City (the "Provision"), within 14 days of the Effective date, which it may use in its discretion, including to educate residents about home-sharing rules and/or for the enforcement of Section 102-387 of the Ordinance.

7. The City shall not enforce Section 102-387(A) of the Ordinance against Airbnb, including through the retroactive imposition of penalties, until three months from the Effective

Date, and only on a prospective basis from that date on. Nothing in this paragraph will affect the rights of the parties as set forth in paragraph 2 footnote 1 above.

8. This stipulation and agreement shall apply consistent with the interpretation of Section 102-387(A) of the Ordinance as set forth herein. It shall not apply to any other provision of the Ordinance.

9. Airbnb shall have the opportunity to withdraw from this stipulation if there are any amendments to Section 102-387 of the Ordinance or any other material change in City law that alters the notice and display requirements owed by hosting platforms after the Effective Date. To the extent Airbnb withdraws from the agreement prior to three months from the date of the Provision, the City shall return the Provision in full to Airbnb; to the extent Airbnb withdraws from the agreement after three months but prior to six months from the date of the Provision, the City shall return two-thirds (2/3) of the Provision to Airbnb; to the extent Airbnb withdraws from the agreement after six months but prior to nine months from the date of the Provision, the City shall return one-third (1/3) of the Provision to Airbnb. Airbnb's withdrawal shall be effective after 5 days of notice provided to the City.

10. Airbnb hereby agrees to dismiss this action against the City without prejudice and with each party to bear its own attorney's fees and costs, pursuant to Rule 41(a)(2) of the Federal Rules of Civil Procedure.

11. The City shall not agree to any other hosting platform being entitled to the benefits of this agreement without that hosting platform agreeing to its terms.

12. Nothing in this Stipulation shall affect any other duties of either party.

13. This Stipulation of Dismissal and Settlement shall become effective upon entry by the Court ("Effective Date").

Dated: August 1, 2019

s/ David M. Buckner

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*Attorneys for Defendant City of Miami Beach*

SO ORDERED:

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Hon. Robert N. Scola  
United States District Judge