
From: Richard Neill

Sent: Monday, October 24, 2022 2:35 PM

To: William Thiess <william.thiess@stlucievillagefl.gov>; Dale Reed <dale.reed@stlucievillagefl.gov>; 'Ingrid Vanhekken' <ingrid.vanhekken@stlucievillagefl.gov>; Jim Grimes <jim.grimes@stlucievillagefl.gov>; Tim Ritter <tim.ritter@stlucievillagefl.gov>; John Langel <john.langel@stlucievillagefl.gov>

Cc: Mary Fowler <mary.fowler@stlucievillagefl.gov>

Subject: RE: Town Marshal Position Vacancy

Good afternoon.

Just a reminder that we're getting together tomorrow in relation to vacation rentals and procedure on Marshal selection.

Also, Eryn from the League of Cities had suggested a couple of ordinances to consider and I came across the Fort Lauderdale one. I thought I would share these if you wanted extra reading.

The attached PDF is our most current draft.

See you tomorrow!

Regards,

Richard

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City of Anna Maria

Chapter 108 VACATION RENTALS¹

ARTICLE I. IN GENERAL

Sec. 108-1. Authority, scope and purpose.

This chapter is enacted under the home rule power of the City of Anna Maria in the interest of the health, peace, safety and general welfare.

Section 509.013, Florida Statutes, provides a distinction between "transient public lodging establishments," which are rented, or advertised or held out for rental to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less; and "nontransient public lodging establishments," which are rented, or advertised or held out for rental to guests for periods of at least 30 days or one calendar month, whichever is less.

Section 509.242(1)(c), Florida Statutes, further provides for a subset of transient public lodging establishments, called "vacation rental" which is any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family or four-family house or dwelling unit that is also a transient public lodging establishment, but that is not a timeshare project.

It is the intent of this chapter to regulate vacation rentals as defined by Florida Statutes, as well as other transient public lodging establishments that do not have on-site management, which are located in the single family and two-family residential dwelling zoning districts of the City of Anna Maria, which collectively are referred to herein as "vacation rentals".

In 2011, the Florida Legislature passed House Bill 883, (Chapter 2011-119, Laws of Florida), amending Florida Statutes, Section 509.032(b) to provide that "[a] local law, ordinance, or regulation may not restrict the use of vacation rentals, prohibit vacation rentals, or regulate vacation rentals based solely on their classification, use or occupancy. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."

In 2014, the Florida Legislature passed Senate Bill 356 (Chapter 2014-71, Laws of Florida), amending that same statute to read "[a] local law, ordinance, or regulation may not prohibit vacation rentals, or regulate the duration of frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011."

The official statement of legislative intent of Senate Bill 356 as reflected in the House of Representatives' Final Bill Analysis, dated June 19, 2014, states that the "Effect of the Bill" is as follows:

¹Editor's note(s)—Ord. No. 15-807, § 1, adopted Nov. 19, 2015, repealed the former Ch. 108, §§ 108-1—108-10, 108-21—108-28, 108-40—108-44, 108-51—108-64, and enacted a new Ch. 108 as set out herein. The former Ch. 108 pertained to similar subject matter and derived from Ord. No. 15-788, § 1, adopted April 9, 2015; Ord. No. 15-794, § 1, adopted June 11, 2015; Ord. No. 15-791, § 1, adopted Sept. 2, 2015.

Cross reference(s)—Misleading advertising, § 27.10.

"The bill permits local governments to create regulation that distinguishes vacation rentals from other residential property. In the past, local government regulations have included noise, parking, registration, and signage requirements for vacation rentals.

"The bill does not allow local governments to create regulations that would prohibit vacation rentals or restrict the duration or frequency of vacation rentals. These types of regulation remain preempted to the state.

"The grandfather provision in existing law exempting any local law, ordinance, or regulation adopted on or before June 1, 2011, is maintained. Any local law, ordinance, or regulation passed before that date that prohibits or restricts vacation rentals based on the duration or frequency may continue to be enforced."

This chapter does not prohibit vacation rentals, or the duration or frequency of vacation rentals, nor is it the intention of the City of Anna Maria to do so, but rather this chapter is intended to address life safety and compatibility concerns in the interests of the health, peace, safety, and general welfare.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-2. Findings of facts.

Based on information presented at various city commission meetings by residents of Anna Maria and owners and operators of vacation rentals, the practical first-hand experience and observations of city commissioners, common sense deductions of city commissioners based on long term experiences in Anna Maria, information learned by city commissioners from various residents, information from the U.S. Census, as well as evidence and testimony presented at public hearings before the city commission, and on the Short-Term Rental Housing Restrictions White Paper, prepared by Robinson & Cole, Attorneys at Law, in 2011, prepared for the National Association of Realtors®, the city commission finds:

- (1) Residents residing within their residential dwellings are inherently familiar with the local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from their residential dwellings, thereby minimizing potential risks to themselves and their families.
- (2) In contrast, transient occupants of vacation rentals, due to their transient nature, are typically not familiar with local surroundings, local weather disturbances, local hurricane evacuation plans, and means of egress from the vacation rentals in which they are staying, thereby increasing potential risks to themselves and their families, and putting an additional burden on, and potentially putting at risk, emergency personnel in the event of an emergency situation.
- (3) Certain vacation rentals are presently located within the single family and two-family dwelling residential zoning districts of the City of Anna Maria.
- (4) Vacation rentals, left unregulated, can create negative impacts within residential neighborhoods due to excessive noise, parking and traffic problems, excessive use and impact on public services and public works, extreme size and/or greater occupancy.
- (5) Vacation rentals situated within residential neighborhoods can disturb the quiet nature and atmosphere of the residential neighborhoods, and the quiet enjoyment of its residents.
- (6) Vacation rentals located within established residential neighborhoods can create negative compatibility impacts relating to extreme noise levels, late night activities, on-street parking issues and traffic congestion.
- (7) A residential dwelling is typically the single largest investment a family will make with the residents of the residential dwelling desiring the tranquility and peaceful enjoyment of their neighborhood without

excessive noise and increased parking issues and traffic congestion caused by transient occupants of vacation rentals.

- (8) In 2011, the City of Anna Maria suffered an increase in the construction of new structures containing as many as six or more bedrooms which were subsequently used, with no notice to the city, as vacation rentals with as many as 22 or more transient occupants staying there at one time.
- (9) According to the 2010 U.S. Census, the City of Anna Maria has an average household size of 1.89 persons.
- (10) According to the 2010 U.S. Census, the City of Anna Maria has an average family size of 2.33 persons.
- (11) Vacation rentals situated in single-family and two-family residential neighborhoods can and do create a great disparity in occupancy.
- (12) The presence of on-site management militates against the negative impacts of vacation rentals.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-3. Definitions.

The following terms as used in this chapter are defined as set forth hereinafter:

Bedroom means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an en suite bathroom, and complies with the Florida Fire Code and Florida Life Safety Code as a bedroom, but shall not include a bathroom, a kitchen, a dining room, or any main living area. If a room has been added, altered, or converted without any required building permit having been granted, such room shall not be deemed a bedroom. If a previously approved bedroom exists as of the effective date of this code (November 19, 2015), and does not have a separate closet that is an integral part of the permanent construction of the structure, but rather utilizes an armoire or other furniture piece for clothing storage, the requirement for a closet to qualify as a bedroom is waived.

Occupant means any person who occupies a vacation rental overnight.

On-site management means an office located at the site of a transient public lodging establishment that has, no less than eight hours per day, seven days a week, a person or persons physically present on site for purposes of supplying management, rental, and/or maintenance services for that particular transient public lodging establishment, and, when the office is closed, has a person who is available upon one hour's phone notice to return to the transient public lodging establishment to supply management or maintenance services.

Owner occupied means the vacation rental is then occupied by person(s), at the vacation rental owner's consent, who do not pay rent for the occupancy of the vacation rental, when such persons are members of the family of the vacation rental owner. Family shall be defined as provided in section 70-1 of the Anna Maria Code of Ordinances.

Transient public lodging establishments means 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 one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

Vacation rental is collectively a vacation rental as defined under Florida Statutes, and any transient public lodging establishment that does not have on-site management, which is located in the single family and/or two-family residential dwelling zoning districts of the City of Anna Maria.

Vacation rental owner is the fee simple owner of the vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event the vacation rental owner is not an individual, each and every person who owns 20 percent or more of the equitable interest in the vacation rental

shall also be deemed a vacation rental owner. The duties and functions of a vacation rental owner may, at the option of the vacation rental owner, be performed by an agent of the vacation rental owner, so long as the vacation rental owner notifies the city in writing, on a form provided by the city, of the identity and contact information of such agent, and the specific duties that the agent will be performing for the vacation rental owner. The vacation rental owner may change the designation of agent at any time through the filing of a new form and the payment of an administrative fee in an amount as set by resolution by the city commission. The vacation rental owner shall be held responsible for all actions of such designated agent with respect to the applicable vacation rental.

(Ord. No. 15-807, § 1, 11-19-15)

Cross reference(s)—Misleading advertising, § 27-11.

Sec. 108-4. Enforcement.

Violations of this chapter shall be enforced in accordance with the provisions of Chapter 2, Administration, Article III, Code Enforcement of this Code of Ordinances, and through fines in accordance with ordinances and resolutions adopted by the city commission.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-5. Appeals.

Any decision of the mayor or his or her authorized designee relating to this chapter shall be rendered in writing in appealable form, and reviewed by the city special magistrate if a notice by the vacation rental owner or agent is filed with the city clerk within ten days after the action to be reviewed. The city clerk shall place the matter on the agenda of the next available meeting of the special magistrate, but no later than 35 days after the notice by the vacation rental owner or agent is filed, at which the matter will be reviewed. The decision of the special magistrate shall be final and shall be rendered in writing in appealable form. Such final decision may be reviewed as permitted under Florida law.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-6. Construction of chapter.

This chapter shall be liberally construed to accomplish its purpose of regulating vacation rentals, protecting the residential character of Anna Maria, the health, safety, and general welfare of its residents and visitors, and the quiet enjoyment by Anna Maria's residents of their residential property.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-7. Severability.

In the event that any word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this chapter, is contrary to law, or against public policy, or shall for any reason whatsoever held to be invalid, illegal or unconstitutional, by any court of competent jurisdiction, such word(s), phrase(s), portion(s), sub-sub-section(s), sub-section(s), or section(s) of this chapter shall be null and void, and shall be deemed severed, and a separate, distinct, and independent provision from the remaining provisions of this chapter, and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sub-sub-sections, sub-sections, or sections of this chapter, which shall remain in full force and effect. This chapter shall be construed in a manner to accomplish, to the greatest extent legally possible, the purposes of this chapter as expressed herein.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-8—108-20. Reserved.

ARTICLE II. VACATION RENTAL REGISTRATION

Sec. 108-21. Registration required.

No later than April 1, 2016, every vacation rental owner, either personally or through an agent, shall register with the City of Anna Maria utilizing forms promulgated by the city. The city may extend the date that such registration is required by notice on the city's website should the city not publish forms and fees for registration by January 1, 2016. A separate registration shall be required for each vacation rental. The operation of a vacation rental without registration after the date registration is required shall be a violation of this chapter, except in the instance of providing accommodations to fulfil a pre-existing contract as provided hereinafter. Every day of such operation without registration shall constitute a separate violation.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-22. Vacation rental registration.

- (a) A vacation rental owner or agent, as applicable, registering a vacation rental with the city shall submit to the city a completed registration form, utilizing a form promulgated by the city, together with a registration fee in the amount set by resolution of the city commission.
- (b) A registration form shall include the following submittals:
 - (1) A completed vacation rental registration form.
 - (2) Payment of applicable fee.
 - (3) A copy of the vacation rental's current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation, if the registrant has such license.
 - (4) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue, if the registrant has such certificate of registration.
 - (5) Evidence of the vacation rental's current and active account with the Manatee County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Manatee County Tax Collector, if the registrant has such account.
 - (6) Exterior site sketch. An exterior sketch of the vacation rental facility shall be provided. The sketch shall show and identify all structures, pools, spas, hot tubs, fencing, and uses, including areas provided for off-street parking. For purposes of the sketch, off-street parking spaces shall be delineated so as to enable a fixed count of the number of spaces provided. At the option of the vacation rental owner, such sketch may be hand drawn, and need not be professionally prepared.
 - (7) Interior building sketch by floor. A building sketch by floor shall be provided, showing a floor layout identifying all bedrooms, other rooms, exits, hallways, stairways, as applicable. At the option of the vacation rental owner, such sketch may be hand drawn, and need not be professionally prepared.

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- (c) If a registration form is incomplete, the registrant will be notified of the deficiency, and be allowed ten days to provide any missing information or fees.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-23. Modification of vacation rental registration.

An amendment of a vacation rental registration shall be required in the event that any of the following changes to the vacation rental are proposed:

- (1) An increase in the number of bedrooms in the vacation rental.
- (2) An increase in the maximum occupancy of the vacation rental.
- (3) An increase or decrease in the number of parking spaces, or a change in the location of parking spaces for the vacation rental.
- (4) A change in ownership of the vacation rental.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-24. Duration of vacation rental registration.

A vacation rental registration shall be valid for one year after the date of registration.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-25. Renewal of vacation rental registration.

A vacation rental owner must renew its registration annually prior to the expiration date of the previous vacation rental registration.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-26. Inspection of vacation rentals.

- (a) Inspection of a vacation rental to verify compliance with the Florida Building Code, and the Florida Fire and Life Safety Codes, which governed at the time of completion of the subject construction, shall be required subsequent to the initial registration of the vacation rental, and annually after each renewal. If instances of noncompliance are found, all such instances of noncompliance shall be handled as other violations of the Florida Building Code and Florida Fire and Life Safety Codes are otherwise handled in the city. These requirements will not be imposed so as to affect contracts that pre-exist the effective date of this chapter (November 19, 2015).
- (b) Annual inspections shall be made by the city through appointment with the vacation rental owner or agent, as applicable. If a city inspector has made an appointment with vacation rental owner or agent, as applicable, for an inspection, and the city inspector is unable to complete the inspection as a result of an action or inaction of the vacation rental owner or agent, or an occupant of the vacation rental, the vacation rental owner shall be charged a "re-inspection" fee in an amount set by resolution of the city commission to cover the inspection expense incurred. The re-inspection fee shall be paid prior to scheduling the re-inspection. In addition, failure of a vacation rental owner or agent, as applicable, to make the vacation rental available for an inspection within 20 days after notification by the city in writing that the city is ready to conduct the annual inspection, shall be a violation of this chapter punishable by a fine as set by resolution by the city

commission. Such violation shall continue until the inspection is accomplished. Each day that such violation continues shall be a separate violation.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-27. Transfer of vacation rental registration.

Vacation rental registrations are transferable only when the ownership of the vacation rental is sold or otherwise transferred, and the new owner has filed a modification of the registration with the city within 30 days from the date of the sale or transfer. Failing such modification of the registration, any outstanding vacation rental registration as to that vacation rental shall be null and void on the 31st day after such sale or transfer.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-28. Vested rights/waiver/estoppel.

A vacation rental registration shall not be construed to establish any vested rights or entitle the registered vacation rental to any rights under the theory of estoppel. A vacation rental registration shall not be construed as a waiver of any other requirements contained within the City of Anna Maria City Code or Comprehensive Plan, and is not an approval of any other code requirement outside this chapter. The registration of a vacation rental is not an approval of a use or activity that would otherwise be illegal under Florida law, the Florida Building Code, the Florida Fire Code or Life Safety Code, or in violation of the Anna Maria City Code or Comprehensive Plan.

(Ord. No. 15-807, § 1, 11-19-15)

Secs. 108-29—108-42. Reserved.

Sec. 108-43. Duties of vacation rental owner.

Every vacation rental owner or agent, as applicable, shall be available by landline or mobile telephone answered by the vacation rental owner or agent at the listed phone number 24-hours a day, seven days a week to respond to police, fire or other emergency personnel requests. Otherwise, response to contact by the city's regulatory personnel shall be required only Monday through Saturday, 9:00 a.m. to 6:00 p.m. Failure of the vacation rental owner or agent, as applicable, to fulfil this duty, shall be a violation of this chapter which shall be punished by fine as set by resolution of the city commission.

(Ord. No. 15-807, § 1, 11-19-15)

Secs. 108-40—108-50. Reserved.

ARTICLE III. STANDARDS AND REQUIREMENTS FOR VACATION RENTALS²

²Editor's note(s)—Ord. No. 15-807, § 4, states: The city will not begin the enforcement of the standards and requirements relating to vacation rentals until April 1, 2016, or until such later date as the date registration is required if such date is extended by notice on the city's website.

Sec. 108-51. Generally.

The standards and requirements set forth in this article shall apply to the rental, use, and occupancy of vacation rentals in the City of Anna Maria.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-52. Minimum safety and operational requirements.

Vacation rentals in the City of Anna Maria shall meet the applicable standards under the Florida Statutes, Florida Building Code and the Florida Fire Code and Life Safety Code, and each vacation rental shall have at least one telephone with the ability to call 911.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-53. Maximum occupancy based on site capacity/limitations/grandfathering.

- (a) The maximum occupancy of a vacation rental shall be stated in the vacation rental registration form, and shall be limited to the lesser of:
 - (1) Two persons per bedroom that contains 100 square feet or more, (counting only those rooms that meet the definition of bedroom herein), plus one person per bedroom that contains no less than 70 square feet, but less than 100 square feet, (counting only those rooms that meet the definition of bedroom herein), plus two persons.
 - (2) A total of eight occupants per vacation rental. In the event there is more than one building or dwelling on one platted lot, the maximum occupancy shall be capped at eight occupants per lot or structure, whichever is less.
- (b) The maximum occupancy restriction as set forth above shall not apply when the property is owner occupied by the vacation rental owner.
- (c) Notwithstanding the above, a vacation rental that was used as a vacation rental as of the effective date of this chapter, (November 19, 2015), may apply for the status of grandfathered for a period of five years, as to occupancy limitations, and may cap its occupancy based upon the following criteria and procedures. Vacation rentals that have an occupancy of eight or less as determined according to section 108-53(a) above will not require grandfathering to maintain that occupancy.
 - (1) A grandfathered vacation rental shall have its maximum occupancy based upon two persons per bedroom (each bedroom must meet the definition of bedroom herein) at the time of application for grandfather status. A change in the number of bedrooms at the vacation rental shall cause such vacation rental to lose its grandfathered status.
 - (2) The vacation rental owner, or agent, as applicable, ("grandfathering applicant"), shall complete a grandfathering application as prescribed by the city, which shall be submitted under oath and upon penalty of perjury, and provide verifiable written proof of the number of bedrooms as herein defined in the vacation rental.
 - (3) The grandfathering application and supporting proof shall be submitted to city for review by city staff, and such staff shall make a written determination as to the maximum occupancy of such grandfathered vacation rental.
 - (4) If the city staff fails to confirm the requested occupancy level, the City of Anna Maria shall notify the grandfather applicant of that fact, and the occupancy level that can be approved, in writing. Within 20

days after such notice, an evidentiary hearing may be requested by the grandfather applicant before the special magistrate to provide the grandfather applicant an opportunity to provide evidence and/or testimony in support of the occupancy requested. A determination by the special magistrate after such evidentiary hearing shall be final. If no hearing is requested during that time period, the occupancy level shall be set at the level determined by the city staff upon initial review.

- (5) An application for grandfathering shall be submitted, if at all, by no later than the time of registration of the vacation rental, but not later than April 1, 2016. If the city extends the date that registration is required, the deadline for the application for grandfathering shall also be extended to the same extended date. If a vacation rental has been registered, but a final determination as to the occupancy level based upon grandfathering has not yet been made, such vacation rental may allow occupancy up to the occupancy requested in the grandfathering application until such time as a final determination as to occupancy has been made.
- (6) If it is reasonably determined by the city staff that any information supplied to the City of Anna Maria in support of an application for grandfathering was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city commission by resolution. If there is such a determination by city staff, the City of Anna Maria shall notify the grandfather applicant of that fact, and within 20 days after such notice, an evidentiary hearing may be requested by the grandfather applicant before the special magistrate to provide the grandfather applicant an opportunity to provide evidence and/or testimony to show that the information supplied in support of the application for grandfathering was not intentionally false or fraudulent. The determination by the special magistrate after such evidentiary hearing shall be final. If no hearing is requested during that time period, the initial determination by the city staff shall be final.
- (7) If a vacation rental registration does not exist as to a vacation rental for a period in excess of 13 months, any grandfathering determination shall be deemed abandoned, and shall no longer be applicable to that vacation rental.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-54. Vacation rental agreements—Minimum provisions.

Vacation rentals shall be rented, leased or occupied pursuant to a written rental agreement which contains, at a minimum, the following information:

- (1) Maximum occupancy of the vacation rental that is consistent with the vacation rental registration.
- (2) The maximum number of vehicles that will be allowed to park at the vacation rental. Such number of vehicles shall not exceed the number of parking spaces located at the vacation rental as shown in the sketch submitted with the vacation rental registration, plus any other legal parking spaces that the vacation rental owner can show are available to the vacation rental.
- (3) A statement that a sketch of the permitted off-street parking locations where occupants may park according to the vacation rental registration sketch and any other legal parking spaces available to the vacation rental will be posted at the vacation rental.
- (4) A statement that all occupants must promptly evacuate from the vacation rental upon posting of any evacuation order issued by state or local authorities.
- (5) A copy of a document to be supplied by the city which includes excerpts from City of Anna Maria ordinance provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, regulations related to sea turtles and sea turtle lighting, and City of Anna Maria Noise Ordinance, as specified by resolution of the city, as a lease addendum. The city will make available to

vacation rental owners and agents a copy of such document in digital format upon request, and the city will post such document on its website.

(Ord. No. 15-807, § 1, 11-19-15)

Sec. 108-55. Required providing of vacation rental and local information—Posting.

- (a) In each vacation rental, there shall be provided, in a prominent location, the following written information:
- (1) The name, address and phone number of the vacation rental owner or agent, as applicable.
 - (2) The maximum occupancy of the vacation rental.
 - (3) A copy of a document to be supplied by the city which includes excerpts from City of Anna Maria ordinance provisions of general application relevant to vacation rentals to include solid waste pick-up regulations, regulations related to sea turtles and sea turtle lighting, and City of Anna Maria Noise Ordinance, as specified by resolution of the city, as a lease addendum. The city will make available to vacation rental owners and agents a copy of such document in digital format upon request, and the city will post such document on its website.
 - (4) The maximum number of vehicles that can be parked at the vacation rental, along with a sketch of the location of the off-street parking spaces.
 - (5) The days and times of trash pickup.
 - (6) The location of the nearest hospital.
- (b) There shall be posted, next to the interior door of each bedroom a legible copy of a building evacuation map—Minimum 8½" by 11".

(Ord. No. 15-807, § 1, 11-19-15)

Secs. 108-56—108-63. Reserved.

ARTICLE IV. EXEMPTIONS

Sec. 108-64. Exemption for pre-existing rental agreements.

Notwithstanding any other provision of this chapter, rental agreements with prospective occupants for vacations rentals that were pre-existing as of the enactment of this chapter 108, (November 19, 2015), (hereinafter "pre-existing agreements") are exempt from the provisions of this chapter.

If a vacation rental is cited for a violation of this chapter, (that would not be a violation if it were not for this chapter), when the vacation rental is occupied under the terms of a pre-existing agreement, the vacation rental owner may defend such violation based on the fact that the vacation rental was exempt from this chapter due to it being occupied pursuant to a pre-existing agreement. Such defense shall be determined based upon the following information, and upon any additional information supplied by the vacation rental owner or otherwise determined by the fact finder:

- (1) Copy of deposit or payment information evidencing that the agreement was a pre-existing agreement.
- (2) Copy of e-mail or other communication evidencing a binding pre-existing agreement.

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- (3) Information from the occupant confirming that there was a binding agreement in a time-frame to make the agreement as pre-existing agreement under this chapter.

If it is reasonably determined by the city staff, and confirmed by the city's special magistrate that any information supplied to the City of Anna Maria in support of an application for exemption, or in support of a defense based upon pre-existing agreement, was intentionally false or fraudulent, the person supplying the false or fraudulent information shall be subject to a fine as set by the city commission by resolution.

(Ord. No. 15-807, § 1, 11-19-15)

Flagler County

3.06.14. Short-term vacation rentals.

- A. *Applicability.* This section shall apply to short-term vacation rental as a commercial business, as defined in section 3.08.02, of a single-family dwelling and a two-family dwelling. This section shall not apply to short-term vacation rentals within a multi-family residential building, or a group of multi-family residential buildings, which includes three (3) or more individual dwelling units within such building or group of buildings. This section shall also not apply to unincorporated areas west of U.S. Highway 1 and to any facilities that are occupied on a full-time basis by the owner as an on-premises permanent resident.
- B. *Short-term vacation rental minimum requirements.* Short-term vacation rentals shall be permitted in all residential zoning districts provided they are in compliance with this section. No person shall rent or lease all or any portion of a dwelling unit as a short-term vacation rental as defined in section 3.08.02 without initially and then on a continuing basis:
1. Obtaining a short-term vacation rental certificate from Flagler County pursuant to this section;
 2. Obtaining a business tax receipt from Flagler County pursuant to chapter 19 of the Code of Ordinances;
 3. Obtaining a Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes, and transient rental taxes;
 4. Obtaining a Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
 5. As demonstrated through an affidavit, maintaining initial and ongoing compliance with the Short-term Vacation Rental Standards contained herein, plus any other applicable local, state, and federal laws, regulations, and standards to include, but not be limited to, Chapter 509, Florida Statutes, and Rule Chapters 61C and 69A, Florida Administrative Code or such successor statutes or Rules as may be applicable.
- C. *Short-Term Vacation Rental Standards.* The following Standards shall govern the use of any short-term vacation rental as a permitted use:
1. *Minimum life/safety requirements:*
 - a. Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes.
 - b. Sleeping rooms. All sleeping rooms shall meet the single- and two-family dwelling minimum requirements of the Florida Building Code.
 - c. Smoke and carbon monoxide (CO) detection and notification system. If an interconnected and hard-wired smoke and carbon monoxide (CO) detection and notification system is not in place within the short-term vacation rental unit, then an interconnected, hard-wired smoke alarm and carbon monoxide (CO) alarm system shall be required to be installed and maintained on a continuing basis consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code — Residential.
 - d. Fire extinguisher. A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
 - e. Battery powered emergency lighting of primary exit. Battery powered emergency lighting which provides illumination automatically in the event of any interruption of normal lighting shall be provided for a period of not less than one (1) hour to illuminate the primary exit. For purposes of

this requirement, short-term vacation rentals with Short-Term Vacation Rental Certificates issued prior to the enactment of the ordinance providing for the codification of this standard shall have until December 31, 2016 to receive an inspection (as part of the renewal of the initial certificate) to demonstrate compliance with the emergency lighting standard.

2. *Maximum occupancy.* The following specific site considerations in subsections a., b., and c. shall limit any short-term vacation rental occupancy to whichever is less, but not to exceed the permitted maximums provided in subsections d. or e., as applicable, below:
 - a. One (1) person per one hundred fifty (150) gross square feet of permitted, conditioned living space; or
 - b. The maximum number of occupants allowed shall be restricted in accordance with any septic tank permit and the assumed occupancy/conditions the permit was issued under by the Flagler County Health Department; or
 - c. Two (2) persons per sleeping room, meeting the requirements for a sleeping room, plus two (2) additional persons that may sleep in a common area.
 - d. In the R-1, R-1b, R-1c, R-1d, R-2, MH-1, MH-2, and R/C zoning districts and any PUD development or specific portion thereof developed as a single- or two-family neighborhood, the maximum occupancy shall be limited to ten (10) occupants per short-term vacation rental unit.
 - e. In all other zoning districts and developments predominantly developed with greater than two-family dwelling units, the maximum occupancy shall be limited to sixteen (16) transient occupants per short-term vacation rental unit.
3. *Parking standard.* Based on the maximum short-term transient occupancy permitted, minimum off-street parking shall be provided as one (1) space per three (3) transient occupants. Garage spaces shall count if the space is open and available and the transient occupants are given vehicular access to the garage. On-street parking shall not be permitted.
4. *Solid waste handling and containment.* Based on the maximum transient occupancy permitted, one (1) trash storage container shall be provided per four (4) transient occupants or fraction thereof. Appropriate screening and storage requirements for trash storage containers shall apply per any development approval or local neighborhood standard, whichever is more restrictive, and be incorporated into the Certificate. For purposes of this section, a trash storage container shall be a commercially available thirty-five (35) gallon or greater capacity container with a lid that securely fastens to the container so as to prevent spills and animal access, with the container to be placed at curbside on the day of solid waste pickup and to be removed from curbside no later than sunrise the following day.
5. *Minimum short-term vacation rental/lease agreement wording.* The short-term vacation rental/lease agreement shall contain the minimum information as provided for in subsection 3.06.14.H.
6. *Minimum short-term vacation rental information required postings.* The short-term vacation rental shall be provided with posted material as required by Flagler County as prescribed in subsection 3.06.14.1.
7. *Minimum short-term vacation rental lessee information.* The short-term vacation rental lessee shall be provided with a copy of the information required in subsection 3.06.14.H.
8. Designation of a short-term vacation rental responsible party capable of meeting the duties provided in subsection 3.06.14.G.
9. *Septic tank wastewater disposal.* If wastewater service is provided through a private home septic system, then the owner shall provide Flagler County a valid Health Department septic permit and the

application it is based upon for the property, demonstrating the capacity for the short-term vacation rental occupancy requested.

10. *Advertising.* Any advertising of the short-term vacation rental unit shall conform to information included in the Short-Term Vacation Rental Certificate and the property's approval, particularly as this pertains to maximum occupancy.
 11. *Other standards.* Any other standards contained within the Flagler County Land Development Code to include but not be limited to: noise, setbacks, stormwater, and similar provisions.
- D. *Short-Term Vacation Rental Certificate.* To verify compliance with these short-term vacation rental standards, any property owner who wishes to use his or her dwelling unit as a short-term vacation rental must first apply for and receive a Short-Term Vacation Rental Certificate from Flagler County, and renew the certificate annually for as long as the unit is used as a short-term vacation rental. Each dwelling unit used as a short-term vacation rental requires a separate Short-Term Vacation Rental Certificate. An annual certificate fee shall be paid for each dwelling unit certified as a short-term vacation rental, in an amount to be determined by resolution of the board of county commissioners, to cover the costs of administration of the Certificate and inspection program. Failure to comply with any of the requirements of this section shall be subject to the remedies and enforcement provided in subsection 3.06.14.K.
- E. *Application for a Short-Term Vacation Rental Certificate.* Each property owner seeking initial issuance of a Short-Term Vacation Rental Certificate, renewal, transfer, or modification of a Short-Term Vacation Rental Certificate, shall submit a Flagler County Short-Term Vacation Rental application in a form specified by the county, along with an application fee in an amount to be determined by resolution of the board of county commissioners. The initial Short-Term Vacation Rental Certificate shall be valid through December 31, 2016.
1. A complete application for the initial or modification of a Short-Term Vacation Rental Certificate shall demonstrate compliance with the Short-Term Vacation Rental Standards above through the following submittals:
 - a. A completed application and applicable fees.
 - b. Exterior site sketch. An exterior sketch of the facility demonstrating compliance with the Standards contained herein shall be provided to the county. The sketch shall be drawn to scale, showing all structures, pools, fencing, and uses, including areas provided for off-street parking and trash collection. For purposes of the sketch, off-street parking spaces will be delineated so as to enable a fixed count of the number of spaces provided; however, no parking shall be permitted within a public right-of-way or private roadway tract.
 - c. Interior building sketch by floor. A building sketch(s) shall be provided by floor showing a floor layout and demonstrating compliance with the Standards contained herein. The sketch shall be drawn to scale, showing all bedrooms and sleeping areas, exits, smoke and carbon monoxide detectors, and fire extinguishers etc.
 - d. Required short-term vacation rental postings. Copies of required postings shall be provided.
 - e. A draft short-term vacation rental/lease agreement showing required lease terms - A blank sample to be provided.
 - f. A health department septic tank permit and the application on which the permit is based, if applicable.
 - g. Any other required information necessary to demonstrate compliance with the Short-Term Vacation Rental Standards herein.
 2. *Certificate renewals or transfers.* The application for renewal or transfer of a Short-Term Vacation Rental Certificate shall demonstrate compliance with the following:

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- a. If no changes have occurred since the issuance of the most recent Short-Term Vacation Rental Certificate, then no additional submittals are required to accompany the renewal/transfer Short-Term Vacation Rental Certificate application except as subsection 3.06.14.E.2.b below may be applicable.
 - b. If minor changes not involving the specific modifications described below in subsection 3.06.14.E.3 have occurred since the issuance of the most recent Short-Term Vacation Rental Certificate, then additional submittals specific to the minor changes shall be required to accompany the application as necessary to demonstrate compliance with the standards herein.
 - c. An inspection is required whenever there is a transfer of a certificate.
 - d. A Short-Term Vacation Rental Certificate holder must apply annually for a renewal no sooner than August 1 and no later than October 1 of each year and shall have passed all inspections and complied fully with section 3.06.14 by December 31.
3. *Modification of certificate.* An application for modification of a Short-Term Vacation Rental Certificate is necessary where any of the following apply:
 - a. The gross square footage of the dwelling unit has increased; or
 - b. The number of sleeping areas/bedrooms is proposed to increase; or
 - c. The occupancy is otherwise proposed to increase.

For the inspection of a modification to a Short-Term Vacation Rental Certificate, the modification in facility usage may not occur until after a successful County inspection; however, pending such successful inspection the current certificate will still apply.

F. *Initial and routine compliance inspections of short-term vacation rentals.*

1. An inspection of the dwelling unit for compliance with this section is required prior to issuance of an initial Short-Term Vacation Rental Certificate. If violations are found, all violations must be corrected and the dwelling unit must be re-inspected prior to issuance of the initial Short-Term Vacation Rental Certificate as provided herein.
2. Once issued, a short-term vacation rental unit must be properly maintained in accordance with the Short-Term Vacation Rental Standards herein and will be re-inspected annually or, in the event of a Certificate transfer, re-inspected at the time of transfer. For an inspection, all violations must be corrected and re-inspected within thirty (30) calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in enforcement as provided in subsection 3.06.14.K until such time as the violation(s) is/are corrected and re-inspected.
3. The inspections shall be made by appointment with the short-term vacation rental responsible party. If the inspector(s) has made an appointment with the responsible party to complete an inspection, and the responsible party fails to admit the officer at the scheduled time, the owner shall be charged a "no show" fee in an amount to be determined by resolution of the board of county commissioners to cover the inspection expense incurred by Flagler County.
4. If the inspector(s) is denied admittance by the short-term vacation rental responsible party or if the inspector(s) fails in at least three (3) attempts to complete an initial or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address shown on the existing Short-Term Vacation Rental Certificate or the application for Short-Term Vacation Rental Certificate.
 - a. For an initial inspection, the notice of failure of inspection results in the certificate not being issued and the short-term vacation rental is deemed not in compliance with section 3.06.14.

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- b. For a subsequent inspection, the notice of failure of inspection is considered a violation pursuant to subsection 3.06.14.F.2. above and is subject to enforcement remedies as provided herein.
- G. *Short-term vacation rental responsible party.*
1. The purpose of the responsible party is to respond to routine inspections and as well non-routine complaints and other more immediate problems related to the short-term vacation rental of the property.
 2. The property owner may serve in this capacity or shall otherwise designate a short-term vacation rental responsible party to act on their behalf. Any person eighteen (18) years of age or older may be designated by the owner provided they can perform the duties listed in subsection 3.06.14.G.3 below.
 3. The duties of the short-term vacation rental responsible party whether the property owner or an agent are to:
 - a. Be available by landline or mobile telephone at the listed phone number twenty-four (24) hours a day, seven (7) days a week and capable of handling any issues arising from the short-term vacation rental use;
 - b. If necessary, be willing and able to come to the short-term vacation rental unit within two (2) hours following notification from an occupant, the owner, or Flagler County to address issues related to the short-term vacation rental;
 - c. Authorized to receive service of any legal notice on behalf of the owner for violations of this section; and
 - d. Otherwise monitor the short-term vacation rental unit at least once weekly to assure continued compliance with the requirements of this section.
 4. A property owner may change his or her designation of a short-term vacation rental responsible party temporarily or permanently; however, there shall only be one (1) short-term vacation rental responsible party for each short-term vacation rental at any given time. To change the designated responsible party, the property owner shall notify Flagler County in writing via a completed form provided by the County.
- H. *Short-term vacation rental/lease agreement minimum provisions and requirements.* The rental/lease agreement must contain the following information at a minimum:
1. Maximum occupancy of the short-term vacation rental unit as permitted on the Short-Term Vacation Rental Certificate for the property;
 2. The name and ages of all persons who will be occupying the unit;
 3. The license tag numbers for all vehicles that the occupant(s) will be parking at the unit, with a total number not to exceed the number of off-street parking spaces at the unit as designated on the Short-Term Vacation Rental Certificate; and
 4. A statement that all transient occupants must evacuate from the short-term vacation rental upon posting of any evacuation order issued by local, state, or federal authorities.
 5. The rental/lease agreement shall be retained by the responsible party. The responsible party shall retain all rental/lease agreements for a period of one (1) year following the end of the rental period.
 6. No rental/lease agreement shall be provided to or retained by the county except as part of an enforcement investigation, emergency, or other action by the county. At the county's request, the responsible party shall immediately provide the county with the rental/lease agreement.
- I. *Required posting of the following short-term vacation rental unit information.*

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1. On the back of or next to the main entrance door or on the refrigerator there shall be provided as a single page the following information:
 - a. The name, address and phone number of the short-term vacation rental responsible party;
 - b. The maximum occupancy of the unit;
 - c. Notice that quiet hours are to be observed between 10:00 p.m. and 8:00 a.m. daily or as superseded by any county noise regulation;
 - d. The maximum number of vehicles that can be parked at the unit, along with a sketch of the location of the off-street parking spaces;
 - e. The days of trash pickup and recycling;
 - f. If the short-term vacation rental unit is located on the barrier island, notice of sea turtle nesting season restrictions and sea turtle lighting usage; and
 - g. The location of the nearest hospital.
 2. If the short-term vacation rental unit includes three (3) or more occupied floors, on the third floor above ground level and higher floors there shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map — Minimum 8½" by 11" in size.

J. *Offenses/violations.*

1. Non-compliance with any provisions of this section shall constitute a violation of this section, which shall include, but shall not be limited to, the specific paragraphs within subsection 3.06.14.B.
2. *Separate violations.* Each day a violation exists shall constitute a separate and distinct violation.

K. *Remedies/enforcement.* Violations of this section shall be subject to penalties as part of a progressive enforcement program with the primary focus on compliance and compatibility with adjoining properties, versus penalties and legal actions. To accomplish a safe and effective vacation rental program it is key that short-term vacation rental responsible parties are responsive and responsible in the management of the property for compliance with this section. Code enforcement activities will be in accordance with Florida Statutes Chapter 162 and the Flagler County Code of Ordinances.

1. *Warnings.* Warnings shall be issued for first-time violations and have a correction/compliance period associated with it. Such warnings may include notice to other agencies for follow-up by such agencies, such as the Department of Business and Professional Regulation, the Department of Revenue, the Flagler County Tax Collector and the Flagler County Property Appraiser, as applicable. Non-compliance with a correction compliance period shall result in the issuance of a citation.
2. The County may utilize Part 1 of Florida Chapter 162 to prosecute a code violation and in such case a special magistrate shall be authorized to hold hearings, assess fines in accordance with the statute and order other relief in lieu of using a county code enforcement board. Alternatively, the County may utilize Part 2 of Florida Chapter 162 and pursue violations by way of a civil citation system as provided in its Code of Ordinances. The civil citation fines per violation shall be set by Resolution of the Board of County Commissioners for first (1st), second (2nd), third (3rd) and further repeat violations. Regardless of whether the County utilizes Part 1 or 2, the County may also utilize an appropriate enforcing agency at the state or local level.
3. *Additional remedies.* Nothing contained herein shall prevent Flagler County from seeking all other available remedies which may include, but not be limited to, injunctive relief, liens, and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.

L. *Reserved.*

M. *Reserved.*

N. *Vesting.* Any holder of a Short-Term Vacation Rental Certificate as of December 31, 2015 is vested in the ways described below, provided they are otherwise in compliance with all other requirements contained herein.

1. *Rental agreement vesting.* It is recognized that likely there are existing rental/lease agreements for short-term vacation rentals in existence at the time of passage of the ordinance enacting this section which may not be in compliance with the terms of this section. Rental agreements that were entered into prior to the adoption of section 3.06.14 on February 19, 2015 shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit. Should any issue arise as to whether a rental agreement allows occupancy in excess of occupancy provided by a Short-Term Vacation Rental Certificate or as otherwise authorized in this subsection, the owner or responsible party shall establish a vested rental agreement to the satisfaction of the County, including providing electronic data that establishes the date on which an agreement was entered into.
2. *Maximum occupancy vesting.* In applying the standards of subsection 3.06.14.C to the short-term vacation rentals lawfully in existence prior to February 19, 2015, it is understood that there are properties that may otherwise physically qualify for larger occupancies if the maximum occupancy were set higher. In an effort to recognize investment backed expectations and yet balance and protect the interest of other single-family and two-family properties which are not rental properties, there shall be a phasing-in of maximum occupancy.

The maximum occupancy for these properties may be temporarily allowed to be capped at no more than fourteen (14) transient occupants providing all other requirements of subsection 3.06.14.C can be met. This maximum occupancy may be retained through February 28, 2018 in which case it shall be reduced by two (2) thereafter. The maximum occupancy of twelve (12) transient occupants shall then be retained through February 28, 2021 and then shall be reduced by two (2) to reach the maximum occupancy herein. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the normal Short-Term Vacation Rental Certificate process.

3. For those owners that desire a higher vesting occupancy and/or different vesting schedule, the owner of the property may make application for consideration of an alternative vesting benefit. The alternative vesting process shall require the following information at a minimum, although the actual application and review process may require the applicant to submit additional information:
 - a. Submittal of a complete vesting application to include applicable fee;
 - b. Issuance of Short-term Vacation Rental Certificate on the property otherwise meeting all other requirements herein;
 - c. A written narrative and any tabulation/evidence showing what potential financial impacts the reduction in occupancy will create;
 - d. Any prospectus, financial pro forma, or other information relied upon to make the investment into the property;
 - e. Actual short-term vacation rental/lease agreements on the property for the last three (3) years showing the number of occupants for the short-term vacation rental unit per rental;
 - f. Profit and loss statement for the property certified accurate by a Certified Public Accountant for the last three (3) years;
 - g. Detailed gross and net revenues/expenses for the property to include but not be limited to: management fees, maintenance fees, utility costs, and similar expenses;

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- h. Purchase price for the property and/or structure - If constructed by the owner, the construction costs of the facility;
 - i. Any mortgage or debt on the property along with any monthly debt service payments; and
 - j. All other information the applicant believes is relevant in establishing any vested rights claim and to demonstrate an extraordinary circumstance or consideration that should be weighed by the county.

The review process for an application for a higher vesting occupancy and/or different vesting schedule under this subsection will, at a minimum, provide for public notice to property owners within three hundred (300) feet of the subject property.

- 4. In the consideration of applications for vested rights under this subsection, such determinations shall be made by a special master, for which the use and procedures therefor shall be by resolution of the board of county commissioners.
 - a. The determination of the special master shall be deemed final action. In considering an application for vested rights, the burden of demonstrating entitlement to a vested right from the provisions of the ordinance enacting this section shall be on the owner or applicant seeking to establish vested rights.
 - b. Owners, seeking to establish vested rights, must demonstrate that the application of the ordinance enacting this section would inordinately burden an existing use of their real property or a vested right to a specific use of their real property.
- 5. A vested use shall transfer to a subsequent owner provided that all applicable Short-Term Vacation Rental Standards continue to be met in addition to any specific vesting conditions. A vested use is not transferrable to another short-term vacation rental property.
- 6. If a vested use ceases for a period of one (1) year, then the vesting shall be considered to have lapsed and the short-term vacation rental will be subject to all Short-Term Vacation Rental Standards as if a new application.

(Ord. No. 2015-02, § 2.A.1, 2-19-15; Ord. No. 2015-05, § 2, 4-6-15; Ord. No. 2016-01, § 2.A.1, 1-11-16)

City of St. Augustine

DIVISION 2. VACATION RENTALS

Sec. 28-145. Regulation of vacation rentals.

(a) *Definitions:*

Bedroom. A bedroom shall have the same meaning as the term sleeping unit found in the Florida Building Code.

Rental unit. A rental unit is the smallest portion of a vacation rental offered to the public as an individual unit available to rent.

Short term rental. A short-term rental is synonymous to a vacation rental.

Vacation rental. A vacation rental shall have that same meaning as defined in F.S. § 509.242.

(b) *Supplemental intent of these regulations:* The regulation of vacation rentals is intended to be supplemental to any other regulations, including but not limited to, zoning district regulations.

(Ord. No. 19-50, § 1, 1-27-20)

Sec. 28-146. Registration.

Every vacation rental shall register with the city on forms provided for this purpose and shall pay the required administrative fee, as set by resolution, at the time of registration and thereafter annually. The information provided on each listing of a vacation rental must accurately reflect the information submitted on the registration form. All information provided in the required registration application will be verified on site prior to approval of registration. Listings that inaccurately reflect information on the registration form information will be considered a separate violation of this Code. The registration will include the following:

- (1) Address of the vacation rental.
- (2) Name, address, and contact information of the property owner.
- (3) Name, address, and contact information of the property manager if different than the property owner.
- (4) Number of rental units offered to the public for rent at this location.
- (5) Number of bedrooms.
- (6) Floor plan identifying the location of bedrooms, emergency exits or egress, and number and location of fire extinguishers, carbon monoxide and smoke detectors.
- (7) Site plan or other document depicting approved parking spaces provided.
- (8) Property owner authorization providing for inspection pursuant to section 28-147 of this Code.
- (9) The zoning designation of the vacation rental to determine whether the vacation rental is monthly, weekly, or requires a submerged land lease.

(Ord. No. 19-50, § 1, 1-27-20; Ord. No. 21-12, § 1, 7-12-21)

Sec. 28-147. Annual inspection.

At the time of registering a vacation rental, and thereafter annually, the applicant shall be required to allow reasonable access to the property by city officials for an inspection of the Florida Fire Prevention Code, Life-Safety Code, NFPA 101, as amended and adopted by the state fire marshal from time to time.

(Ord. No. 19-50, § 1, 1-27-20; Ord. No. 21-12, § 2, 7-12-21)

Sec. 28-148. Intensity of use.

The maximum occupancy of a vacation rental is two (2) persons per bedroom per vacation rental, plus an additional two children under the age of 18 per vacation rental. The total maximum occupancy of a vacation rental is twelve (12) persons, inclusive of minor children.

(Ord. No. 19-50, § 1, 1-27-20)

Sec. 28-149. Ancillary use.

Each vacation rental may host guests who are not counted towards the maximum occupancy of the rental unit. These guests must vacate the vacation rental premises between the hours of 10:00 p.m. and 8:00 a.m. Ancillary use of the vacation rental does not imply or grant the property the right to operate as a special event venue pursuant to this Code. Total life-safety occupancy maximums apply to the ancillary use of the vacation rental.

(Ord. No. 19-50, § 1, 1-27-20)

Sec. 28-150. Life-safety.

- (i) All vacation rentals shall meet life-safety standards as established by local, state, and federal regulations.
- (ii) Each vacation rental will provide a smoke alarm, a carbon monoxide alarm, and a fire extinguisher for each rental unit. Additional life-safety equipment may be required pursuant to the Florida Fire Prevention Code, Life-Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time.
- (iii) Each bedroom shall have one primary and one secondary means of egress from the bedroom, consistent with the Florida Fire Prevention Code, Life Safety Code, NFPA 101, as amended and adopted by the State Fire Marshal from time to time. Each means of egress must be maintained, unobstructed, and operable.
- (iv) Maximum occupancy, guest visiting hours, trash collection schedule, emergency contact information, and emergency evacuation information must be visibly posted in each rental unit. Fire exits must be clearly marked, and emergency lighting consistent with NFPA Life Safety Code 101 Chapter 7, must be provided in each vacation rental.

(Ord. No. 19-50, § 1, 1-27-20; Ord. No. 21-12, § 3, 7-12-21)

Sec. 28-151. Parking.

- (i) Each vacation rental, except as provided in subparagraph (iii) below, will provide at least one (1) stabilized parking space per bedroom offered for rent.

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- (ii) Stabilized parking for vacation rentals may not consist of unimproved dirt, sand, or grass. For the purposes of this division, stabilized parking shall be defined as a space that is covered and graded by semi-permeable or impervious materials such as asphalt, concrete, pavers, gravel, or a similar material.
 - (iii) Vacation rentals in all zoning districts that otherwise have on-site parking requirements will provide stabilized parking on the site of their rental property. If on-site parking is not feasible, the owner may make an application to the planning and zoning board for a use by exception for offsite parking. The application to the planning and zoning board for a use by exception for offsite parking may include in the alternative, parking permits to the municipal parking garage, or, if on-street parking permits for vacation rentals are provided pursuant to city regulations, residential street parking permits. Issuance of the necessary permits will meet the required parking for the vacation rentals.

(Ord. No. 19-50, § 1, 1-27-20)

Sec. 28-152. Solid waste.

Vacation rental property owners are responsible to ensure that garbage and trash receptacles are placed curbside consistent with city regulations at sections 30-7 and 30-8 of this Code. Appropriate fees and rates commensurate with collection volumes may be established pursuant to section 30-10 of this Code.

(Ord. No. 19-50, § 1, 1-27-20)

Sec. 28-153. Existing contracts unaffected.

Valid and enforceable contracts for vacation rentals in existence prior to the effective date of Ordinance No. 19-50 remain unaffected by the terms of this ordinance.

(Ord. No. 19-50, § 1, 1-27-20)

Sec. 28-154. Violations and penalties.

If the city provides a system for telephonic or electronic processing of preliminary compliance complaints, these complaints will be directed to the property manager or property owner identified in the registration form. The property owner or property manager must respond by acknowledging that they have received the preliminary compliance complaint within thirty (30) minutes of notification by the city or its agent. Failure to respond to this notification will be considered a violation subject to the enforcement provisions found in this section.

Violation of sections 28-145 through 28-156, as well as section 28-159 may be prosecuted pursuant to article VI, code enforcement, or pursuant to any other procedure and remedy available to the city, including but not limited to, revocation of the vacation rental registration.

(Ord. No. 19-50, § 1, 1-27-20)

Sec. 28-155. Effect of Ordinance No. 2010-24 on RS-1 and RS-2 short-term rentals.

- (a) *Codification of findings and intent of Ordinance No. 2010-24.* The rental of single-family homes or legally existing non-conforming two-family dwelling units for periods of a week or longer in residentially zoned neighborhoods does not constitute a motel as defined by the City Code.

The residential, single-family-one (RS-1) and the residential, single-family-two (RS-2) zoning districts govern those neighborhoods designated for single-family dwellings and uses compatible with low density single-family uses in order to create and maintain a stable low intensity residential character.

The rental of single-family dwelling units in the RS-1 and RS-2 zoning districts for periods of one week or more but less than a long term, approximately three (3) months or more, creates an environment which does not maintain a stable, low intensity residential character unless such rentals are regulated.

Large gatherings, twenty (20) or more persons, at a single-family residential dwelling unit are not uncommon in a single-family residential neighborhood on an occasional basis, but the short-term rental of a single-family dwelling unit encourages such activities more frequently than generally experienced in a stable, low intensity residential neighborhood.

On August 3, 2010, the Planning and Zoning Board (PZB) for the City of St. Augustine made recommendation to the city commission for adoption of an ordinance to recognize and regulate short term rentals of dwelling units in the residential, single-family-one (RS-1) and residential, single-family-two (RS-2) zoning districts.

- (b) *Code definition of motel enacted by Ordinance No. 1974-37.* The definition for motel, referenced in Ordinance No. 2010-24, was enacted on April 28, 1975. Motel is defined as a building or a group of buildings in which sleeping accommodations are offered to the public and intended primarily for rental to transients with daily charge, as distinguished from multiple-family dwellings and rooming or boarding houses, where rentals are generally for periods of a week or longer and occupancy is generally by residents rather than transients.
- (c) *RS-1 and RS-2 zoning districts enacted by Ordinance No. 1974-37.* RS-1 and RS-2 zoning districts, referenced in Ordinance No. 2010-24, were enacted on April 28, 1975. RS-1 and RS-2 zoning does not allow motels, defined as rentals with daily charge.
- (d) *Interpretation of weekly short-term rental requirement in RS-1 and RS-2 zoning districts.* Ordinance No. 2010-24 referenced existing zoning definitions and limitations for short-term rentals in RS-1 and RS-2 zoning districts. Motel uses, defined as rentals with daily charge, are not permitted in RS-1 and RS-2 zoning. Ordinance No. 2010-24 allows for these residentially zoned properties to be rented as short-term rentals for periods of one week or longer with registration. Nightly rentals are deemed a motel use and are not allowed in RS-1 and RS-2 zoning.

(Ord. No. 19-51, § 1, 1-27-20)

Sec. 28-156. Existing regulations confirmed.

- (a) *Short-term rentals on submerged lands require submerged land lease.* Ordinance No. 1995-35 enacted on January 8th, 1996, relating to the city's submerged lands requires a submerged land lease from the city for docks or other structures used in revenue-generating or income-related activities. This existing ordinance applies to the use of boats as short term rentals.
- (b) *Short-term rentals in HP-1 zoning require monthly or greater rental period of time.* Ordinance No. 1989-51 enacted on August 14th, 1989, relating to the zoning of permitted uses and structures in historic preservation one zoning district requires rentals on a monthly or greater period of time. This existing ordinance applies to the use of HP-1 zoned properties as short term rentals.
- (c) *Other regulations continue in effect.* In addition, other local, state, and federal regulations may apply to the use of specific properties, structures, vessels, or vehicles as short term rentals. Specific identification of the above ordinances does not waive any other applicable regulations.

(Ord. No. 19-52, § 1, 1-27-20)

Sec. 28-157. Reserved.

City of Ft. Lauderdale

ARTICLE X. VACATION RENTAL

Sec. 15-270. Purpose.

The city commission finds that certain transitory uses of residential property tend to affect the residential character of the community and are injurious to the health of the community. Therefore, it is necessary and in the interest of the public health, safety, and welfare to monitor and provide reasonable means for citizens of the city of Fort Lauderdale to mitigate impacts created by such transitory uses of residential property within the city. It is unlawful for any owner of any property within the geographic bounds of the city, to rent or operate a vacation rental of residential property contrary to the procedures and regulations established in this article or applicable state statute, except as provided in subsection 15-272(b).

(Ord. No. C-15-29, § 1, 8-18-2015)

Sec. 15-271. Definitions.

For the purpose of this article, the following terms, phrases, words, abbreviations and their derivations shall have the meaning given herein. When not inconsistent with the context, words used in the present tense include the future tense, words in the plural number include the singular number, and words in the singular number include the plural number. The word "shall" is always mandatory and not merely directory. Words not defined shall be given their meaning as provided in section 1-2, Rules of construction, of this Code.

Certificate of compliance means the document that is issued by the city that bears the words "vacation rental certificate of compliance" and shows that the person or entity, in whose name the document is issued, has complied with the provisions of this article relating to vacation rentals.

Garbage as defined in section 24-1 of this Code.

Owner-occupied shall mean a vacation rental that is the primary and permanent residence of the owner of the property.

Permanent residence means that place where a person has his or her true, fixed, and permanent home and principal establishment to which, whenever absent, he or she has the intention of returning. A person may have only one (1) permanent residence at a time; and, once a permanent residence is established in a foreign state or country, it is presumed to continue until the person shows that a change has occurred. The establishment of a permanent residence in the city is a factual determination to be made by the Broward County Property Appraiser and evidence of the granting of homestead exemption by the property appraiser shall be prima facie evidence of the establishment of a permanent residence.

Residential property as defined in section 47-35.1 of the Unified Land Development Regulations.

Responsible party shall mean the owner or the person designated by the owner of the property to be called upon to answer for the maintenance of the property and the conduct and acts of occupants of residential properties.

Sleeping room shall mean a room or space within a dwelling unit, as defined in section 9-236, of this Code, primarily designed and used or intended to be used for sleeping purposes, excluding living rooms, kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage space.

Transient occupants means any person, or guest or invitee of such person, who occupies or is in actual or apparent control or possession of residential property registered as or required pursuant to this article to be registered as a vacation rental. It shall be a rebuttable presumption that any person who holds themselves out as being an occupant or guest of an occupant of the vacation rental is a transient occupant.

Vacation rental shall mean any unit or group of units in a condominium or cooperative or any individually or collectively owned single-family, two-family, three-family, or four-family house or dwelling unit that is rented to transient occupants more than three (3) times in a calendar year for periods of less than thirty (30) days or one (1) calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to transient occupants, and also a transient public lodging establishment as defined in F.S. § 509.013, but that is not a timeshare project.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16)

Sec. 15-272. Registration required.

- (a) It is unlawful for any person to allow another person to occupy any residential property that is a single-family, two-family, three-family, or four-family house or dwelling unit as a vacation rental within the city, or offer such property for rent as a vacation rental within the city, unless the owner of the property in fee simple title or his or her authorized representative has registered the property as a vacation rental property with the city and the vacation rental property has been issued a certificate of compliance in accordance with the provisions of this article.
- (b) An application for registration as a vacation rental is deemed pending when the application has been filed, all applicable fees have been paid to the city pursuant to section 15-274, of this Code, a certificate of compliance has not been issued for the property and the application has not been rejected. A registration application rejected as incomplete is not pending. Notwithstanding subsection (a) above, a person may allow another person to occupy residential property, for which a certificate of compliance has not been issued, as a vacation rental, when an application is pending if:
 - (1) The residential property has an effective and valid license as a vacation rental classification of public lodging establishment issued by the Florida Department of Business and Professional Regulations prior to August 18, 2015; and
 - (2) The residential property is not in violation of any section of this Code; and
 - (3) An application for registration of the residential property as a vacation rental has been filed pursuant to section 15-273 and all applicable fees have been paid; and
 - (4) That said occupancy of the vacation rental was scheduled prior to August 18, 2015, as evidenced by a written and validly executed rental agreement or contract provided to the city manager no later than November 2, 2015.
- (c) A vacation rental shall be registered annually on or before the thirtieth (30th) day of September.
- (d) The advertising or advertisement for the rental of a single-family, two-family, three-family, or four-family house or dwelling unit for periods of time less than thirty (30) days or one (1) calendar month is direct evidence of offering a property for rent as a vacation rental in violation of subsection 15-272(a) and the advertising or advertisement is admissible in any enforcement proceeding. The advertising or advertisement evidence raises rebuttable presumption that the residential property named in the notice of violation or any other report or as identified in the advertising or advertisement was used in violation of subsection 15-272(a).

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16)

Sec. 15-273. Application for registration.

- (a) A separate application for registration of a vacation rental shall be made to the city manager or his or her designee for each building, proposed for use as a vacation rental, containing four (4) or less single family dwellings as the term is defined in section 47-35.1 of the city's unified land development regulations, contained entirely under one (1) roof and shall set forth at a minimum:
- (1) The legal description of the property offered for rental (i.e., address, lot, block and subdivision name); and
 - (2) Name, address, electronic mail address, and telephone number of owner of said property; and
 - (3) Name, address, electronic mail address, and emergency contact telephone number of responsible party for said property, which shall be a twenty-four (24) hour, seven (7) days a week contact number; and
 - (4) That the telephone number for the responsible party will be answered twenty-four (24) hours a day, seven (7) days a week by the responsible party; and
 - (5) Acknowledgements by owner of the following:
 - a. That all vehicles associated with the vacation rental must be parked within the subject property in compliance with this Code; and
 - b. That it shall be unlawful to allow or make any noise or sound that exceeds the limits set forth in chapter 17, Noise Control; and
 - c. That the owner shall comply with all applicable city, county, state and federal laws, rules, regulations, ordinances and statutes; and
 - d. That no solid waste container shall be located at the curb for pickup before 6:00 p.m. of the day prior to pick up, and solid waste container shall be removed before midnight of the day of pickup; and
 - e. That whoever, without being authorized, licensed, or invited, willfully enters or remains in any structure or conveyance of a property, or, having been authorized, licensed, or invited, is warned by the owner or lessee, to depart the property and refuses to do so, commits the offense of trespass in a structure or conveyance; and
 - f. That other properties are not jointly shared commodities and should not be considered available for use by transient occupants of the property subject of the application; and
 - (6) Proof of owner's current ownership of the property; and
 - (7) Proof of registration with the Florida Department of Revenue for sales tax collection and Broward County for Tourist Development Tax; and
 - (8) Proof of licensure with the Florida Department of Business and Professional Regulation for a transient public lodging establishment; and
 - (9) Proof of compliance with subsection 15-275; and
 - (10) Authorization letter if the application is being submitted on behalf of the owner of the property by his or her authorized representative.
- (b) Submission of an incomplete registration application form shall result in rejection of the application.
- (c) An application for the modification of a vacation rental registration is required when any of the following changes to the vacation rental are proposed:

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- (1) A change in the gross square footage.
 - (2) A change in the number of bedrooms.
 - (3) A change in the maximum occupancy.
 - (4) A change in the number of parking spaces, or a change in the location of parking spaces.

Upon completion of the changes or alterations to the vacation rental property, or the vacation rental operation the owner shall notify the city within ten (10) days of completion. A new certificate of compliance may be issued if the conditions of section 15-277 have been met and all required permits have been issued for the changes or alterations.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16)

Sec. 15-274. Fees for registration.

The city charges reasonable fees for registration to compensate for administrative expenses. The fees for registration shall be provided for, from time to time, by resolution adopted by the city commission of the city. Fees are non-refundable.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16)

Sec. 15-275. Responsible party required.

Whenever any property is required to be registered under this article, the owner shall appoint a natural person to serve as the responsible party for service of notices as are specified herein, and notices given to the responsible party shall be sufficient to satisfy any requirement of notice to the owner. An initial responsible party shall be designated and name submitted with the application for registration, and the city manager or his or her designee shall thereafter be notified of any change of responsible party within ten (10) days of such change. Further, it is the affirmative duty of the responsible party to:

- (1) Provide all guests prior to occupancy of the property with a written summary, printed in the English language, of applicable city ordinances concerning noise, vehicle parking, garbage, and common area usage. The summary shall include citations to the applicable city ordinances and instructions on how to access the complete written text. The summary shall be posted in the interior of the structure prominently near the main entrance of the establishment; and
- (2) Maintain all properties under their control in compliance with this Code; and
- (3) See that the provisions of this article are complied with and promptly address any violations of this article or any violations of law which may come to the attention of the responsible party; and
- (4) Be available with authority to address and coordinate solutions to problems with the rental of the property twenty-four (24) hours a day, seven (7) days a week; and
- (5) Be situated close enough to the property as to be able to respond in person within one (1) hour of being notified by a vacation rental occupant, law enforcement officer, emergency personnel, or the city of issues related to the vacation rental. Responsible party shall respond when requested; and
- (6) Keep available a register of all guests, which shall be open to inspection by authorized personnel of the city at all times; and
- (7) Maintain the entire property free of garbage and litter, provided however, that this subsection shall not prohibit the storage of garbage and litter in authorized receptacles for collection; and

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- (8) Conduct an on-site inspection of the vacation rental at the end of each rental period to ensure continued compliance with the requirements of this chapter.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16)

Sec. 15-276. False information.

It shall be unlawful for any person to give any false or misleading information in connection with any application for registration, modification, or renewal of a vacation rental as required by this article. Vacation rental applications shall be sworn to under penalty of perjury. Any false statements made in an application shall be a basis for the revocation of any license issued pursuant to such application.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16; Ord. No. C-17-07 , § 1, 4-19-17)

Sec. 15-277. Minimum requirements for issuance of a certificate of compliance.

- (a) The city manager or his or her designee may issue a certificate of compliance to the applicant upon proof of the following:
 - (1) The owner or responsible party completes the city registration application form; and
 - (2) The non-refundable registration fee has been paid to the city; and
 - (3) A business tax receipt from the city pursuant to chapter 15 of this Code; and
 - (4) A business tax receipt from Broward County; and
 - (5) A Florida Department of Revenue certificate of registration for purposes of collecting and remitting tourist development taxes, sales surtaxes and transient rental taxes; and
 - (6) A Florida Department of Business and Professional Regulation license as a transient public lodging establishment; and
 - (7) An affidavit, demonstrating maintaining initial and ongoing compliance with vacation rental standards contained herein, plus any other applicable local, state and federal laws, regulations and standards to include, but not be limited to F.S. ch. 509, and F.A.C. 61C and 69A; and
 - (8) A copy of the form vacation rental/lease agreement to be used when contracting with transient occupants and guests; and
 - (9) That the vacation rental has satisfied the inspection requirements as provided in section 15-279, of this Code; and
 - (10) That the vacation rental is not subject to a suspension pursuant to section 15-282.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16)

Sec. 15-278. Vacation rental standards.

The following standards shall govern the use of any vacation rental required to be registered under section 15-272, of this Code, as a permitted use:

- (1) Minimum life/safety requirements:
 - a. *Swimming pool, spa and hot tub safety.* A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, F.S. ch. 515.

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- b. *Dwelling units.* All dwelling units shall meet the minimum requirements of article VI, Minimum Housing Code, chapter 9, Buildings and Construction of this Code.
 - c. *Smoke and carbon monoxide (CO) detection and notification system.* A smoke and carbon monoxide (CO) detection and notification system within the vacation rental unit shall be interconnected, hard-wired, and receive primary power from the building wiring. The smoke and carbon monoxide (CO) detection and notification system shall be installed and continually maintained consistent with the requirements of Section R314, Smoke Alarms, and Section R315, Carbon Monoxide Alarms, of the Florida Building Code—Residential.
 - d. *Fire extinguisher.* A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.
 - e. That all vehicles associated with the vacation rental must be parked within a driveway located on the subject property and in compliance with this Code.
 - f. *Local telephone service.* At least one (1) landline telephone with the ability to call 911 shall be available in the main level common area in the vacation rental.
- (2) *Maximum occupancy.*
- a. The maximum number of transient occupants authorized to stay overnight at any vacation rental shall be limited to two (2) persons per sleeping room. The number of sleeping rooms shall be confirmed by on-site inspection by a representative of the city, and
 - b. The maximum number of persons allowed to gather at or occupy a vacation rental shall not exceed one and one-half (1 ½) times the maximum occupants authorized to stay overnight at that site, as shown on the certificate of compliance, and in no event shall a gathering exceed twenty (20) persons. This subsection b. shall not apply to owner-occupied vacation rentals when the property owner is physically present on the site during the gathering, and
 - c. Up to four (4) persons under thirteen (13) years of age are exempt from and shall not count towards the occupancy limits set in subsections a. and b. above.
- (3) *Solid waste handling and containment.* City solid waste containers shall be provided as required in chapter 24 of this Code. Appropriate screening and storage requirements for solid waste containers shall apply per any development approval. For purposes of this section, a solid waste container shall not be placed at curbside before 6:00 p.m. of the day prior to solid waste pickup, and the solid waste container shall be removed from curbside before midnight of the day of pickup.
- (4) *Minimum vacation rental/lease agreement wording.* The vacation rental/lease agreement shall contain the minimum information as provided for in this subsection 15-278.
- (5) *Minimum vacation rental lessee information.* The vacation rental lessee shall be provided with a summary of the information required in subsection 15-278 with instructions on how to access the full text and shall post the following conspicuously within the establishment:
- a. A statement advising the occupant that any sound shall not be plainly audible for a period of one (1) minute or longer at a distance of twenty-five (25) feet or more when measured from the source property line between the hours of 10:00 p.m. and 7:00 a.m. daily and at a distance of fifty (50) feet or more when measured from the source property line between the hours of 7:00 a.m. and 10:00 p.m. daily;
 - b. A sketch or photograph of the location of the off-street parking spaces;
 - c. The days and times of trash pickup;

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- d. The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable;
 - e. The location of the nearest hospital; and
 - f. The city's non-emergency police telephone number.
 - g. There shall be posted, next to the interior door of each bedroom a legible copy of the building evacuation map—Minimum eight and one-half (8½) inches by eleven (11) inches.
- (6) Designation of a vacation rental responsible party capable of meeting the duties provided in subsection 15-276.
- (7) *Advertising.* Any advertising of the vacation rental unit shall conform to information included in the vacation rental certificate of compliance and the property's approval, particularly as this pertains to maximum occupancy. A statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 15-278(8) of this Code and the certificate of compliance number shall be included in all advertising.
- (8) *Sexual offenders and sexual predators.* It is unlawful for any property owner or designated representative to allow another person to occupy any residential property as a vacation rental within the city, as a transient occupant if such property owner or designated representative knew or should have known that the vacation rental will be occupied by a person prohibited from establishing a permanent residence or temporary residence at said residential property pursuant to section 16-127 of this Code, if such place, structure, or part thereof, trailer or other conveyance, is located within one thousand four hundred (1,400) feet of any school, designated public school bus stop, child day care facility, park or playground or other place where children regularly congregate as described in article VI, chapter 16 of this Code. Property owner or designated representative shall determine, prior to submission of an application for a certificate of compliance, whether the vacation rental property is located in an area in which it is unlawful for sexual offenders or sexual predators to establish residence pursuant to section 16-127.
- (9) *Posting of certificate of compliance.* The certificate of compliance shall be posted on the back of or next to the interior of the main entrance door and shall include at a minimum the name, address and telephone number of the responsible party, the maximum occupancy of the vacation rental and a statement stating "it is unlawful for a sexual offender or sexual predator to occupy this residence" if so determined pursuant to subsection 15-278(8) of this Code.
- (10) That all vehicles associated with the vacation rental must be parked within a driveway in compliance with this Code.
- (11) *Other standards.* Any other standards contained within this Code and the unified land development regulations of the city to include, but not be limited to: noise, setbacks, stormwater and similar provisions.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16)

Sec. 15-279. Initial and routine compliance inspections of vacation rentals.

- (a) An inspection of the dwelling unit for compliance with this section is required prior to issuance of an initial vacation rental certificate of compliance. If violations are found, all violations must be corrected and the dwelling unit must be re-inspected prior to issuance of the initial vacation rental certificate of compliance as provided herein.
- (b) Once issued, a vacation rental unit must be properly maintained in accordance with the vacation rental standards herein and will be re-inspected annually. For an inspection, all violations must be corrected and re-

inspected within thirty (30) calendar days. Failure to correct such inspection deficiencies in the timeframes provided shall result in the suspension of the vacation rental certificate of compliance until such time as the violations are corrected and re-inspected.

- (c) The inspections shall be made by appointment with the vacation rental responsible party. If the inspector has made an appointment with the responsible party to complete an inspection, and the responsible party fails to admit the officer at the scheduled time, the owner shall be charged a "no show" fee in an amount to be determined by resolution of the city commission to cover the inspection expense incurred by the city.
- (d) If the inspector(s) is denied admittance by the vacation rental responsible party or if the inspector fails in at least three (3) attempts to complete an initial or subsequent inspection of the rental unit, the inspector(s) shall provide notice of failure of inspection to the owner to the address shown on the existing vacation rental certificate of compliance or the application for vacation rental.
 - (1) For an initial inspection, the notice of failure of inspection results in the certificate of compliance not being issued; the vacation rental is not permitted to operate without a valid certificate of compliance.
 - (2) For a subsequent inspection, the notice of failure of inspection is considered a violation and is subject to enforcement remedies as provided herein.
- (e) The city commission may, by resolution, prescribe the circumstances under which the inspections required by this section may be waived.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-17-07 , § 2, 4-19-17)

Sec. 15-280. Registration not transferable.

No registration issued under this article shall be transferred or assigned or used by any person other than the one to whom it is issued, or at any location other than the one for which it is issued.

(Ord. No. C-15-29, § 1, 8-18-2015)

Sec. 15-281. Expiration of registration and certificates of compliance.

- (a) All registrations for which a certificate of compliance has been issued under the provisions of this article shall be valid for no more than one (1) year, and all registrations and certificates of compliance shall expire on September 30th of each year. The application for renewal must be submitted no later than sixty (60) days prior to the September 30th expiration date. Late renewal fees shall be established by resolution of the city commission of the city and shall be charged to an application for renewal submitted prior to the expiration date but after the sixty (60) days required by this section. All applications for renewal received after September 30th shall be processed as a new application and subject to all applicable fees. All registrations for which certificates of compliance were issued within one hundred eighty (180) days prior to September 30th shall remain valid and shall not expire until September 30th of the following year.

(Ord. No. C-16-25 , § 1, 12-6-16)

Editor's note(s)—Ord. No. C-16-25 , § 1, adopted December 6, 2016, amended section 15-281 to read as herein set out. Former section 15-281, pertained to expiration of registration, and derived from Ord. No. C-15-29, § 1, 8-18-2015 .

Sec. 15-282. Penalties, offenses, and revocation.

- (a) Any certificate of compliance issued pursuant to this article may be denied, revoked, or suspended by the city manager or his or her designee upon the adjudication of a violation of this article, any city ordinance, or state law by the responsible party, property owner or transient occupant attributable to the property for which the certificate of compliance is issued. Such denial, revocation or suspension is in addition to any penalty provided herein.
- (b) Offenses/violations.
 - (1) Non-compliance with any provisions of this article shall constitute a violation of this article.
 - (2) *Separate violations.* Each day a violation exists shall constitute a separate and distinct violation, except that violations of subsection 15-278(2), regarding occupancy, shall constitute a single violation for a rental period.
- (c) Remedies/enforcement.
 - (1) Any person violating any of the provisions of this article shall be deemed guilty of a civil infraction. The amount of the civil penalty for each uncontested violation shall be \$200.00 and for each contested violation the penalty shall be \$275.00. Repeat violations shall be assessed consistent with section 11-21, of this Code. Code enforcement activities will be in accordance with chapter 11 of this Code and the unified land development regulations of the city. Notwithstanding, a law enforcement officer is authorized to issue a citation under this section and a code inspector or law enforcement officer may issue a citation pursuant to this section without issuing a written warning notice as provided in subsection 11-18.b.
 - (2) *Additional remedies.* Nothing contained herein shall prevent the city from seeking all other available remedies which may include, but not be limited to, suspension or revocation of a vacation rental certificate of compliance, injunctive relief, liens and other civil and criminal penalties as provided by law, as well as referral to other enforcing agencies.
- (d) *Suspension of vacation rental certificate of compliance.* In addition to any fines and any other remedies described herein or provided for by law, a special magistrate may suspend a vacation rental certificate of compliance in accordance with the following:
 - (1) *Suspension time frames.*
 - a. Upon a third violation of this article the vacation rental certificate shall be suspended for a period of one hundred eighty (180) calendar days.
 - b. Upon a fourth violation of this article the vacation rental certificate shall be suspended for a period of three hundred sixty-five (365) calendar days.
 - c. For each additional violation of this article the vacation rental certificate shall be suspended for an additional thirty (30) calendar days up to a maximum period of twelve (12) months. For example, the fifth violation shall be for three hundred ninety-five (395) calendar days; the sixth violation shall be for four hundred fifteen (415) calendar days, and so on.
 - d. A vacation rental certificate of compliance shall be subject to temporary suspension beginning five (5) working days after a citation is issued for a violation of the Florida Building Code, or Florida Fire Prevention Code. Such suspension shall remain in place until the vacation rental is reinspected and it is determined that the violation no longer exists by the city.
 - (2) *Suspension restrictions.* A vacation rental may not provide transient occupancy during any period of suspension of a vacation rental certificate.

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- a. The suspension shall begin immediately following notice, commencing either:
 - i. At the end of the current vacation rental lease period; or
 - ii. Within thirty (30) calendar days, whichever date commences earlier, or as otherwise determined by the special magistrate.
 - b. Operation during any period of suspension shall be deemed a violation pursuant to this article and shall be subject to daily fine, up to one thousand dollars (\$1,000.00) or to the maximum amount as otherwise provided in Florida Statutes for repeat violations, for each day that the vacation rental operates during a period of violation.
 - c. An application for a renewal may be submitted during the period of suspension; however, no certificate of compliance may be issued for the vacation rental until the period of suspension has expired.

(Ord. No. C-16-25 , § 1, 12-6-16)

Editor's note(s)—Ord. No. C-16-25 , § 1, adopted December 6, 2016, amended section 15-282 to read as herein set out. Former section 15-282, pertained to revocation, and derived from Ord. No. C-15-29, § 1, 8-18-2015 .

Sec. 15-283. Complaints.

Whenever a violation of this article occurs, or is alleged to have occurred, any person may file a written complaint. Such complaint, stating fully the causes and basis thereof, shall be filed with the city manager or his or her designee. The city manager or his or her designee shall promptly record such complaint, investigate, and take action thereon in accordance with this article and chapter 11 of this Code.

(Ord. No. C-15-29, § 1, 8-18-2015 ; Ord. No. C-16-25 , § 1, 12-6-16)

Sec. 15-284. Enforcement.

The provisions of this article shall be enforced as provided in chapter 11, Code Enforcement, of this Code.

(Ord. No. C-15-29, § 1, 8-18-2015)