

EXECUTIVE SUMMARY

Recommendation to direct the County Attorney to advertise and bring back for a Public Hearing an Ordinance establishing short term rental registration requirements for owners of short-term vacation rentals in unincorporated Collier County.

OBJECTIVE: Request authorization for the County Attorney to advertise an Ordinance establishing short term rental registration requirements for owners of short-term vacation rentals in unincorporated Collier County

CONSIDERATIONS: The presence of short-term vacation rentals in established residential neighborhoods may create community impacts, including, but not limited to, excessive noise, accumulation of trash, on-street parking, and diminished public safety.

During their March 19, 2019, meeting (Item 11.B), and May 28, 2019, meeting (Item 11.F), the Board of County Commissioners (Board) discussed options available to address these impacts to protect the quiet enjoyment of neighboring residential units. At their June 25, 2019, meeting (Item 11.E), the Board requested an Ordinance be developed to enhance short-term rental registration requirements that would include a local contact person and provide for enforcement if non-compliant. Accordingly, the intent is to collect current and accurate information regarding short-term vacation rental properties, encourage the appropriate management of these properties, and protect the general health, safety, and welfare of the residents and visitors to Collier County.

FISCAL IMPACT: There is no fiscal impact associated with this action.

GROWTH MANAGEMENT IMPACT: There is no Growth Management Impact associated with this action.

LEGAL CONSIDERATIONS: This item has been reviewed by the County Attorney, is approved as to form and legality and requires majority vote for approval. -JAK

RECOMMENDATION: To authorize the County Attorney to advertise an Ordinance establishing short-term rental registration requirements for owners of short-term vacation rentals in unincorporated Collier County.

Prepared by: James French, Deputy Department Head, Growth Management Department

ATTACHMENT(S)

1. DRAFT - Short Term Rental Registration Ordinance (PDF)

10/26/2021

COLLIER COUNTY
Board of County Commissioners

Item Number: 16.A.16**Doc ID:** 20188

Item Summary: Recommendation to direct the County Attorney to advertise an Ordinance for Collier County Short-Term Vacation Rental Registration Requirements, establishing short-term rental registration requirements for owners of short-term vacation rentals in unincorporated Collier County.

Meeting Date: 10/26/2021**Prepared by:**

Title: Operations Analyst – Planning Commission

Name: Diane Lynch

10/06/2021 5:29 PM

Submitted by:

Title: Division Director - Operations Support – Growth Management Operations & Regulatory Management

Name: Kenneth Kovensky

10/06/2021 5:29 PM

Approved By:

Review:

Growth Management Department	Diane Lynch	Growth Management Department	Completed	10/06/2021 5:29 PM
Growth Management Operations & Regulatory Management	Kenneth Kovensky		Additional Reviewer	Completed
Growth Management Department	Diane Lynch	Transportation	Skipped	10/05/2021 3:59 PM
Growth Management Department	James C French	Growth Management	Completed	10/07/2021 10:46 AM
Office of Management and Budget	Debra Windsor	Level 3 OMB Gatekeeper Review	Completed	10/07/2021 1:05 PM
Office of Management and Budget	Laura Zautcke	Additional Reviewer	Completed	10/11/2021 3:23 PM
County Attorney's Office	Jeffrey A. Klatzkow	Level 3 County Attorney's Office Review	Completed	10/13/2021 2:20 PM
County Manager's Office	Sean Callahan	Level 4 County Manager Review	Completed	10/19/2021 9:02 AM
Board of County Commissioners	Geoffrey Willig	Meeting Pending		10/26/2021 9:00 AM

ORDINANCE NO. 2021 - _____

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING SHORT TERM RENTAL REGISTRATION REQUIREMENTS FOR OWNERS OF SHORT-TERM VACATION RENTALS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 125, Florida Statutes, the Board of County Commissioners may adopt ordinances and resolutions necessary to preserve the health, safety and welfare of the residents of Collier County, except where prohibited by law; and

WHEREAS, short-term vacation rentals situated in single-family residential neighborhoods is a growing interest; and

WHEREAS, these regulations do not regulate duration or frequency of rentals, but are intended to address the impacts of transient occupants on established residential neighborhoods; and

WHEREAS, the Board finds that the measures required by this Ordinance will help maintain residential use and enjoyment for Collier County citizens and residents.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

Section One: Title

This Ordinance shall be known and cited as “The Collier County Short-Term Vacation Rental Registration Ordinance.”

Section Two: Legislative Findings and Intent

The Board hereby finds that the use of residential dwellings for short-term vacation rentals in established residential neighborhoods may create community impacts, including, but not limited to, excessive noise, accumulation of trash, on-street parking and diminished public safety; that to lessen these impacts and to protect the quiet enjoyment of neighboring residential units it is necessary to have a known, responsible person to contact who can reasonably address issues that may arise from the use of short-term vacation rentals, many of which are owned by non-residents; and that some owners of short-term vacation rentals may not properly remit required taxes and fees. Accordingly, it is the intent of this Ordinance to collect current and accurate information regarding short-term vacation rental properties and to encourage

the appropriate management of these properties in order to protect the general health, safety and welfare of the residents and visitors to Collier County.

Section Two: Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings set forth herein:

Designated Responsible Party. The term “Designated Responsible Party” means any person eighteen (18) years of age or older designated by the Owner, tasked with responding to requests or complaints and other problems relating to or emanating from the Short-Term Vacation Rental. An Owner may retain a private property management company to serve as the Designated Responsible Party. The Designated Responsible Party shall be the agent of the Owner authorized to accept County-issued citations and notices of violation arising from the use of the Short-Term Vacation Rental.

Owner. The term "Owner," shall mean the person or entity holding legal title to the short-term vacation rental property, as reflected in the Collier County Tax Collector's records.

Short-Term Vacation Rental. A “Short-Term Vacation Rental” means the rental of any habitable space, including a room, apartment, living quarters, in any residential building, including but not limited to condominiums, single-family or multi-family homes, for a term of six months or less, as provided in 125.0104(3)(a), Florida Statutes, as amended, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of Chapter 212, Florida Statutes. Traditional hotels, motels, timeshare projects, and bed and breakfast inns, as defined by Chapter 509, Florida Statutes, are not included in this definition and are exempt from this Ordinance.

Section Three: Short-term Vacation Rental Requirements

Prior to commencing any Short-Term Vacation Rental, it is the affirmative duty of the Owner to:

1. Register with the Florida Department of Business and Professional Regulation and the Collier County Tax Collector.
2. Obtain a Collier County Registration Certificate for each Short-Term Vacation Rental unit owned. The Certificate must identify that unit’s Designated Responsible Party and current contact information. The Owner must notify the County in writing of any changes in ownership or of the Designated Responsible Party within ten (10) business days of such change.
3. Inform all guests prior to occupancy of the Short-Term Vacation Rental unit of all applicable Collier County ordinances, including noise, parking, and garbage.

4. Maintain all Short-Term Vacation Rental units under their control in compliance with the occupancy limits, as specified in the Collier County Code of Ordinances, Collier County Land Development Code, Florida Building Code, and Florida Fire Prevention Code.

5. Be available in person or by telephone or have the Designated Responsible Party available in person or by telephone twenty-four (24) hours a day, seven (7) days a week to address any law enforcement action, emergency response, or County ordinance violation arising from the rental of the Short-Term Vacation Rental unit and be willing and able to be onsite to address violations within the next day of notification.

6. Maintain the Short-Term Vacation Rental unit as specified in the Collier County Property Maintenance Code (Ord. No. 2010-02, as amended).

7. Include the Collier County Rental Registration Number of the Short-Term Vacation Rental unit in all advertising of the availability of accommodations for the Short-Term Vacation Rental unit. Advertising includes, but is not limited to print, radio, video, online, social media, and sharing economy platforms.

Section Four: Penalty for Violations.

Any violations of this Ordinance may be prosecuted and shall be punishable as provided by the Collier County Consolidated Code Enforcement Ordinance (Ord. No. 2010-04, as amended), and shall be subject to a fine or civil citation up to \$500 per violation per day for ongoing repeating violations. Each day of renting a Short-Term Vacation Rental unit without having a valid County Registration Certificate issued pursuant to this Ordinance shall constitute a separate and distinct violation of this Ordinance. Guests and Owners of Short-Term Vacation Rental units may be prosecuted separately and concurrently for a violation of any Collier County Ordinance, including but not limited to noise, parking, and garbage violations.

Section Five: Conflict and Severability.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

Section Six: Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word “ordinance” may be changed to “section,” “article,” or any other appropriate word.

Section Seven: Effective Date.

This Ordinance shall become effective as of January 1, 2022.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this _____ day of _____, 2021.

ATTEST:
CRYSTAL K. KINZEL, Clerk of Courts

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: _____
_____, Deputy Clerk

By: _____
Penny Taylor, Chairman

Approved as to form and legality:

Jeffrey A. Klatzkow, County Attorney

Attachment: DRAFT - Short Term Rental Registration Ordinance (20188 : Advertise Short Term Vacation Rental Ordinance)

EXECUTIVE SUMMARY

Recommendation to authorize the County Manager or his designee to work with the Collier County Tax Collector and pay amounts required to redeem Tax Certificates issued on property acquired as necessary for the Vanderbilt Beach Road Extension Project No. 60168 for an amount not to exceed \$10,000.

OBJECTIVE: To authorize the County Manager or his designee to work with the Tax Collector to redeem Tax Certificates issued on acquired parcels as necessary for the Vanderbilt Beach Road Extension Project No. 60168.

CONSIDERATIONS: On September 22, 2020, the Board authorized, via Resolution No. 2020-175, the condemnation of approximately 250 parcels for the construction of roadway, drainage and utility improvements required for the expansion and extension of Vanderbilt Beach Road from Collier Boulevard to east of 16th Street NE and Massey Street from Vanderbilt Beach Road to south of Mockingbird Drive. Collier County has taken all parcels that required condemnation for the VBR Project and construction is expected to begin in March 2022 following the procurement process. Transportation Engineering and the County Attorney's Office are in the process of negotiating final compensation for the acquired parcels. This process could take several years due to the number of parcels. Due to timing issues, some Tax Certificates have been issued on acquired parcels that may require payment from Collier County to finalize compensation to the Tax Collector on the relevant parcel. Staff is working directly with the Tax Collector's Office to resolve this matter. Payment will not exceed \$10,000.

FISCAL IMPACT: Funds not to exceed \$10,000 are available in the Vanderbilt Beach Road Extension Project Capital Fund, Project 60168. The primary funding source for the acquisition is impact fees. Should impact fees not be sufficient within the project, the secondary funding source will be gas taxes.

GROWTH MANAGEMENT IMPACT: None.

LEGAL CONSIDERATIONS: This item is approved as to form and legality and requires a majority vote for Board approval. - CMG

RECOMMENDATION: To authorize the County Manager or his designee to work with the Collier County Tax Collector and authorize the expenditure of funds required to redeem Tax Certificates issued on property acquired as necessary for the Vanderbilt Beach Road Extension Project No. 60168 for an amount not to exceed \$10,000.

PREPARED BY: Robert Bosch, Manager, ROW Acquisition, Transportation Engineering Division