

**BACK UP MATERIALS INCLUDED WITH
AGENDA REQUEST FOR
PUBLIC HEARING RE: PROPOSED
ORDINANCE NO. 22-5392 AMENDING THE
SARASOTA CITY CODE
CHAPTER 34.5 VACATION RENTALS**

1. Ordinance No. 22-5393 (page 2)

ORDINANCE NO. 22-5392

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, AMENDING THE SARASOTA CITY CODE, CHAPTER 34.5, VACATION RENTALS, TO DELETE REFERENCES TO REQUIRED AFFIDAVITS AND TO SUBSTITUTE WRITTEN DECLARATIONS WHICH CAN BE SUBMITTED ON LINE WITHOUT NOTARIZATION; TO DELETE GENERAL REFERENCES TO THE FLORIDA BUILDING CODE; FIRE PREVENTION CODE AND RESIDENTIAL SWIMMING POOL SAFETY ACT AND TO SUBSTITUTE SPECIFICALLY ENUMERATED ITEMS THAT ARE SUBJECT TO INSPECTION; TO DELETE THE REQUIREMENT THAT THE LEGAL DESCRIPTION OF PROPERTY BE SUBMITTED WITH AN APPLICATION FOR REGISTRATION AND TO SUBSTITUTE THE PARCEL IDENTIFICATION NUMBER; TO DELETE THE REQUIREMENT THAT ADVERTISING OF A VACATION RENTAL SHALL DISPLAY THE STATE TRANSIENT LODGING LICENSE NUMBER AND SUBSTITUTE THE CITY OF SARASOTA VACATION RENTAL CERTIFICATE OF REGISTRATION NUMBER; ALL AS MORE FULLY SPECIFIED HEREIN; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and Chapter 166 Florida Statutes provide municipalities with the authority to exercise any power for municipal purposes except when prohibited by law; and,

WHEREAS, Section 509.032(7)(b) Florida Statutes prohibits municipalities from enacting a local law, ordinance or regulation to prohibit "vacation rentals" and further provides that a municipality may not regulate the duration or frequency of guest stays in a vacation rental. However, this statutory prohibition does not apply to any local laws, ordinances or regulations adopted on or before June 1, 2011; and,

WHEREAS, prior to June 1, 2011 the City of Sarasota Zoning Code contained provisions essentially stating that occupancy of houses where the tenancy is arranged for a period of one week or less is not considered to be a residential use or "household living" allowed in residential zone districts, but is considered to be a form of transient lodging not permitted in residential zone districts; and,

WHEREAS, the City of Sarasota Zoning Code, by means of provisions that were in existence on June 1, 2011, currently regulates the duration of stays in vacation rentals located in residential zone districts by requiring that a minimum stay exceed one week

and such regulation is lawfully "grandfathered in" pursuant to Section 509.032(7)(b) Florida Statutes; and,

WHEREAS, Section 509.013 Florida Statutes makes a distinction between "transient public lodging establishments" which are rented, 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 "*non*-transient 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; and,

WHEREAS, Section 509.242(1)(c) Florida Statutes further classifies transient public lodging establishments into seven categories including hotels, motels, and bed and breakfast inns. One of these 7 categories is called "vacation rental" which is defined to 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 also a transient public lodging establishment, but that is not a timeshare project; and,

WHEREAS, vacation rentals are designated by the Florida Statutes as public lodging establishments the same as hotels, motels and bed and breakfasts; however these more traditional public lodging establishments are restricted by City zoning regulations from locating in single family zone districts and in multi-family zone districts; and,

WHEREAS, rental of single family houses or dwelling units located in residential zone districts is in essence a commercial business that is basically incompatible with the long term stability of residential neighborhoods; and,

WHEREAS, rental of single family, two family, three family or four family houses or dwelling units in residential neighborhoods to transient visitors can result in adverse impacts to those neighborhoods including, but not necessarily limited to increased noise at all hours of the day or night, problems with garbage collection, litter, parking and crime, changes to the private residential character of a neighborhood including a lack of certainty as to the identity of occupants of neighboring properties, and a corresponding decline in the shared sense of community; and,

WHEREAS, the primary reasonable investment backed expectation of most individuals who own a single family residential house in the City of Sarasota is the use of the house as a residence and not as a vacation rental to earn income from transient occupants; and,

WHEREAS, the owners of vacation rentals often do not live in the neighborhood of the properties they rent to visitors and do not personally experience the decline in quality of life and negative impacts associated with unregulated vacation rentals in those neighborhoods; and,

WHEREAS, vacationing occupants of vacation rentals do not share a sense of community with adjacent and nearby neighborhood residents and because they are "on vacation" tend to act more freely away from their normal daily home and work routine, which can lead to excessive, intrusive, raucous or rowdy behavior disturbing the nearby residents' right to the quiet and peaceful enjoyment of their homes and the probability of such behavior is greater in higher occupancy vacation rentals; and,

WHEREAS, as a local government, the City is limited in its ability to enter private property to address unruly, inconsiderate or otherwise inappropriate behavior, leaving a broad range of activities to occur within vacation rentals that would not be tolerated in traditional public lodging establishments such as a hotel, an inn, or a bed and breakfast under on site management; and,

WHEREAS, because of such behavior and because of other issues created by vacation rentals, the City has a need to identify the owners of these vacation rentals and be able to better communicate with the owners or their authorized representatives; and,

WHEREAS, Florida law recognizes that some guests in public lodging establishments inevitably become intoxicated, profane, lewd, unruly, possess or deal in illegal drugs or act in a manner that unreasonably disturbs the peace and comfort of other guests and consequently authorizes the operator of the establishment to immediately require such a guest to leave or be arrested for a second degree misdemeanor (See, Section 509.141 Florida Statutes); and,

WHEREAS, Florida law also recognizes the "appointed agent" of the owner of a public lodging establishment, including a vacation rental, to exercise all of the owner's rights to eject undesirable guests, to refuse service to an undesirable guest and to be immune from criminal or civil liability for false arrest of a disorderly guest [Sections 509.13(2); 509.141; 509.142 and 509.143 Florida Statutes]; and,

WHEREAS, vacation rental occupants, due to the transient nature of their occupancy may be unfamiliar with the location of fire extinguishers, pool and home safety features and other similar safety features; and,

WHEREAS, at the regular City Commission meeting of January 21, 2020, representatives of the St. Armands and Lido Key Residents' Associations advised Commissioners how the proliferation of vacation rentals ostensibly built and permitted as single family dwellings is diminishing the quality of life for longer term residents on the barrier islands in the City and undermining the stability of residential neighborhoods on the barrier islands as homes for permanent residents; and,

WHEREAS, many citizens who addressed the City Commission about vacation rentals have used the term "hotel houses" to refer to structures that have the outward appearance of single family houses, but in reality are high occupancy residential rental

properties that are purposefully built to accommodate rotating occupancy by large groups of people and which are marketed and used like hotels; and,

WHEREAS, after hearing testimony from the St. Armands and Lido Key Residents Associations' representatives and from other citizens on January 21, 2020, the City Commission adopted a motion to refer the issue of vacation rentals to the City Attorney with direction to provide the City Commission with "the legal parameters and options regarding regulation and moving forward"; and,

WHEREAS, the City Attorney prepared a memorandum to the City Commission dated September 8, 2020 which concluded that the City Commission could adopt an ordinance regulating vacation rentals provided such ordinance (1) did not prohibit vacation rentals; (2) did not constitute a (new) regulation of the duration of the stay in a vacation rental; and (3) did not constitute a regulation of the frequency of the rentals in a vacation rental establishment; and,

WHEREAS, the City Attorney also cautioned that any change to the existing "grandfathered in" ordinances in existence on June 1, 2011 mandating that stays in a vacation rental exceed one week could result in a loss of the "grandfathered in" status of such ordinances; and,

WHEREAS, at its regular meeting of September 21, 2020, the City Commission heard additional testimony from residents who were concerned about the proliferation of non owner occupied vacation rentals in their neighborhoods and the City Commission adopted a motion to direct the City Attorney to prepare an ordinance regulating vacation rentals based on the testimony and discussion at the November 19, 2018; January 21, 2020; September 21, 2020; February 2, 2021; and April 6, 2021 City Commission meetings and on email correspondence sent to the City Commissioners.

WHEREAS, on May 4, 2021, the City Commission adopted Ordinance 21-5353 adding Chapter 34.5, entitled Vacation Rentals, to the Code of the City of Sarasota.

WHEREAS, this Ordinance amends and re-states Ordinance 21-5353 in order to make the following four changes: (1) to substitute written Declarations for the former Affidavit requirement; (2) to substitute specifically enumerated items that are subject to inspection in place of former general references to the Florida Building Code; Florida Fire Prevention Code and Residential Swimming Pool Safety Act; (3) to substitute the parcel identification number assigned by the Sarasota County Property Appraiser for the former requirement that the legal description of the vacation rental property be provided with an application for a Certificate of Registration; and (4) to substitute the City of Sarasota registration number for the State of Florida transient lodging license number to be displayed in the advertising of a vacation rental.

NOW, THEREFORE, BE IT ENACTED BY THE PEOPLE OF THE CITY OF SARASOTA, FLORIDA:

Section 1. The Code of the City of Sarasota, Florida Chapter 34.5, Vacation Rentals, is hereby amended as shown below. Deleted text is shown in ~~strike-through~~ format. New text is shown in underline format.

ARTICLE I. GENERAL PROVISIONS

Section 34.5-1 Findings

The City Commission makes the following findings:

(a) Article VI, Division 2 of the City of Sarasota Zoning Code identifies seven (7) zone districts as "Single Family Zone Districts." These districts are the following residential single family zone districts: RSF-E, RSF-1, RSF-2, RSF-3, RSF-4 as well as the RSM-9 (Residential Single, Multiple) and RTD-9 (Residential Transition District) zone districts. The primary principal use in the residential single family zone districts is a residential use category known as "household living."

(b) Article VI, Division 3 of the City of Sarasota Zoning Code (hereafter the Zoning Code) identifies seven implementing (7) zone districts as "Multiple Family Zone Districts." These districts are the following residential multiple family zone districts: RMF-1, RMF-2, RMF-3, RMF-4, RMF-5, RMF-6, and RMF-7. The primary principal use in the residential multiple family zone districts is a residential use category known as "household living."

(c) In accordance with Section II-304(b)(1) of the Zoning Code "household living" is "characterized by the residential occupancy of a dwelling unit by a family. Tenancy is arranged for periods longer than one week. Uses where tenancy is arranged

for a shorter period are not considered residential. They are considered to be a form of "transient lodging. . . ."

(d) Sections VI-201 and VI-301 of the Zoning Code provide that when the Code refers to "residential zones" it is referring to both the single family residential zones in Article III, Division 2 and the multiple family residential zones in Article III, Division 3.

(e) Certain vacation rentals are presently operating within areas of the City within residential zones, primarily on St. Armands Key and Lido Key and to date more complaints have been received about the operation of vacation rentals on St. Armands Key and Lido Key.

(f) The City of Sarasota Zoning Code (Chapter 38 of the City Code) defines a hotel as a building or group of detached or connected buildings containing six (6) or more guest rooms designed or used primarily for providing sleeping accommodations for automobile travelers and/or tourists on a daily or weekly rate basis that provides customary hotel services such as linen and maid service and may contain ancillary facilities such as, but not limited to, conference and recreational facilities. This definition was in effect on June 1, 2011.

(g) Structures have been permitted and constructed in the City with six (6) or more bedrooms which have been subsequently used, without notice to the City, as vacation rentals with transient occupancy levels far exceeding the occupancy levels of surrounding residential zones where household living predominates and such use may fall within the definitional scope of a hotel.

(h) According to the 2010 U.S. Census, the City of Sarasota has an average household size of 2.16 persons.

(i) Vacation rentals situated in residential zones can and do create a great disparity in occupancy levels between the resident occupied single and multiple family residences and the vacation rentals, which some residents have referred to as "hotel houses."

(j) The recurring periodic rental of vacation rentals in residentially zoned neighborhoods tends to erode the residential character of those neighborhoods and undermine the long term stability of those neighborhoods.

(k) Vacation rentals located within established residential neighborhoods can disturb the quiet nature and atmosphere of residential neighborhoods and the residents' right to the peaceful use and enjoyment of their homes.

(l) It is necessary, appropriate, and in the best interests of the public health, safety, and welfare to monitor and to provide a reasonable means for residents of the City of Sarasota to mitigate adverse impacts of vacation rentals in their neighborhoods.

(m) The regulation of vacation rentals in the manner herein provided will help to promote the stability of existing residential neighborhoods and help to achieve a greater level of compatibility between resident occupied homes and visitor occupied vacation rentals.

(n) It is unnecessary to regulate owner occupied vacation rentals under this Chapter because on site owners can be expected to regulate and supervise their

properties to the same or a greater extent than provided under this Chapter out of self-interest.

(o) It is unnecessary to regulate vacation rentals located in condominium units under this Chapter because the Florida Statutes require condominiums to be governed by an association, which can itself provide whatever regulation is necessary and such associations are not subject to the state pre-emptions applicable to local governments.

(p) This Chapter does not prohibit vacation rentals and this Chapter does not regulate the frequency or duration of guest stays in vacation rentals.

Section 34.5-2 Statement of Intent

It is the intent of this Chapter to regulate vacation rentals as defined by the Florida Statutes, but excluding those vacation rentals in condominiums and cooperatives. It is the further intent of this ordinance to regulate those vacation rentals in any individually or collectively owned single family, two family, three family, and four family house or dwelling units which are located in residential zones within the Coastal Islands Overlay District established by Section VI-907 of the Zoning Code.

The general purposes of this Chapter are to ensure to the City's residents the tranquility and peaceful enjoyment of their homes and their neighborhoods; to mitigate incompatibilities between vacation rentals and resident occupied homes and to protect the health, safety and welfare of the occupants of vacation rentals and their guests and to encourage them to be respectful of the residents of the neighborhood in which they are vacationing. The City intends to address complaints associated with unsupervised

vacation rentals (including by way of illustration and not limitation, over-occupancy, open and late night parties, excessive noise, parking on public sidewalks and excessive trash and garbage accumulation) in the manner set forth herein, including, but not limited to establishing a mandatory registration system for vacation rentals; specifying maximum occupancy limits; requiring inspections; and requiring the owner of a vacation rental to designate an individual or two individuals to be responsible for the vacation rental.

This Chapter is not intended to regulate and shall not apply to those rentals where the owner of the rental resides on the property and is present on site during a guest stay. This Chapter is not intended to regulate and shall not apply to those rentals that are rented for periods of thirty (30) days or more.

Section 34.5-3. Definitions

For purposes of this Chapter, the following terms, words and phrases shall have the meaning set forth in this section. Whenever applicable, the singular shall include the plural.

(a) *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, but does not include a bathroom, a kitchen, a dining area or any main living area. If a room has been added, altered or converted without any required building permit having been issued, such room shall not be deemed a bedroom.

(b) *Certificate of Registration* means the document that is issued by the City in accordance with Section 34.5-5 to show that the vacation rental described on the certificate is currently registered with the City as required by Section 34.5-4. An initial Certificate of Registration means the first Certificate of Registration issued to the owner identified on the Certificate for the particular vacation rental identified on the Certificate. A renewed Certificate of Registration means any subsequent Certificate of Registration issued for a successive calendar year to the same owner identified on the initial Certificate for the same vacation rental identified on the Certificate.

(c) *Designated responsible party* means the owner of a vacation rental or a natural person who has been designated by the owner to be called upon to answer for the maintenance of the vacation rental property and to respond to inquiries or complaints regarding the conduct of the occupants of the vacation rental and their guests as provided in Section 34.5-15 of this Chapter.

(d) *Guest* means any person physically within the vacation rental or on its grounds with the knowledge of an occupant.

(e) *Maximum occupancy* means the maximum number of persons who may be occupants of a vacation rental at the same time between the hours of 10 pm and 7 am.

(f) *Occupant* means any person who occupies a vacation rental overnight.

(g) *Owner or vacation rental owner* means a natural person or legal entity holding all or a portion of the fee simple title to a vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event that

the vacation rental owner is not an individual, each and every person who owns an equitable interest in the vacation rental shall also be considered an Owner.

(h) *Owner occupied* means a vacation rental that is the primary and permanent residence of the owner of the property and in which the owner will be present throughout the guest stay (including overnight) to host the rental.

(i) *Pre-existing rental Agreement* means a written agreement with prospective occupants that was already in existence and fully executed on or before May 4, 2021 and in which the occupants' tenancy is arranged for a period of longer than one week.

(j) *Vacation rental* means a rental as defined in Sections 509.242(1)(c) and 509.013(4)(a)(1), Florida Statutes excluding those vacation rentals in condominiums and cooperatives and which is located in a residential zone within the Coastal Islands Overlay District established by Section VI-907 of the Zoning Code.

ARTICLE II. REGISTRATION REQUIRED

Section 34.5-4 Mandatory registration - Initial certificate of registration

(a) No vacation rental (as defined in Section 34.5-3(j) above) shall be rented or offered for rent without a current valid certificate of registration (as defined in Section 34.5-3(b) above). Failure to possess a current valid certificate of registration while renting or allowing a vacation rental to be occupied is a violation of this section. Every vacation rental owner, either personally or through an agent, shall apply to the City for an initial certificate of registration, in accordance with instructions to be posted on the City's website, no earlier than January 3, 2022 and by no later than March 1, 2022, and shall

obtain a certificate of registration by no later than June 1, 2022. Owners of vacation rentals who open a new vacation rental after March 1, 2022 shall apply for an initial certificate of registration prior to renting or allowing occupancy of the vacation rental at any time of year. Owners of vacation rentals who become owners after March 1, 2022 shall apply for an initial certificate of registration at any time of year prior to acquiring ownership or by no later than fifteen (15) days after acquiring ownership. A separate certificate of registration is required for each vacation rental. The operation of a vacation rental without a certificate of registration after June 1, 2022 shall be a violation of this section. Every day of such operation without registration shall constitute a separate violation.

(b) An application for an initial certificate of registration shall contain a ~~statement~~ Declaration from the vacation rental owner that under penalty of perjury, the owner represents that the information provided on the application and the information submitted with the application is true and accurate to the best of the owner's knowledge and belief. Electronic signature(s), also known as "e-signature", are acceptable on registration documents. The application for an initial certificate of registration shall be accompanied by the following materials and information:

(1) A completed application form supplied by the City. At a minimum, the application form shall include the street address of the vacation rental; the ~~legal description of the property on which the vacation rental is located~~ parcel identification number assigned by the Sarasota County Property Appraiser; the name, address, electronic mail address, and telephone number of the vacation rental owner(s); and the

name, address, electronic mail address, and telephone number of the designated responsible party or parties if different from the owner.

(2) Proof of current ownership of the vacation rental property

(3) Payment of the initial registration fee

(4) A form supplied by the City entitled "Designation of Responsible Party" signed by the owner of the vacation rental or authorized representative, naming a single designated responsible party or naming two (2) designated responsible parties who shall have the duties listed in Section 34.5-15. The vacation rental owner(s) may appoint himself, herself or themselves as the designated responsible party or as one of two designated responsible parties or shall otherwise designate someone to act as the designated responsible party on his or her behalf. An owner may designate a private property management company to serve as the designated responsible party. However, in the event an owner so designates a property management company, the owner shall also designate one or two individual persons associated with the property management company as the designated responsible party or parties.

(5) A written acknowledgment form signed by each designated responsible party acknowledging that he or she is aware of the provisions of this Chapter and that he or she agrees to serve in the capacity of designated responsible party for the vacation rental being registered and that he or she agrees to discharge the duties of a designated responsible party as set forth in Section 34.5-15.

(6) A copy of the business tax receipt showing payment of the City of Sarasota local business tax for the vacation rental for the current fiscal year or other proof of payment.

(7) A copy of the business tax receipt showing payment of the Sarasota County local business tax for the vacation rental for the current fiscal year or other proof of payment.

(8) Evidence that the vacation rental has a current and active account with the Sarasota 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 Sarasota County Tax Collector.

(9) A copy of a current and active license for the vacation rental issued by the State of Florida Department of Business and Professional Regulation showing that the vacation rental is licensed as a transient public lodging establishment.

(10) A copy of the current and active certificate of registration with the State of Florida Department of Revenue for the vacation rental showing that the vacation rental is registered for the purposes of collecting and remitting sales taxes, transient rental taxes and any other taxes required by law to be submitted to the Florida Department of Revenue.

(11) The number of bedrooms in the vacation rental.

(12) The number of full bathrooms (sink, toilet and bathtub or shower) in the vacation rental.

(13) An exterior site sketch of the vacation rental facility. The sketch shall show and identify all structures, pools, hot tubs, spas, 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 to reasonable scale and need not be professionally prepared.

(14) An interior building sketch by floor for each floor in the vacation rental showing the floor plan layout and identifying all bedrooms, other rooms, exits, hallways and stairways and elevators as may be applicable. At the option of the vacation rental owner, such sketch may be hand drawn to reasonable scale and need not be professionally prepared.

(15) A blank sample of the standard rental lease agreement used for the vacation rental.

(16) ~~An affidavit~~ A signed Declaration executed by the owner on a form provided by the City, representing that he or she is aware of the City of Sarasota rules regulating vacation rentals specifically including the minimum stay requirement set out in Section II-304(b) of the City of Sarasota Zoning Code.

(17) If the application for registration is being submitted on behalf of the owner of the property by his or her authorized representative, a letter of authorization from the owner representing that the representative is authorized to act on his or her behalf.

(18) Any pre-existing rental agreements as defined in Section 34.5-3(i).

(c) Submission of an incomplete application for an initial certificate of registration or a submission not accompanied by all of the applicable requirements of this section or submission of an incomplete application for a renewed certificate of registration pursuant to Section 34.5-6 shall result in rejection of the application. If the submission for registration is incomplete, the applicant shall be notified of the deficiency and shall be allowed twenty (20) calendar days to provide any missing information or to pay any unpaid registration or inspection fees, or code compliance penalties. If the missing information is not provided or fees or penalties not paid within the twenty (20) day period, the application shall be deemed withdrawn. If the information is timely provided and any delinquent fees are timely paid, the application shall be processed.

Section 34.5-5 Certificate of Registration

(a) An initial certificate of registration for a vacation rental shall be issued if each of the following conditions has been satisfied:

(1) The application is complete and the applicant has submitted all documents and information required by Section 34.5-4.

(2) The applicant has paid all required fees and if any fines or penalties have been previously imposed on the applicant or the vacation rental unit, the fines and penalties have been paid or otherwise resolved.

(3) The vacation rental has been inspected as required by 34.5-10 and the inspection shows that the vacation rental is in compliance with the provisions of this Chapter including the Florida Building Code, the Florida Fire Prevention Code and is in

~~compliance with the provisions of this Chapter, specifically including, but not limited to,~~
the minimum safety requirements of Section 34.5-12 and the informational requirements
of Section 34.5-13 and in compliance with other applicable City ordinances including
zoning regulations.

(b) Initial certificates of registration issued during the calendar years 2022 and
2023 shall be valid through December 31, 2023. Thereafter, initial certificates of
registration issued at any time after January 1 of an even numbered year shall expire on
December 31 of the following odd numbered year, such that all initial certificates of
registration shall expire on December 31 of each odd numbered year, even if this means
the certificate of registration is valid for less than two years. All initial and renewed
certificates of registration shall be considered current and valid until their expiration date
unless: (1) an amended certificate is required by Sec. 34.5-7; (2) a new initial certificate
is required by Sec. 34.5-8; or (3) the certificate has been suspended in accordance with
Sec. 34.5-20.

(c) Each vacation rental unit shall require a separate certificate of registration.
The certificate of registration shall contain the street address of the vacation rental, the
name of the vacation rental owner, the name and telephone number of the designated
responsible party, the number of bedrooms in the vacation rental unit, the maximum
occupancy of the vacation rental unit, the vacation rental registration number and the
expiration date of the certificate.

(d) If the violation history of the vacation rental identified in the application for
an initial certificate of registration shows any violations of City Codes with associated

unpaid penalties or unsatisfied liens, the initial certificate of registration shall not be issued unless all outstanding penalties or liens are first paid or satisfied as the case may be.

Section 34.5-6 Renewed Certificate of Registration

(a) An owner or authorized representative shall renew the certificate of registration and obtain a renewed certificate of registration prior to December 31 of each odd numbered calendar year after the initial certificate of registration is issued. An application for a renewed certificate of registration shall be filed no earlier than August 1 and by no later than October 1 each odd numbered year and a determination of compliance shall be made by December 31. Commencing on January 1, 2024, all renewed certificates of registration shall be valid from January 1 of each even numbered year for two calendar years until December 31 of the following odd numbered year. However, renewed certificates of registration issued at any time after January 1 of an even numbered year shall expire on December 31 of the following odd numbered year, such that all renewed certificates of registration shall expire on December 31 of each odd numbered year even if this means the certificate of registration is valid for less than two years. All renewed certificates of registration shall be considered current and valid until their expiration date unless: (1) an amended certificate is required by Sec. 34.5-7; (2) a new initial certificate is required by Sec. 34.5-8; or (3) the certificate has been suspended in accordance with Sec. 34.5-20.

(b) An application for a renewed certificate of registration shall be made on a form supplied by the City for that purpose. The application shall require the applicant to indicate whether each specific item of information submitted with the application for an

initial certificate of registration required by Section 34.5-4(b) subsections (1), (2), (4), (5), (8), (10), (11), (12), (13), (14), (15), and (17) remains current and accurate. If the applicant signs a ~~statement~~Declaration, under penalty of perjury, that the information remains current and accurate, no further information concerning these items shall be requested. If the applicant indicates that specified items are no longer current and accurate, then updated information which is current and accurate shall be submitted to support the application.

(c) An application for a renewed certificate of registration shall be accompanied by the following:

(1) Payment of the application fee for a renewed certificate of registration.

(2) A copy of the business tax receipt showing payment of the Sarasota County local business tax for the vacation rental for the current fiscal year or other proof of payment.

(3) A copy of a current and active license for the vacation rental issued by the State of Florida Department of Business and Professional Regulation showing that the vacation rental is a licensed transient public lodging establishment.

(4) An ~~A Declaration signed affidavit~~Declaration signed affidavit executed by the owner on a form provided by the City, representing that he or she is aware of the City of Sarasota rules regulating vacation rentals specifically including the minimum stay requirement set out in Section II-304(b) of the City of Sarasota Zoning Code.

(d) A renewed certificate of registration shall be issued if each of the following conditions has been satisfied.

(1) The application is complete and the applicant has satisfied the requirements of subsections (b) and (c) above.

(2) The applicant has paid all required fees; and if any fines or penalties have been previously imposed on the applicant or the vacation rental unit, the fines and penalties have been paid or otherwise resolved.

(3) City staff has confirmed that the applicant has paid the City of Sarasota local business tax for the vacation rental for the current fiscal year.

(4) The applicant signs a Declaration ~~executes an Affidavit~~ supplied by the City certifying that the vacation rental is in full compliance with the provisions of this Chapter, specifically including, but not limited to, the minimum safety requirements of Section 34.5-12 and the informational requirements of Section 34.5-13, and is in compliance with other applicable City ordinances including zoning regulations. If this signed Declaration Affidavit is supplied, the vacation rental shall not be inspected prior to the issuance of the renewed certificate of registration. In the event this Declaration Affidavit is not supplied, the vacation rental shall be inspected as provided in Section 34.5-10.

Section 34.5-7 Amendment of Certificate of Registration

An amendment of the initial or any renewed vacation rental certificate of registration shall be required in the event that any of the following changes to the vacation rental occur.

- (a) An increase in the number of bedrooms or bathrooms in the vacation rental.
- (b) An increase in the gross square footage of the vacation rental.
- (c) An increase in the maximum occupancy of the vacation rental.
- (d) An increase or decrease in the number of parking spaces or a change in the location of parking spaces for the vacation rental from what was shown on the exterior site sketch submitted with the most recent application for a Certificate of Registration in accordance with Section 34.5-4(13).
- (e) Any other material modifications that would increase the intensity of use.

Section 34.5-8 Certificate of Registration Non-Transferable, Non-Assignable

Certificates of registration are non-transferable and non-assignable. The certificate of registration when issued shall pertain only to the property owner designated on the certificate for use at the one specific property identified on the certificate. A separate certificate of registration is required for the same property owner to operate a vacation rental at another location. A new certificate of registration is required if ownership of the vacation rental changes from the owner(s) identified on the certificate, including purchase or acquisition of the assets of a legal entity identified as the owner on the certificate.

When a vacation rental is sold or ownership is otherwise transferred, the new owner shall apply for an initial certificate of registration within fifteen (15) days from the date of the sale or transfer and shall obtain a new initial certificate of registration. If the

new owner fails to apply for a new certificate of registration as provided in this section, any certificate of registration previously issued for that vacation rental shall be null and void on the sixteenth (16th) day after such sale or transfer. An inspection of the vacation rental is required whenever a new owner applies for an initial certificate of registration due to the sale of a vacation rental or a change of ownership not involving a sale.

Section 34.5-9 No vested rights, estoppel, or waiver

The issuance of a certificate of registration as required by Section 34.5-5 above shall not be construed to create any vested rights or entitle the owner of the registered vacation rental to any rights under the theory of estoppel. The issuance of a certificate of registration shall not be construed as a waiver of any other requirements contained within the City of Sarasota Code of Ordinances or the City of Sarasota Zoning Code.

Section 34.5-10 Inspections of Vacation Rentals

(a) Upon the filing of an application for an initial certificate of registration and prior to receipt of an initial certificate of registration from the City pursuant to Section 34.5-5, the vacation rental shall be subject to an inspection to verify compliance with the minimum safety requirements specified under Section 34.5-12 of this Chapter and minimum informational requirements specified under Section 34.5-13 of this Chapter ~~Florida Building Code and the Florida Fire Prevention Code~~ and to confirm that the vacation rental is in compliance with this Chapter and with any applicable provisions of the Sarasota City Code including the Zoning Code. The designated responsible party shall schedule and confirm all inspections required by this Chapter with the City.

(b) Subsequent inspections shall be required as provided in Section 34.5-6(d)(4) and Section 34.5-8.

(c) If instances of non-compliance with the minimum safety requirements and minimum informational requirements ~~Florida Building Code or Florida Fire Prevention Code~~ or other provisions of this Chapter are found upon any inspection, such non-compliance shall be corrected and the vacation rental re-inspected within thirty (30) calendar days after written notice of such violation(s) is provided to a designated responsible party.

(d) If the inspector is denied admittance by the designated responsible party or if the inspector fails in at least three (3) attempts to complete an initial or a subsequent inspection of the vacation rental, the inspector shall provide a notice of inability to conduct the inspection to the vacation rental owner or to the designated responsible party at the address shown on the application for registration or on the certificate of registration after each failed attempt. No certificate of registration shall be issued initially or renewed until the inspection has been conducted. The issuance of a notice of inability to conduct an inspection after the third failed attempt shall be deemed a violation of this Section 34.5-10 and shall be subject to enforcement remedies as provided in this Chapter.

Section 34.5-11 Schedule of Fees

All fees to be charged under the provisions of this Chapter shall be set out in this Section. Such fees are as follows:

Application Fee for an initial certificate of registration in accordance with Section 34.5-4 or Section 34.5-8. \$250.00

Application Fee for a renewed certificate of registration subsequent to the initial application in accordance with Section 34.5-6. \$150.00

Late Fee for an untimely submitted application for an initial certificate of registration or a renewed certificate of registration. \$100.00

Application Fee for an amended certificate of registration pursuant to Sec. 34.5-7 \$100.00

First Re-Inspection Fee \$50.00

Second and Third Re-Inspection Fees \$100.00

Inspection Fee upon change of ownership \$100.00

ARTICLE III. STANDARDS FOR VACATION RENTALS

Section 34.5-12 Minimum safety requirements

(a) A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, ~~Chapter 515, Florida Statutes~~, which specifies that a pool, spa or hot tub must meet at least one of the following requirements relating to pool safety features:

- i. The pool must be isolated from access to a home by an enclosure that meets the specific barrier requirements of the Residential Swimming Pool

Safety Act including, and not limited to, a minimum 4-foot height barrier with no gaps, openings, protrusions, or structural elements that could allow a young child to crawl under, squeeze through or climb over the barrier; the barrier must be placed around the perimeter of the pool and must be separate from any fence, wall or other enclosure surrounding the yard unless the fence, wall or enclosure is situated on the perimeter of the pool and is being used as part of the barrier; gates that provide access to swimming pools must open outward away from the pool and be self-closing and equipped with a self-latching locking device with the release mechanism of which must be located on the pool side of the gate,or

- ii. The pool must be equipped with an approved safety pool cover, manually or power operated, that meets all the performance standards of ASTM F1346-91

Where a wall of the dwelling serves as part of the barrier, one of the following shall apply:

- iii. All doors and windows providing direct access from the home to the pool shall be equipped with an exit alarm complying with UL 2017 that has a minimum sound pressure rating of 85 dBA at 10 feet. Any deactivation switch shall be located at least 54 inches above the threshold of the access. Separate alarms are not required for each door or window if sensors wired to a central alarm sound when contact is broken at any opening,or

iv. All doors providing direct access from the home to the pool must be equipped with a self-closing, self-latching device with positive mechanical latching/locking installed a minimum 54 inches above the threshold, which is approved by the authority having jurisdiction, or

v. A swimming pool alarm that, when placed in a pool, sounds an alarm upon detection of an accidental or unauthorized entrance into the water. Such alarm must meet and be independently certified to ASTM Standard F2208, titled "Standard Safety Specification for Residential Pool Alarms", which includes surface motion, pressure, sonar, laser and infrared alarms.

(b) The vacation rental shall have a smoke and carbon monoxide detection and notification system which shall be installed and continually maintained and which shall be permanently powered by the dwelling's electrical system, or where not feasible, shall be powered by 10-year nonremovable, nonreplaceable batteries. ~~consistent with the requirements of Section R314, Smoke Alarms and Section R315, Carbon Monoxide Alarms of the Florida Building Code -- Residential.~~ The use of combination smoke alarm and carbon monoxide alarms is acceptable. Smoke alarms shall be located in each sleeping room, outside each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of a dwelling including basements and habitable attics. Carbon monoxide alarms shall be located within ten feet of each sleeping room for any dwelling using fossil-fuel burning heater, fixture or appliance, a fireplace or attached garage.

(c) 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 vacation rental. The fire extinguisher may be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location or with written information provided to the overnight occupants regarding the location of the fire extinguisher(s).

Section 34.5-13 Minimum informational requirements

(a) The following information listed below shall be posted in a conspicuous location on an interior wall inside the vacation rental for the safety and convenience of the occupants. Alternatively, this information may be provided in accordance with subsection 34.5-13(c).

- (1) the location of the nearest hospital
- (2) the non-emergency police telephone number
- (3) the dates and approximate times of trash and recycling pick up
- (4) the street address of the vacation rental
- (5) the name and phone number of the designated responsible party or parties
- (6) emergency evacuation instructions

(b) The following additional information shall also be posted in a conspicuous location on an interior wall inside the vacation entry in close proximity to the main

entrance. Alternatively, this additional information may be provided in accordance with subsection 34.5-13(c).

(1) the maximum occupancy of the vacation rental

(2) the maximum number of vehicles that will be allowed to park at the vacation rental based on the number of off-street parking spaces on site, including enclosed spaces as determined by City staff

(3) a notice of the need to respect the peace and quiet of neighborhood residents which shall state as follows: "You are vacationing in a residential neighborhood. Please be a good neighbor by not making excessive noise or engaging in boisterous behavior, especially after 11:00 pm. Such behavior can deprive your neighbors of the peaceful enjoyment of their homes."

(4) a statement that sound that is audible beyond the property lines of the vacation rental unit is regulated by the City Sound Ordinance and that violation of the Sound Ordinance could result in fines to the occupants.

(c) As an alternative to posting, the information required to be provided by this section may be provided in a "welcome binder" left on a coffee table, kitchen table, or other prominent location in the vacation rental or the information may be provided to the occupants of the vacation rental electronically. In the event the required information is provided electronically, the vacation rental owner shall have the burden to demonstrate that the information was, in fact, provided, if requested to do so by the City Director of Development Services.

Section 34.5-14 Parking

All vehicles associated with the vacation rental shall be parked within a driveway or parking area located on the premises and in compliance with all applicable City ordinances.

Section 34.5-15 Designated Responsible Party

(a) The duties of a designated responsible party, whether the owner or the owner's authorized representative, are as follows:

(1) To be available by land line or mobile telephone at one of the listed phone numbers provided to the City in the application for an initial or renewed certificate of registration twenty-four (24) hours a day, seven (7) days a week and to be capable of assisting with resolution of any issues arising from the use of the vacation rental.

(2) To be available twenty-four (24) hours a day, seven (7) days a week for the purpose of promptly responding to complaints regarding the conduct or behavior of vacation rental occupants or their guests or regarding alleged violations of this Chapter or violations of other city ordinances. The designated responsible party shall have authority to immediately address and take affirmative action, within one (1) hour of notice from the City, or as soon thereafter as reasonably possible, to address complaints, including but not limited to safety issues, noise, or parking.

(3) To come to the vacation rental within one (1) hour, or as soon thereafter as reasonably possible, following notification from an occupant, the owner, or a City official,

code compliance officer or law enforcement officer to assist with finding solutions to problems or issues associated with the vacation rental.

(4) To receive service of any legal notice on behalf of the owner for violations of this Chapter or other law or ordinance.

(5) To exercise all rights of the owner under Sections 509.141, 509.142 and 509.143 Florida Statutes to deal with unruly occupants and their guests in the vacation rental.

(6) To maintain continuous compliance with the requirements Section 34.5-13 of this Chapter regarding information to be provided to vacation rental occupants.

(7) To maintain the vacation rental premises free of garbage and litter, provided that this subsection does not prohibit the storage of garbage and litter in authorized receptacles for collection.

(8) To otherwise monitor the vacation rental when rented to check upon the condition of the unit and the occupants' compliance with this Chapter.

(9) To be informed as to the names, address and phone numbers of each individual who booked the vacation rental and as to the number of occupants during each rental period and to provide this information to law enforcement officers or to code compliance officers upon request. In addition, to provide a copy of the rental agreement for the current occupants of a vacation rental to law enforcement officers or to code compliance officers upon request.

(10) To provide the Office of the City Auditor and Clerk with notice of resignation in writing at least one (1) week in advance of the effective date of the resignation.

(b) A designated responsible party must have authority to consent to allow all inspectors access to the vacation rental property to conduct the inspections required by Sections 34.5-5(a)(3); 34.5-6(d)(4); and 34.5-8.

(c) It shall be the sole responsibility of the owner to appoint a reliable designated responsible party and to inform the City of his or her contact information as a part of the application for registration as provided in Section 34.5-4(b)(4) above. Failure to do so shall not be a defense to an alleged violation of other provisions of this Chapter.

(d) An owner may change his or her designated responsible party temporarily or permanently. However, there shall be no more than two designated responsible parties for each vacation rental property at any one time. To change the designated responsible party, the property owner shall notify the City in writing on a form to be provided by the City at least one week in advance.

(e) Personal service on or mailing or emailing of a notice of violation or other notices to the designated responsible party shall be deemed valid service and notification of the owner or occupant as the case may be.

Section 34.5-16 Maximum Occupancy

(a) Maximum occupancy for vacation rentals in residential single family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or ten (10) persons, whichever is less. Children under six (6) years of age shall

not be included in the calculation of maximum occupancy. Maximum occupancy for vacation rentals in residential multiple family zone districts shall be two (2) persons per bedroom, plus two additional persons per property or twelve (12) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy.

(b) Notwithstanding the above, a vacation rental that was lawfully used as a vacation rental as of May 4, 2021, may have a higher maximum occupancy limitation in accordance with this subsection (b). As to the application of the maximum occupancy limitation of subsection (a) to vacation rentals lawfully in existence as of May 4, 2021, it is acknowledged that there are vacation rentals that could qualify for a higher maximum occupancy limit, if the limit were set higher, based on the number of bedrooms in the vacation rental. In an effort to recognize reasonable investment backed expectations and yet balance and protect the interests of residents in surrounding single family homes which are not vacation rental properties, there shall be a phasing in of maximum occupancy in accordance with the schedule below. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the certificate of registration process.

(1) The maximum occupancy for vacation rentals lawfully in existence on May 4, 2021 shall temporarily be capped at no more than sixteen (16) provided that all the requirements to obtain a certificate of registration in accordance with Section 34.5-5 are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect from June 1, 2022 through December 31, 2023.

(2) The maximum occupancy for vacation rentals lawfully in existence on May 4, 2021 shall be reduced from sixteen (16) to fourteen (14) for the one (1) year period commencing January 1, 2024 through December 31, 2024 provided that all requirements to obtain a certificate of registration in accordance with Section 34.5-5 are satisfied and a certificate of registration is issued.

(c) After December 31, 2024, the maximum occupancy for all vacation rentals shall be as provided in subparagraph 34.5-16(a) above.

(d) The maximum occupancy limitations set forth in subparagraphs (b) (1) and (b) (2) above shall not apply in the event two (2) or more adjudicated violations of this Chapter, another provision of the City Code or the City Zoning Code occur at the vacation rental and shall not apply in the event the vacation rental is sold or title to the vacation rental is otherwise transferred.

Section 34.5-17 Exemption from maximum occupancy limits for pre-existing rental agreements

(a) The maximum occupancy limits contained in Section 34.5-16(a) or (b) above shall not apply to occupancy pursuant to a pre-existing rental agreement entered into and fully executed prior to May 4, 2021. Notwithstanding any other provision of this Chapter, occupancy pursuant to pre-existing rental agreements are exempt from the maximum occupancy limits of this Chapter.

(b) If an owner of a vacation rental is cited for a violation of Section 34.5-16 when the vacation rental is occupied under the terms of a pre-existing rental agreement,

the vacation rental owner may defend against such citation based on the fact that the vacation rental was exempt from the maximum occupancy limits of Section 34.5-16 due to occupancy under a pre-existing rental agreement.

(c) The maximum occupancy limits contained in Sections 34.5-16(a) and (b) above shall not apply to occupancy pursuant to a pre-existing rental agreement if the pre-existing rental agreement has been assigned by the owner to a subsequent owner or to any third party and shall not apply to occupancy pursuant to a pre-existing rental agreement if the occupants are not the occupants identified in the pre-existing rental agreement.

Section 34.5-18 Advertising

Any advertising of the vacation rental shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the certificate of registration for the vacation rental, specifically including but not limited to maximum occupancy and display the City of Sarasota Vacation Rental Certificate of Registration number. ~~Advertisements for the vacation rental must display the Florida Department of Business and Professional Regulation transient lodging license number.~~ Any advertising of the vacation rental shall conform to the minimum stay requirement set out in Section II-304(b) of the Zoning Code. The advertising of a vacation rental for an occupancy level that exceeds the maximum occupancy limit set by Section 34.5-16 is a violation of this Section and is direct evidence of offering a property for rent as a vacation rental in violation of the maximum occupancy limits of Section 34.5-16 and the advertising or advertisement is admissible in any enforcement proceeding. The

advertising or advertisement raises a rebuttable presumption that the property identified in the advertising or advertisement was occupied in violation of Section 34.5-16. Any advertising of a property for purposes of a vacation rental shall be deemed sufficient evidence of the use of that property as a vacation rental for purposes of enforcing all sections of this Chapter.

ARTICLE IV. ENFORCEMENT

Section 34.5-19 Violations of this Chapter

(a) Non-compliance with any provision of this Chapter shall constitute a violation of this Chapter. Violations of this Chapter shall specifically include, but not be limited to the following unlawful conduct:

(1) It is unlawful to rent out a vacation rental without a current certificate of registration issued by the City in accordance with Section 34.5-5 or Section 34.5-6.

(2) It is unlawful to offer a vacation rental for rent or to advertise a vacation rental for rent without a current certificate of registration issued by the City in accordance with Section 34.5-5 or Section 34.5-6.

(3) It is unlawful to rent a vacation rental for occupancy in excess of the applicable maximum occupancy.

(4) It is unlawful to be an occupant of a vacation rental at any time that the number of occupants of the vacation rental exceeds its maximum occupancy.

(5) It is unlawful to fail to provide any of the information required to be provided to occupants of the vacation rental by Section 34.5-13(a) and (b).

(6) It is unlawful to provide any false or misleading information in connection with any application for an initial or renewed certificate of registration, or for amendment of a certificate of registration as required by this Chapter. Any knowing and intentionally false or misleading statements made in any such application or any intentionally false or misleading statement or information submitted in connection with an application shall subject the applicant to a fine and shall constitute grounds for the suspension of any certificate of registration issued pursuant to such application.

(b) Each day a violation exists shall constitute a separate and distinct violation.

(c) The vacation rental owner shall be liable for any violations of this Chapter and for any violations of a Code Compliance Order pertaining to the vacation rental. In addition, when two or more persons commit a violation, each violator shall be jointly and severally liable for any fines or penalties assessed. This applies to situations where an owner, a designated responsible party, occupant, or guest are together responsible for a violation of this Chapter. Any fines to occupants resulting from violations of this Chapter or other City ordinances after the property owner or a designated responsible party was advised shall also be the responsibility of the property owner to pay.

(d) All repeat violations shall be scheduled for a hearing before the special magistrate and the repeat violator shall not have the option to pay a fine prior to the hearing. For purposes of this paragraph the term repeat violation shall mean a second

violation of the same provision of this Chapter or the same provision of another applicable City ordinance for the second time within a one (1) year period.

Section 34.5-20 Suspension of certificate of registration

(a) In addition to any fines and any other remedies described herein or provided by law, a special magistrate may, in his or her discretion, suspend an initial or renewed certificate of registration for a vacation rental upon request in accordance with the suspension time frames set forth in sub-section (b) below:

(b) Suspension time frames.

(1) For a first violation of this Chapter or other applicable City ordinance, suspension of a certificate of registration is not authorized.

(2) Upon a second violation of this Chapter or other applicable City ordinance, the certificate of registration, if suspended, shall be suspended for a period of thirty (30) calendar days.

(3) Upon a third violation of this Chapter or other applicable City ordinance, the certificate of registration, if suspended, shall be suspended for a period of sixty (60) calendar days.

(4) Upon a fourth violation of this Chapter or other applicable City ordinance, the certificate of registration, if suspended, shall be suspended for a period of ninety (90) calendar days.

(5) For each additional violation of this Chapter or other applicable City ordinance, the certificate of registration, if suspended, shall be suspended for an additional thirty (30) calendar day period up to a maximum period of three hundred sixty (360) calendar days.

(c) A vacation rental may not host any occupants during any period of time when the certificate of registration for the vacation rental is suspended.

(d) The suspension shall begin following notice, commencing either on the end of the current vacation rental lease period or within thirty (30) calendar days thereafter, or as otherwise determined by the special magistrate in order to avoid impairment of the validity of an executed rental agreement for the vacation rental.

(e) Operation and hosting of occupants during any period of suspension shall be deemed a separate violation of this Chapter.

(f) An application for a certificate of registration may be submitted during the period of suspension; however no certificate of registration may be issued for the vacation rental until the period of suspension has expired.

Section 34.5-21 Enforcement and Remedies

(a) Code enforcement shall be undertaken in accordance with the Chapter 162 of the Florida Statutes and the City of Sarasota Code of Ordinances.

(b) The City may utilize Chapter 162, Part I Florida Statutes to prosecute a violation of this Chapter or other code violation with respect to a vacation rental and in

such case, the special magistrate shall be authorized to hold a hearing, to assess penalties in accordance with Section 2-315 of the Sarasota City Code and to order other relief in accordance with Chapter 2, Article V, Division 5 of the Sarasota City Code.

(c) Nothing herein shall prevent the City from seeking all other available remedies which may include, but shall not be limited to, suspension of a certificate of registration, injunctive relief, liens and other civil and criminal penalties as provided by law as well as referral to other enforcing agencies.

Section 2. The Code of the City of Sarasota, Chapter 2, Administration; Article V, Boards, Commissions and Committees; Division 5, Code Compliance; Section 2-309, Jurisdiction is hereby amended to provide as follows. (New text is shown in underline.)

(a) The magistrate shall have the jurisdiction to hear and decide alleged violations of the following provisions of this Code, as the same may be amended from time to time.

(24) Vacation rentals. Chapter 34.5

Section 3. In the event that any word(s), phrase(s), portion(s), section(s), subsection(s) of this Chapter is (or are) contrary to law, or against public policy, or shall for any reason whatsoever be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such word(s), phrase(s), portion(s), section(s), subsection(s) of this Chapter shall be null and void and shall be deemed severed and shall be 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, sections or subsections of this Chapter, which shall remain in full force and effect.

Section 4. This ordinance shall take effect immediately upon second reading. However, the maximum occupancy limits of Section 34.5-16 and the provisions of Section 34.5-18 regulating advertising shall become effective on June 1, 2022 so as to coincide with the deadline for issuance of initial certificates of registration under Section 34.5-4(a).

PASSED on first reading by title only, after posting on the bulletin board at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 6th day of April, 2021.

PASSED on second reading and finally adopted this 4th day of May, 2021.

CITY OF SARASOTA, FLORIDA

Hagen Brody, Mayor

ATTEST:

Shayla Griggs, City Auditor & Clerk

- _____ Mayor Hagen Brody
- _____ Vice Mayor Erik Arroyo
- _____ Commissioner Jen Ahearn-Koch
- _____ Commissioner Liz Alpert
- _____ Commissioner Kyle Scott Battie

[cityatty/ordinances/2021/21-5353\(Vacaction.Rentals\)/km/ammw/Draft10/26/21](#)