

ORDINANCE NO. 2023-10

AN ORDINANCE OF THE CITY OF PALMETTO, FLORIDA, AMENDING THE CODE OF ORDINANCES OF THE CITY OF PALMETTO TO ADD A NEW ARTICLE IX TO CHAPTER 19, ENTITLED “VACATION RENTALS;” MAKING LEGISLATIVE FINDINGS REGARDING THE NEED TO REGULATE VACATION RENTALS; PROVIDING FOR THE REGULATION OF VACATION RENTALS CONSISTENT WITH STATE LAW; REQUIRING REGISTRATION AND REQUIRING A CERTIFICATE OF REGISTRATION; PROVIDING REQUIREMENTS FOR REGISTRATION, INCLUDING THE DESIGNATION OF A RESPONSIBLE PARTY FOR EACH VACATION RENTAL, PROPERTY INSPECTIONS, MINIMUM SAFETY REQUIREMENTS AND MINIMUM POSTING REQUIREMENTS; PROVIDING FOR MAXIMUM OCCUPANCY LIMITS; ESTABLISHING PENALTIES FOR VIOLATIONS; PROVIDING FOR FEES; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Article VIII, Section 2(b) of the Florida Constitution and Chapter 166 Florida Statutes provides 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; and

WHEREAS, Section 509.013, Florida Statutes, makes a distinction between “transient public lodging establishments” which are rented, advertised or held out for rental 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; and

WHEREAS, 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; and

WHEREAS, rental of houses or dwelling units to transient visitors can result in adverse impacts to nearby residential units, including, but not necessarily limited to, increased noise at all hours of the day or night, problems with garbage collection, litter, and parking; 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 negative impacts that may be associated with unregulated vacation rentals in those areas; and

WHEREAS, vacationing occupants of vacation rentals 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

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, 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 (See Sections 509.013(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, vacation rentals have proliferated across the state in recent years, particularly in coastal areas, resulting in similar regulations being enacted by local jurisdictions in the area of the City of Palmetto; and

WHEREAS, vacation rentals are currently being operated throughout the City of Palmetto; and

WHEREAS, according to the 2020 U.S. Census, the City of Palmetto has an average household size of 3.00 persons; and

WHEREAS, vacation rentals within the City are currently being advertised for occupancies up to 18 persons per household, creating a significant disparity in potential adverse impacts as compared to owner-occupied residential units; and

WHEREAS, the City Commission for the City of Palmetto, Florida, desires to be proactive in its regulation of vacation rentals to protect the public safety and welfare of the City of Palmetto; and

WHEREAS, 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 Palmetto to mitigate adverse impacts of vacation rentals on neighboring residential uses; and

WHEREAS, the regulation of vacation rentals in the manner herein provided will help to achieve a greater level of compatibility between resident occupied homes and visitor occupied vacation rentals; and

WHEREAS, this ordinance does not prohibit vacation rentals and does not regulate the frequency or duration of guest stays in vacation rentals; and

WHEREAS, an ordinance regulation vacation rentals in the City is in the best interest of the citizens of the City of Palmetto.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA:

Section 1. The foregoing whereas clauses are hereby adopted as findings of fact.

Section 2. Legislative Findings. The above Whereas clauses are hereby adopted as legislative findings of the City Commission in support of the ordinance.

Section 3. Amended Code Language.

A. A new Article IX shall be added to Chapter 19 of the Code of Ordinances as follows:

Chapter 19 – LICENSES AND BUSINESS REGULATIONS

ARTICLE IX VACATION RENTALS

Sec. 19-250. - Statement of Intent.

It is the intent of this Article to regulate vacation rentals as defined by the Florida Statutes.

The general purposes of this Article is 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 safety of occupants of vacation rentals and their guests. The City intends to address complaints associated with unsupervised vacation rentals in the manner set forth herein, including, but not limited to establishing a mandatory annual registration system for vacation rentals; specifying maximum occupancy limits; requiring inspections; requiring the owner of a vacation rental to designate an individual to be responsible for the vacation rental; to be aware of the condition and use of the vacation rental and to be able to quickly respond to complaints and immediate problems associated with the vacation rental.

Sec. 19-251. - Definitions.

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

(a) *Bedroom* means any room in a vacation rental that contains a minimum of one hundred (100) square feet; which has a bed or other place for sleeping; and which has either a separate closet that is an integral part of the permanent construction within the bedroom or an en suite bathroom. This definition 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 required building permits 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 Sec. 19-253 to show that the vacation rental described on the certificate is currently registered with the City as required by Sec. 19-252.

(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 Sec. 19-264.

(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.

(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 be considered an Owner.

(h) *Owner Occupied* means a vacation rental that is the primary and permanent residence of the owner of the property.

(i) *Pre-existing Rental Agreement* means a written agreement with prospective occupants allowing them to stay in a vacation rental which agreement was fully executed as of the effective date of this Article.

(j) *Vacation Rental* shall have the meaning as defined in Chapter 509, Florida Statutes, as may be amended, except that for purposes of this Ordinance, condominiums with three units or more shall be excluded from the definition of *vacation rental* and, thereby, excluded from the provisions of this Ordinance.

Sec. 19-252. - Mandatory registration.

(a) No Vacation Rental shall be rented or offered for rent without a current valid Certificate of Registration. Failure to possess a current valid Certificate of Registration while renting or occupying a Vacation Rental 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, utilizing forms promulgated by the City by no later than October 1, 2023, and shall obtain a Certificate of Registration by no later than November 30, 2023. Every Vacation Rental Owner, either personally or through an agent, shall apply to the City for an initial or renewed Certificate of Registration, utilizing forms promulgated by the City, each successive year thereafter no earlier than July 1st and by no later than September 30th. A separate Certificate of Registration shall be required for each Vacation Rental. The operation of a Vacation Rental without a Certificate of Registration after November 30, 2023 shall be a violation of this Section. Every day of such operation without registration shall constitute a separate violation.

(b) An application for a Certificate of Registration shall contain a statement from the Vacation Rental Owner, under penalty of perjury, that 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. The application shall be accompanied by the following materials and information:

- (1) A completed application for Vacation Rental Certificate of Registration 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; 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 if different from the owner.

(2) Proof of current ownership of the Vacation Rental property.

(3) Payment of the annual registration fee. If an initial application for Certificate of Registration for a property is applied for after January 1st, the fee for the first application shall be set at fifty percent of the annual fee. If the application is filed after the filing deadline set forth above (November 30, 2023 and then September 30th of each year thereafter), the application fee shall be increased by \$50.00 and shall increase an additional \$50.00 on the first day of each subsequent month until complete application is filed.

(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 Designated Responsible Party who shall have the duties listed in Sec. 19-263. The Vacation Rental Owners may appoint himself or herself as the Designated Responsible Party or shall otherwise designate someone to act as the Designated Responsible Party on his or her behalf.

(5) A written acknowledgement form signed by the Designated Responsible Party acknowledging that he or she is aware of the provisions of this Article 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 Sec. 19-263.

(6) A copy of the business tax receipt showing payment of the City of Palmetto local business tax for the Vacation Rental for the current fiscal year or other proof of payment.

(7) Evidence that the Vacation Rental has a 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.

(8) 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.

(9) 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.

(10) The number of Bedrooms in the Vacation Rental.

(11) The number of full bathrooms (sink, toilet, and bathtub or shower) in the Vacation Rental.

(12) The square footage of temperature-controlled living space within 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 as to enable a fixed count of the number of spaces provided in accordance with Sec. 19-262. At the option of the Vacation Rental Owner, such sketch may be hand drawn and need not be professionally prepared, but shall be sufficient for staff to determine compliance with this Article.

(14) An interior building sketch 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 and need not be professionally prepared, but shall be sufficient for staff to determine compliance with this Article.

(15) A blank sample of the rental lease agreement to be used for the Vacation Rental.

(16) An affidavit executed by the Owner on a form provided by the City, representing that he or she is aware of the City of Palmetto rules regulating Vacation Rentals.

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

(18) A copy of all Pre-existing Rental Agreements for the Vacation Rental.

(19) Any other information which may be reasonably requested by the City to verify compliance with the terms of this Article.

(b) Submission of an incomplete application for registration or a submission not accompanied by all of the applicable requirements of this Section shall result in rejection of the application. If the submission for registration is incomplete, the applicant shall be notified of the deficiencies and shall be allowed twenty (20) calendar days to provide any missing information, to pay any unpaid registration or inspection fees, or to address 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.

Sec. 19-253. - Certificate of Registration.

(a) A Certificate of Registration for a Vacation Rental shall be issued if each of the following conditions has been satisfied.

(1) The application for a Certificate of Registration is complete and the applicant has submitted all documents and information required by Sec. 19-252.

(2) The applicant has paid all required fees and any fines or penalties previously imposed on the Vacation Rental unit.

(3) The Vacation Rental has been inspected as required by Sec. 19-258 and the inspection shows that the Vacation Rental is in compliance with the Florida Building Code, the Florida Fire Prevention Code and is in compliance with the provisions of this Article, specifically including, but not limited to, the minimum safety requirements of Sec. 19-260 and the posting requirements of Sec. 19-261, and is in compliance with other applicable City ordinances.

(b) All Certificates of Registration shall be issued on a calendar year basis and shall be considered current and valid until the end of the calendar year for which they were issued unless suspended in accordance with this Article.

(c) Each Vacation Rental 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 expiration date of the certificate and shall also state the Maximum Occupancy of the Vacation Rental.

(d) If the violation history of the Vacation Rental identified in the initial application for a 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 until all outstanding penalties or liens are first paid or satisfied.

Sec. 19-254. - Renewal of Registration.

(a) All Certificates of Registration shall expire on September 30th of each year. An Owner or authorized representative shall renew the registration annually and obtain a new Certificate of Registration prior to September 30th of each year after the initial registration. An application for renewal shall be filed no earlier than July 1st and by no later than September 30th each year. If no changes have occurred to the Vacation Rental since the issuance of the most recent Certificate of Registration, then no additional submittals of the items enumerated in paragraphs (1) through (19) in Sec. 19-252(b) above shall be required with the application for a renewed Certificate of Registration.

(b) A Certificate of Registration shall not be issued or renewed if there are any outstanding fines or liens for violations of this Article or any provision of the City of Palmetto Code of Ordinances pertaining to the Vacation Rental unless all outstanding fines, penalties or liens have been paid or satisfied.

Sec. 19-255. - Amendment of Certificate of Registration.

An amendment of the 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 in the Vacation Rental.
- (b) An increase in the square footage of temperature-controlled living space within 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.

Sec. 19-256. - Change in Ownership of the Vacation Rental.

When a Vacation Rental is sold or ownership is otherwise transferred, the new Owner shall apply for a new Certificate of Registration with the City within fifteen (15) days from the date of the sale or transfer, and shall obtain a new Certificate of Registration. If the new Owner fails to apply for a new Certificate of Registration as provided in this Article, any Certificate of Registration previously issued for that Vacation Rental shall become null and void on the sixteenth (16th) day following such sale or transfer. An inspection of the Vacation Rental is required whenever there is new Certificate of Registration application due to a change of ownership.

Sec. 19-257. - No Vested Rights, Estoppel of Waiver.

The issuance of a Certificate of Registration as required by Sec. 19-253 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 Palmetto Code of Ordinances.

Sec. 19-258. - Inspections of Vacation Rentals.

(a) Upon the filing of an application for a Certificate of Registration and prior to issuance, the Vacation Rental shall be subject to an initial inspection to verify compliance with the Florida Building Code and the Florida Fire Prevention Code and to confirm that the Vacation Rental is in compliance with this Article and with all applicable provisions of the City's Code of Ordinances, including the International Property Maintenance Code. The Designated Responsible party shall schedule and confirm all inspections required by this Article with the City.

(b) Once a Vacation Rental has received a Certificate of Registration, subsequent renewals shall not require an inspection unless the Vacation Rental has not been inspected within the five (5) years immediately preceding the renewal date, or there has been an amendment of the Certificate of Registration pursuant to Sec. 19-255. Renewals requiring re-inspection shall be filed with the City a minimum of ninety (90) days prior to the expiration of the Certificate of Registration.

(c) If instances of non-compliance with the Florida Building Code or Florida Fire Prevention Code or other provisions of this Article or the City's Code of Ordinances are discovered upon 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 the Designated Responsible Party.

(d) If the inspector is denied admittance by the Designated Responsible Party or if the inspector is otherwise unable, following 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. In such circumstances no Certificate of Registration shall be issued 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 Article and shall be subject to enforcement remedies as provided in this Article.

Sec. 19-259. - Schedule of Fees.

A schedule of fees shall be adopted by resolution of the City Commission and maintained by the City Clerk.

Sec. 19-260. - 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.

(b) The Vacation Rental shall have a functioning smoke and carbon monoxide detection and notification system which 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.

(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 of the Vacation Rental. The extinguisher shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

(d) Battery powered emergency lighting, which illuminates automatically for at least one (1) hours when electricity is interrupted is required at each building exit.

(e) Local telephone service: At least one land line telephone with the ability to call 911 shall be available in the main level common area in the Vacation Rental.

Sec. 19-261. - Minimum Posting Requirements.

(a) The following information shall be posted in a conspicuous location on an interior wall inside the Vacation Rental for the safety and convenience of the occupants:

- (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 and land line telephone number of the Vacation Rental.
- (5) The name and phone number of the Designated Responsible Party.
- (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:

(1) The Maximum Occupancy of the Vacation Rental.

(2) The maximum number of vehicles that are permitted 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 neighboring residents which shall state as follows: "You are vacationing in a residential area. Please be a good neighbor by not making excessive noise or engaging in boisterous behavior, especially after 11:00p.m. 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's Noise Ordinance and that violation of the Noise Ordinance could result in fines to the occupants.

(5) A statement that dogs which are not within a fenced area must be on leash pursuant to City ordinance, and failure to adhere to such requirements could result in fines.

(c) A copy of the Certificate of Registration for the Vacation Rental shall be posted next to or on the interior side of the primary door to the Vacation Rental.

Sec. 19-262. - 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. The Owner shall provide one space of off-street parking for every four persons of occupancy permitted pursuant to Sec. 19-264. Where structures existing as of the effective date of this Article are unable to provide off-street parking, the Vacation Rental shall be permitted a maximum occupancy of four persons, unless otherwise limited pursuant to Sec. 19-264.

Sec. 19-263. - Designated Responsible Party.

(a) The duties of the 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 registration

twenty four (24) hours a day, seven days a week, and to be capable of handling any issues arising from the use of the Vacation Rental.

(2) To be available twenty four 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 Article. The Designated Responsible Party shall have the authority to immediately address and take action, within one (1) hour of notice from the City, to address complaints, including but not limited to, safety issues, noise or parking.

(3) To come to the Vacation Rental within one (1) hour following notification from an occupant, the Owner, or the City, with authority to address and to coordinate 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 Article or other law or ordinance.

(5) To exercise all rights of the Owner under Section 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 interior posting requirements of Sec. 19-261.

(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 at least once a week when rented to check upon the condition of the unit and the occupants' compliance with this Article.

(9) To be informed as to the names, addresses and email addresses and phone numbers of all occupants and as to the number of occupants during each rental period.

(10) To maintain a register with names of all occupants and their address, telephone number, electronic mail address and dates of stays of all occupants which shall be open to inspection by authorized personnel of the City at all times. This information shall be retained for a minimum of two years after the occupant has vacated the Vacation Rental.

(11) To provide the City with notice of resignation as Designated Responsible Party in writing at least one 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 inspections.

(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 applicable for registration as provided in Sec. 19-252(b) above. Failure to do so shall not be a defense to an alleged violation of this Article.

(d) An Owner may change his or her Designated Responsible Party temporarily or permanently. However, there shall only be one Designated Responsible Party for each Vacation Rental property at any one time. To change the Designated Responsible Party, the 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.

Sec. 19-264. - Maximum Occupancy.

(a) The Maximum Occupancy of a Vacation Rental shall be stated in the Vacation Rental registration form, and shall be limited to the lessor of:

- (1) Two persons per Bedroom, plus two (2) additional persons; or
- (2) One person per 150 square feet of temperature-controlled living space within the Vacation Rental; or
- (3) Twelve (12) persons.

(b) The Maximum Occupancy restriction as set forth above shall not apply when the property is occupied by the Vacation Rental Owner.

(c) Notwithstanding the Maximum Occupancy provisions of this Article, a Vacation Rental that was operating as a Vacation Rental as of the effective date of this Ordinance at an occupancy higher than would be allowed under this Article, may apply for grandfathered status for a period of five (5) years, as to occupancy limitations, and with grandfathered occupancy for this 5-year period to be based upon the following criteria and procedures.

(1) A grandfathered Vacation Rental shall have its Maximum Occupancy based upon a maximum of two persons per Bedroom plus four (4) additional persons, and subject to proof of existing use at or above the requested occupancy as of the effective date of this Ordinance. 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 an application for grandfathering (“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 and the existing use of the Vacation Rental at or above the requested occupancy, as of the effective date of this Ordinance.

(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) All Grandfathering Applications shall be submitted by no later than the time of application for a Certificate of Registration for the Vacation Rental, but in no event later than October 1, 2023. If a Vacation Rental has received a Certificate of Registration, but a final determination as to the Grandfathering Application has not yet been made, such Vacation Rental may allow occupancy up to the maximum occupancy requested in the Grandfathering Application until such time as a final determination as to occupancy has been made.

(5) If a valid Certificate of Registration does not exist as to a Vacation Rental for a period exceeding thirteen (13) continuous months, any grandfathered occupancy shall be deemed abandoned, and shall no longer be applicable to that Vacation Rental.

Sec. 19-265. - Exemption from Maximum Occupancy Limits for Pre-existing Rental Agreements.

(a) The Maximum Occupancy limits contained in Sec. 19-264 shall not apply to a Pre-existing Rental Agreement entered into and fully executed prior to the effective date of this Ordinance. Notwithstanding any other provision of this Article, occupancy pursuant to Pre-existing Rental Agreements are exempt from the Maximum Occupancy limits of this Article.

(b) At the time of submittal of an application for a Certificate of Registration, the Owner or agent shall submit proof of any Pre-existing Rental Agreements,

which should include the following information and any additional information which would support the request:

- (1) Copy of deposit or payment information evidencing that the agreement was an agreement that pre-dated the effective date of this Ordinance (i.e., a Pre-existing Rental Agreement).
- (2) Copy of emails or other written communication evidencing a Pre-existing Rental Agreement.
- (3) Information from the occupant confirming that there was a binding agreement in a time frame to make the agreement qualify as a Pre-existing Rental Agreement.
- (4) A written Vacation Rental agreement executed and dated prior to the effective date of this Article.

Sec. 19-266. - 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. It shall be a violation of this Article for the Owner to advertise the Vacation Rental as being available for occupancy at a level that exceeds the Maximum Occupancy established for the Vacation Rental under this Article. The existence of advertising through any medium which describes the Vacation Rental as being available for occupancy at a level that exceeds the Maximum Occupancy established for the Vacation Rental under this Article shall create a rebuttable presumption that the Vacation Rental identified in the advertising or advertisement was used in violation of this Section.

Sec. 19-267. - Violations of this Article.

(a) Non-compliance with any provision of this Article shall constitute a violation of this Article. Violations of this Article 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 this Article.
- (2) It is unlawful to advertise or otherwise offer a Vacation Rental for rent without a current Certificate of Registration issued by the City in accordance with this Article.

(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 post a copy of the Certificate of Registration in a Vacation Rental as required by this Article or to fail to post any of the information required to be posted in the Vacation Rental under this Article.

(6) It is unlawful to provide any false or misleading information in connection with any application for a Certificate of Registration, or for modification or renewal of a Certificate of Registration, as required by this Article. Any knowing and intentionally false statements made in any such application, or any intentionally misleading information submitted in connection with an application, may subject the applicant to a fine, revocation of the Certificate of Registration and such further penalties as described herein or otherwise provided by law.

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

Sec. 19-268. - Enforcement and Remedies.

(a) Code enforcement related to violations of this Article shall be undertaken in accordance with Section 1-14 or Article IV of Chapter 2 of the City of Palmetto Code of Ordinances and this Article.

(b) The City may utilize Section 1-14 or Article IV of Chapter 2 of The City of Palmetto Code of Ordinances, to prosecute a violation of this Article or other code violations with respect to a Vacation Rental and in such cases, the Special Magistrate shall be authorized to hold a hearing, to assess penalties and to order other relief in accordance with Article IV of the Code of Ordinances and this Article.

(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 4. In the event that any word(s), phrase(s), portion(s), section(s), subsection(s) of this Article 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 Article 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 Article; and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sections or subsections of this Article, which shall remain in full force and effect.

Section 5. This Ordinance shall take effect as provided for by law and by City Charter, Section 14, upon execution by the Mayor, or, if disapproval occurs, upon reconsideration by the City Commission and passing of the Ordinance by at least four (4) votes.

| | |
|------------------|--|
| FIRST READING | |
| PUBLICATION DATE | |
| SECOND READING | |

PASSED AND DULY ADOPTED, BY THE CITY COMMISSION OF THE CITY OF PALMETTO, FLORIDA, with a quorum present and voting, this ____, day of _____, 2023.

CITY OF PALMETTO, FLORIDA

Shirley Groover Bryant, Mayor

ATTEST:

By: _____
Jim Freeman, City Clerk



REALTOR® ASSOCIATION of Sarasota and Manatee

August 22nd, 2022

City of Palmetto

Attn: Mayor Shirley Groover Bryant; sgrooverbryant@palmettofl.org
Commissioner Sheldon Jones; sjones@palmettofl.org
Commissioner Tamara Cornwell; tcornwell@palmettofl.org
Commissioner Harold Smith; hsmith@palmettofl.org
Commissioner Tandra Varnadore; tvarnadore@palmettofl.org
Commissioner Brian Williams; bwilliams@palmettofl.org

Re: Vacation Rental Ordinance 2022-02

Dear Mayor Groover Bryant and Commission Members,

The REALTOR Association of Sarasota and Manatee represents over 8,500+ REALTORS in the area, and as the voice for homeowners and private property rights in our two-county region, we would like to point out specific issues and concerns we have with the proposed ordinance.

At the outset, we would respectfully request additional time before any official decision is rendered, in order to give the city and vested stakeholders an opportunity to engage. Our hope is that we can get this proposed ordinance to a place that is workable, without hindering a vital driver of the local economy and pushing out small operators of vacation rentals due to complexity and cost of compliance with the proposed ordinance in its current form. Specifically, we would like to point out portions of the ordinance we oppose and request some rationale and answers to the following:

Definitions - §19-251

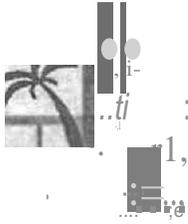
§19-251(b). This is far too narrow of a definition of a bedroom. Many rooms inside of a house are perfectly fine for guests to stay in. The city cannot make a convincing argument as to why a closet or bathroom are necessary components for a room to rise to the level of "bedroom". A cynical reading of this definition would suggest the City is attempting to limit total occupants allowed in §19-264 by constructing such a strict definition of a bedroom. This definition will assuredly cost property owners money in lost revenue and the closet and bathroom requirements should be removed from the definition.

Mandatory Registration - §19-252

§19-252(a). We believe registration periods should be conducted on a rolling basis. The proposed language in the ordinance would require a Palmetto homeowner who bought property in March with the intention of operating a vacation rental, wait until the following January 1st to exercise their private property rights in the City. Also, we are concerned of the capacity of the City of Palmetto to handle and process all vacation rental registration at one time, as opposed to on a rolling basis.

§19-252(b)(13)-(14). This sketch requirement is unnecessary, burdensome, and intrusive. This amounts to nothing more than administrative hurdles for property owners wishing to exercise their private property rights.

§19-252(b)(15). Outside of property owners requesting exceptions to maximum occupancy limits, this requirement is unnecessary and private property owners should not be obligated to provide private contracts to the City. Especially since the City is requiring property owners to sign multiple affidavits under penalty of perjury stating that they are adhering to this ordinance. This is intrusive.



REALTOR ASSOCIATION of Sarasota and Manatee

§19-252(b)(1). Having such an open ended and vague requirement that property owners provide *any* information the city may request is burdensome and provides the opportunity for the City to delay or bog down property owners with superfluous information requests. There should be predictability in terms of what is required for registering a vacation rental.

Inspections of Vacation Rentals - §19-258

-The inspection requirement is unnecessary. Typically, every home has already been inspected for compliance with the FL Building Code and Fire Prevention Code. Throughout this ordinance the City requires property owners to sign affidavits under penalty of perjury that the property is up to code and the ordinance is being followed, and the City should trust that property owners will provide safe accommodations. Inspections should only be necessary if there are *specific* complaints about a Vacation Rental's safety and building code issues. As private property rights advocates, we reject this idea that for guests and tenants to come stay at a home in Palmetto, the City must come onto and into the property to poke around looking for any number of miniscule issues they can find. This requirement increases delay for property owners and increases the cost of exercising their legitimate private property rights.

Safety Requirements §19-260

-We disagree with the City's inference that vacation rentals are inherently more dangerous than residential homes, such that they need to have fire extinguishers on every floor and battery powered emergency lighting. If the City required *every* home in Palmetto to have such items, their argument would hold more weight. There has been no data provided that shows vacation rentals catch fire more often than any other homes or that tenants of vacation rentals are at more risk than the average Palmetto resident if the power goes out in a home.

§19-260(e). The landline telephone service requirement is a dated provision that doesn't reflect modern realities. Removing this provision will not make a vacation rental more dangerous, but it will save property owners hundreds of dollars annually.

-These requirements unnecessarily add to the cost of operating a vacation rental and we respectfully ask for revision.

Designated Responsible Parties - §19-263

§19-263, asks far too much of property owners. The City is basically saying that if you operate a vacation rental you can never leave the city or be away from your phone for more than one hour or risk being penalized. There needs to be some leeway for owners to respond in a reasonable fashion. We ask the City to add in language that allows property owners to respond in a reasonable fashion.

§19-263(a)(2). -The language in this section shifts typical City responsibilities to property owners. Safety, noise, and parking issues are all areas the local government and law enforcement are supposed to deal with it. Requiring property owners and property managers to address those issues, all of which are already codified and should be handled by City staff and law enforcement officers, is an abdication of responsibility by the City of Palmetto and it should be removed. The City has not clearly defined what is a "safety issue" in this section, and this requirement opens the possibility for our property owners and property managers being put in the unenviable situation of taking on typical city and law enforcement duties or risk being penalized by the City of Palmetto.

§19-263(a)(8) is clearly unenforceable and should be removed. There is no possible way for the City to enforce this provision even if it wanted to.

§19-263(a)(10). Property owners should only be required to maintain a register of the *booking* tenant. The City shouldn't expect property owners to collect personal information of every occupant, *especially* minors.



REALTOR[®] ASSOCIATION of **Sarasota and Manatee**

-\$19-263(d). Many vacation rentals are operated by property management companies with multiple staff persons that handle complaints, we ask the city to add in language that allows more than one individual to be a designated responsible party in case the primary designated responsible party is unable to address any concerns or issues.

Respectfully,

Max Brandow, *Vice President of Advocacy and Member Programs*
REALTOR[®] Association of Sarasota and Manatee, Inc.

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Vacation Rentals in Bradenton

On February 9, 2022 the City of Bradenton adopted Ordinance 3093, as amended, adding a new Article III to Chapter 22 of the Code of Ordinances. This Ordinance regulates the operation of short-term rentals within City limits and requires owners to register their properties and meet a number of criteria. The Ordinance requires property owners to obtain a Certificate of Registration in order to use their property as a short-term vacation rental.

When considering the passing of this Ordinance, the City Council had to balance the wants and needs of short-term vacation rental operators with the needs of the neighbors surrounding the short-term rental properties. The goal being to preserve the ability of property owners to operate short-term vacation rentals while preserving the quality of the neighborhoods for the City's residents and to protect the health, safety and welfare of all.

What is a vacation Rental?

A vacation rental or "transient public lodging establishment" is a property that is rented to guests more than three times a year for periods of less than 30 days.

When does the vacation rental ordinance go into effect?

The Ordinance is effective as of February 9, 2022 with the registration process beginning on August 1, 2022. The existing Ordinance has an initial registration deadline of January 1, 2023.

Due to implementation delays with the vacation rental registration system, we intend to extend the initial registration deadline further in to 2023. If you have received a registration request letter, please continue to register or come into City Hall for assistance with the registration process.

Please click on the buttons below to learn about the City of Bradenton's requirements and our registration process.

Registration Application

Registration Guidance

Requirements

Enforcement & Violations

**Frequently Asked
Questions**



Certificate of Registration Application and Renewal Form

Please upload the following documents

Designated Responsible Party form

An exterior sketch of the vacation rental facility identifying all structures, pools, hot tubs, spas, fencing and uses, including specific areas provided for off street parking so that a fixed count of spaces and location can be determined. The sketch may be hand drawn to a reasonable scale so long as sufficient for staff to determine compliance.

An interior building sketch for each floor showing the floor plan layout and identifying all bedrooms, other rooms, exits, hallways and stairways and elevators as may be applicable. The sketch may be hand drawn to reasonable scale, so long as sufficient for staff to determine compliance.

Affidavit of Owner or Authorized Representative

A copy of a deed or tax bill showing proof of ownership of vacation rental

A current and active account with the Manatee County Tax Collector

A current City of Bradenton Local Business Tax Receipt

Copy of current/active license provided by FL Department of Business and Professional Regulation

- A current and active Certificate of Registration with the Florida Department of Revenue

- A sample of your standard rental agreement

- A copy of all pre-existing rental agreements

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NEXT

If you encounter technical difficulties, please contact support+bradenton-fl@hostcompliance.com.

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Registration Guidance

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[Required Documentation](#) [Inspections](#) [Renewal Process & Requirements](#)
[Amendments to Certificate of Registration](#) [Change in Ownership](#)
[Designation \(or Change\) of Responsible Party](#) [Fee Schedule](#) [Registration Checklist](#)

Required Documentation

- A current and valid license as a Transient Public Lodging Establishment with the Florida Department of Business and Professional Regulation
- A current and active Certificate of Registration with the Florida Department of Revenue
- A current and active account with the Manatee County Tax Collector
- A current City of Bradenton Local Business Tax Receipt
- A copy of a deed or tax bill showing proof of ownership of vacation rental
- A sample of your standard rental agreement
- A copy of all pre-existing rental agreements
- Signed Authorized Representative form (if applicable)
- Affidavit of Owner or Authorized Representative

Documentation specific to the property:

- The number of bedrooms and full bathrooms in the vacation rental
- The maximum overnight occupancy number
- The square footage of temperature-controlled living space
- An exterior sketch of the vacation rental facility identifying all structures, pools, hot tubs, spas, fencing and uses, including specific areas provided for off street parking so that a fixed count of spaces and location can be determined. The sketch may be hand drawn to a reasonable scale so long as sufficient for staff to determine compliance.
- An interior building sketch for each floor showing the floor plan layout and identifying all bedrooms, other rooms, exits, hallways and stairways and elevators as may be applicable. The sketch may be hand drawn to reasonable scale, so long as sufficient for staff to determine compliance.

Vacation Rentals with Pre-existing Rental Agreements

Any pre-existing rental agreements that were fully executed on or before February 9, 2022 are exempt from the maximum occupancy limits. Section 22-65.

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Inspections

Upon the filing of an application for Certificate of Registration the vacation rental shall be subject to an inspection to verify compliance with the minimum safety requirements specified under Section 22-60 and minimum posting requirements specified under section 22-61 and with any applicable provisions of applicable building codes, Fire Prevention Code and Property Maintenance Code in effect at the time the Certificate of Occupancy was issued.

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Renewal Process & Requirements

A renewed Certificate of Registration will be required annually.

The renewed Certificate of Registration may require some additional documentation, but many of the items submitted with the original application will not be required if the information contained therein remains unchanged.

Required for Renewal:

A current and active license as a Transient Public Lodging Establishment with the Florida Department of Business and Professional Regulation

A current City of Bradenton Local Business Tax Receipt

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Amendments to Certificate of Registration

An amendment to the Certificate of Registration is required if any of the following changes to the short-term vacation rental occur:

1. An increase in the number of bedrooms or bathrooms
2. An increase in the square footage of the vacation rental
3. An increase in the maximum occupancy
4. An increase in the number of parking spaces or change in location of the parking spaces from the original site sketch
5. Any other material modifications that increase the use or occupancy

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Change in Ownership

A Certificate of Registration is non-transferable and non-assignable. Certificates of Registration are only valid to the property owner as reflected on the application, and are only valid as to the specific property identified on the Certificate.

If ownership of the property changes, a new Certificate of Registration is required. Upon any transfer of ownership of a short-term vacation rental, a new Certificate of Registration will be required under the name of the new owner within 15 days of transfer.

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Designation (or Change) of Responsible Party

The owner of a short-term vacation rental must complete a Designation of Responsible Party form naming a single designated responsible party. The Designation of Responsible Party form must be signed by the property owner and the designated responsible party must also sign acknowledging that he or she is aware of the requirements of a designated responsible party and agrees to serve in that capacity for the vacation rental listed on the form as set forth in Section 22-63.

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Fee Schedule

| | |
|--|----------|
| Application Fee for an initial Certificate of Registration | \$250.00 |
| Application Fee for a renewed Certificate of Registration | \$150.00 |

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Registration Checklist

- o Completed Application
- o Proof of Ownership ([Example document](#))
- o Owner Affidavit/Acknowledgment Form
- o Designated Responsible Party Form
- o Authorized Representative Form (if applicable)
- o A copy of City of Bradenton Business Tax Receipt ([Example document](#))
- o A current & active license as a Transient Public Lodging Establishment ([Example document](#))
- o A current Certificate of Registration from Florida Department of Revenue ([Example document 1](#), [Example document 2](#), or [Example document 3](#))
- o Exterior Site Sketch (May be hand drawn)
- o Interior building sketch (May be hand drawn)
- o Blank rental agreement
- o Any pre-existing rental agreements

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Certificate of Registration

Effective August 1, 2022 all vacation rentals operating within the City of Bradenton that rent 3 or more times per year for a period of less than 30 days, must have a current and valid Certificate of Registration.

Every short-term vacation rental owner must apply for an initial Certificate of Registration no earlier than August 1, 2022. **Due to implementation delays with the vacation rental registration system, we intend to extend the initial registration deadline further in to 2023.**

Upon completion of the application, the City will review for accuracy and completeness. Once the application has been deemed complete, an inspection will be scheduled.

Each short-term vacation rental property requires a separate Certificate of Registration.

If the short-term vacation rental is found to have any open and existing Code violations and unpaid penalties or liens, a Certificate of Registration will not be issued until all outstanding liens and penalties have been satisfied.

A Certificate of Registration is not transferrable or assignable. A change in ownership will require a new application for Certificate of Registration by the new owner.

NOTICE

An Application for Certificate of Registration will not be considered complete until **ALL** required documentation is submitted.

Please be sure to gather all required documentation prior to submitting your application.

Requirements on this page do not apply to vacation rentals for 30 days or more.

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Requirements & Standards for Short-Term Vacation Rentals

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.

(b) The Vacation Rental shall have a functioning smoke and carbon monoxide detection and notification system which 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.

(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 of the Vacation Rental. The extinguisher shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

Minimum Posting Requirements:

The following information shall be posted in a conspicuous location on an interior wall inside the vacation rental for the safety and convenience of occupants:

1. The location of the nearest hospital
2. The non-emergency police telephone number
3. The dates and times of trash pickup and recycle locations
4. The street address of the vacation rental and land line number (if applicable)
5. The name and phone number of the Designated Responsible Party
6. Emergency evacuation instructions.

The following additional information shall also be posted in a conspicuous location on an interior wall inside the vacation rental in close proximity to the main entrance:

1. The maximum occupancy of the vacation rental

2. The maximum number of vehicles that are permitted 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 neighboring residents which shall state as follows: "You are vacationing in a residential area. Please be a good neighbor by not making excessive noise or engaging in boisterous behavior, especially after 11:00 p.m. Such behavior can deprive your neighbors of the peaceful enjoyment of their homes."
4. A statement that sound is audible beyond the property lines of the vacation rental unit is regulated by the City's Noise Ordinance and that violation of the noise ordinance could result in fines to the occupants.
5. A statement that dogs which are not within a fenced area must be on a leash pursuant to County ordinance, and failure to adhere to such requirements could result in fines.

A copy of the Certificate of Registration for the vacation rental shall be posted next to or on the interior side of the primary door to the vacation rental.

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. The owner shall provide one space of off-street parking for every four persons of occupancy permitted pursuant to Section 22-64. Where structures existing as of the effective date of this Article are unable to provide off-street parking, the vacation rental shall be permitted to a maximum occupancy of four persons, unless otherwise limited pursuant to Section 22-64 of Ordinance 3093.

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 or Registration specifically including, but not limited to, Maximum Occupancy. It shall be a violation of the Ordinance for an owner to advertise a vacation rental as being available for occupancy at a level that exceeds the Maximum Occupancy established for the vacation rental.

Maximum Occupancy

The Maximum Occupancy of a vacation rental shall be stated in the vacation rental Certificate of Registration Form, and shall be limited to the lessor of:

1. Two persons per bedroom, plus two (2) additional persons; or
2. One person per 150 square feet of temperature-controlled living space within the vacation rental;
or
3. Twelve (12) persons.

The Maximum Occupancy restrictions do not apply when the property is occupied by the owner of the vacation rental.

A vacation rental that was operating as a vacation rental as of February 9, 2022 at an occupancy rate higher than would be allowed under Section 22-64 of the Ordinance, may apply for a grand fathered status for a period of five (5) years, as to occupancy limitations.

Pre-Existing Vacation Rentals Prior to February 9, 2022

The Maximum Occupancy limits set forth above shall not apply to a pre-existing rental agreement entered into and fully executed prior to February 9, 2022.

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Enforcement & Violations

All violations of City of Bradenton Code of Ordinances, Chapter 22, Article III, Section 22-67 shall be enforced in accordance with Chapter 162 of the Florida Statutes and the City's Code of Ordinances. In order to ensure compliance, Code Enforcement will be addressing complaints related to vacation rentals including, but not limited to, excessive occupancy, parties, excessive noise, parking issues and unsanitary accumulations of trash.

Note: Each day a violation exists shall constitute a separate and distinct violation.

Vacation Rentals & Noise

The City of Bradenton Code Enforcement Division and Police Department are actively enforcing the City's Noise Ordinance.

Report Issues with Short-Term Vacation Rental Properties

If there is a short-term vacation rental registered to operate in your neighborhood and it is in violation of any section of the Vacation Rental Ordinance or Noise Ordinance, you can report it 24 hours a day, 7 days a week to a live operator using the dedicated customer service telephone number, or via a real time website. To report an issue:

- Call 941-655-9454
- [Log on to report an issue](#)

The 24/7 hotline and website both allow for:

- Improved response time with real-time outreach to registered Designated Responsible Party
- Easy tracking of properties and issues associated with a vacation rental
- Full documentation of evidence of non-compliance to easily identify problem properties
- Efficient and convenient reporting tools available 24/7.

Reporting Licenses Short Term Vacation Rentals

When reporting an issue by phone, be sure to request that the operator contact the Designated Responsible Party directly. When submitting a complaint online, the Designated Responsible Party will automatically be contacted directly.

Once a report has been received, the Designated Responsible Party will immediately be notified and will have 60 minutes to resolve most issues. For complex issues, City staff will work with the Designated Responsible Party towards a satisfactory resolution. If there is no response from the Designated Responsible Party, or the problem persists, the issue will be escalated accordingly. The City of Bradenton has partnered with the Granicus Host Compliance System in order to provide these services. This will help to ensure all properties are operating in compliance with the rules and regulations in order to improve the quality of life for the residents of the City.

Additional Resources:

[Ordinance 3093 - Vacation Rentals](#)

[Ordinance 4001 - Vacation Rentals \(Updated\)](#)

[Resolution 22-36 - Vacation Rentals - Fees](#)

[Ordinance 2868 - Sound Control](#)

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Frequently Asked Questions

Who is required to have a Vacation Rental License/Certificate of Registration?

All short-term vacation rental owners operating within the City of Bradenton with a property that rents three or more times per year for less than 30 days at a time must have a current and valid Certificate of Registration.

I own a few vacation rental properties. Am I required to have a separate Certificate of Registration for each?

Yes. Each short-term vacation rental property requires a separate Certificate of Registration.

How often do I need to renew my Certificate of Registration?

Certificates of Registration must be renewed on an annual basis.

Why can't the City ban vacation rentals?

Who do I call when I want to complain about a vacation rental?

A 24-hour hotline has been established to accept complaints about short-term vacation rentals. The number is (xxx) xxx-xxxx. Complaints can also be accepted online using this link.

How do I report a rental having a loud party?

The City's Noise Ordinance is actively enforced by the City of Bradenton's Code Enforcement Division and the City of Bradenton Police Department. Code Enforcement can be reached at (941) 932-9402 or CodeEnforcement@cityofbradenton.com. The Police Department's non-emergency number is 941-932-9300.

How do I schedule an inspection of my property?

Once your application has been determined as complete, you will receive an email with instructions to schedule your inspection.

How do I report guests parked illegally at a vacation rental?

A 24-hour hotline has been established to accept complaints about short-term vacation rentals. The number is 941-655-9454. [Complaints can also be accepted online here.](#)



DESIGNATION OF RESPONSIBLE PARTY

This form must be signed by the owner of the vacation rental or their authorized representative, and acknowledgment signed by the designated responsible party.

Vacation Rental Property Address:

The vacation rental owner may appoint himself or herself as the Designated Responsible Party or shall otherwise designate someone to act as the Designated Responsible Party on their behalf. The duties of the designated responsible party, as set forth in Section 22-63, 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 registration twenty four (24) hours a day, seven days a week, and to be capable of handling any issues arising from the use of the Vacation Rental.
- (2) To be available twenty four 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 Article. The Designated Responsible Party shall have the authority to immediately address and take action, within one (1) hour of notice from the City, to address complaints, including but not limited to, safety issues, noise or parking.
- (3) To come to the Vacation Rental within one (1) hour following notification from an occupant, the Owner, or the City, with authority to address and to coordinate 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 Article or other law or ordinance.
- (5) To exercise all rights of the Owner under Section 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 interior posting requirements of Sec. 22-61.
- (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 at least once a week when rented to check upon the condition of the unit and the occupants' compliance with this Article.
- (9) To be informed as to the names, addresses and email addresses and phone numbers of all occupants and as to the number of occupants during each rental period.
- (10) To provide the City with notice of resignation as Designated Responsible Party in writing at least one week in advance of the effective date of the resignation.

Notice to Owner/Authorized Agent Pursuant to Section 22-63(b)-(e):

- a) A Designated Responsible Party must have authority to consent to allow all inspectors access to the Vacation Rental Property to conduct inspections.
- b) 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 part of the application for registration as provided in Section 22-52(b). Failure to do so shall not be a defense to an alleged violation of this Article.
- c) An owner may change his or her Designated Responsible Party temporarily or permanently. However, there shall only be one Designated Responsible Party for each Vacation Rental Property at any one time. To change the Designated Responsible Party, the Owner shall notify the City in writing on a form to be provided by the City at least one week in advance.
- d) 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 to the Owner or occupant.

By signing this form as designated responsible party, you are acknowledging that you are aware of the requirements and hereby agree to serve in the capacity of a designated responsible party and discharge the duties set forth in Section 22-63(a)1-10 for the vacation rental referenced herein.

Designated Responsible Party Name:

Designated Responsible Party Signature:

Date:

I hereby appoint the individual listed above as the Designated Responsible Party for the vacation rental property located at:

Owner/Authorized Representative Name:

Owner/Authorized Representative Signature:

Date:

FOR OFFICE USE ONLY

Date received:

Reviewed By:

Approved:

Denied:

Certificate of Registration Number:

Date Registration Expires:



AFFIDAVIT OF OWNER OR AUTHORIZED REPRESENTATIVE

This form must be signed by the owner of the vacation rental or their authorized representative, and acknowledged in the presence of a notary public.

Vacation Rental Property Address:

The vacation rental owner may appoint an authorized representative to act on their behalf. This requires completion and submission of an Authorization Letter For Representative.

1. I have reviewed and understand the following standards for vacation rentals:

- a) Registration requirements
- b) Inspection requirements
- c) Minimum safety requirements
- d) Minimum posting requirements
- e) Parking requirements
- f) Duties of Designated Responsible Party
- g) Maximum occupancy limitations and exemption from maximum occupancy limits for grandfathered vacation rentals or pre-existing rental agreements;
- h) Fines and penalties for violation.

2. The following information has been posted or displayed inside the vacation rental unit:

- a) The location of the nearest hospital
- b) The non-emergency police telephone number (941) 932-9300
- c) The street address of the vacation rental
- d) The dates and times of trash pickups and locations for recycling
- e) The name and phone number of the designated responsible party
- f) Emergency evacuation instructions

3. The following information has been posted in a conspicuous location on an interior wall inside the vacation entry in close proximity to the main entrance.

- a) The maximum occupancy of the vacation rental
- b) The maximum number of vehicles that are permitted 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
- c) A notice of the need to respect the peace and quiet of the neighborhood residents which shall state as follows: "You are vacationing in a residential area. Please be a good neighbor by not making excessive noise or engaging in boisterous behavior, especially after 11:00 p.m. Such behavior can deprive your neighbors of the peaceful enjoyment of their homes."
- d) A statement that sound that is audible beyond the property lines of the vacation rental unit is regulated by the City's Noise Ordinance and that violation of the Noise Ordinance could result in fines to the occupants
- e) A statement that dogs which are not within a fenced area must be on a leash pursuant to County Ordinance, and failure to adhere to such requirements could result in fines.
- f) A copy of the Certificate of Registration for the vacation rental.

4. I will ensure that any advertisement and any rental offering associated with the vacation rental unit shall confirm to the information submitted with the application of 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.

I, as the owner or authorized representative of the owner of the vacation rental property at the address listed herein, am aware of the City of Bradenton rules regulating vacation rentals. Under penalties of perjury, I declare that I have read the foregoing document and the facts stated in it are true.

Owner/Authorized Representative Name:

Owner/Authorized Representative Signature:

Date:

State of Florida
County of Manatee

The foregoing instrument was sworn to, subscribed and acknowledged before me by means of physical presence or online notarization, this ____ day of _____, 20__, by _____, who is personally known to me or has produced _____ as identification.

Notary Public Name:

Notary Public Signature:

My Commission Expires:

FOR OFFICE USE ONLY

Date received:

Reviewed By:

Approved:

Denied:

Certificate of Registration Number:

Date Registration Expires:

**CITY OF BRADENTON
LOCAL BUSINESS TAX RECEIPT
2022-2023**

The business or individual listed below has satisfied the Local Business Tax requirements due to engage in or manage a business, profession or occupation within the City of Bradenton.

Site Address:

[REDACTED]

[REDACTED]

Receipt #: [REDACTED]

Issued on: [REDACTED]

Expires: [REDACTED]

Category: RENTAL UNITS

Type: RENTAL UNITS

Type Details: 1.00

This receipt must be posted in a conspicuous location in your place of business. This document is a receipt for the payment of the City of Bradenton Local Business Tax **ONLY**. Holder must at all times comply with all applicable laws, statutes, ordinances and/or regulations set forth by federal, state and/or local governments.

example

Certificate of Registration



Issued To: [REDACTED]

For the rental property located at: [REDACTED] BRADENTON

This document certifies the registration of the above owner to collect, report and remit the Manatee County Tourist Tax for the above property to the Manatee County Tax Collector's Office.

This 1st day of January, 2022

Signature: 
Manatee County Tax Collector

Expiration Date: December 31, 2022 or at such time as notification is sent to the Manatee County Tax Collector's Office indicating no longer renting unit transiently.

example



Certificate of Registration

Issued Pursuant to Chapter 212, Florida Statutes

| | |
|--------------------|-----------------------------|
| [REDACTED] | [REDACTED] |
| Certificate Number | Registration Effective Date |

This certifies that



has met the sales and use tax registration requirements for the business location stated above and is authorized to collect and remit tax as required by Florida law. This certificate is non-transferable.

example

example



2022 Florida Annual Resale Certificate for Sales Tax

DR-13
R. 10/21

This Certificate Expires on December 31, 2022

Business Name and Location Address

Certificate Number



By extending this certificate or the certificate number to a selling dealer to make eligible purchases of taxable property or services exempt from sales tax and discretionary sales surtax, the person or business named above certifies that the taxable property or services purchased or rented will be resold or re-rented for one or more of the following purposes:

- Resale as tangible personal property
- Re-rental as tangible personal property
- Resale of services
- Re-rental as commercial real property
- Incorporation into tangible personal property being repaired
- Re-rental as transient rental property
- Incorporation as a material, ingredient, or component part of tangible personal property that is being produced for sale by manufacturing, compounding, or processing

Your *Florida Annual Resale Certificate for Sales Tax* (Annual Resale Certificate) allows you or your representatives to buy or rent property or services tax exempt when the property or service is resold or re-rented. You **may not** use your Annual Resale Certificate to make tax-exempt purchases or rentals of property or services that will be used by your business or for personal purposes. Florida law provides for criminal and civil penalties for fraudulent use of an Annual Resale Certificate.

As a seller, you must document each tax-exempt sale for resale using one of three methods. You can use a different method each time you make a tax-exempt sale for resale.

1. Obtain a copy (paper or electronic) of your customer's current Annual Resale Certificate.
2. For each sale, obtain a transaction authorization number using your customer's Annual Resale Certificate number.
3. Each calendar year, obtain annual vendor authorization numbers for your regular customers using their Annual Resale Certificate numbers.

Online: Visit floridarevenue.com/taxes/certificates

Phone: 877-357-3725 and enter your customer's Annual Resale Certificate number

Mobile App: Available for iPhone, iPad, and Android devices

example



Ron DeSantis, Governor

Melanie S. Griffin, Secretary



**STATE OF FLORIDA
DEPARTMENT OF BUSINESS AND PROFESSIONAL REGULATION**

DIVISION OF HOTELS AND RESTAURANTS

THE SINGLE VACATION RENTAL-DWEL-2007 HEREIN IS LICENSED UNDER THE
PROVISIONS OF CHAPTER 509, FLORIDA STATUTES
NBR. OF UNITS: 0



LICENSE NUMBER: [REDACTED]

EXPIRATION DATE: [REDACTED]

Always verify licenses online at MyFloridaLicense.com

Do not alter this document in any form.

This is your license. It is unlawful for anyone other than the licensee to use this document.

