



**Meeting Type** City Council – Regular Meeting

**Meeting Date** September 3, 2025

## Agenda Request Form City of Cape Coral

### Title

Ordinance 53-25 Set Public Hearing for September 17, 2025

### Ordinances and Resolutions

An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 12, "Offenses and Miscellaneous Provisions", Article XIV, "Residential Rental Property", Section 12-129, "Residential Rental Property Registration", regarding the requirement to register residential rental property with the City; providing for codification and resolution of conflicting laws; providing for severability and an effective date. (Brought forward by Councilmember Lastra)

**Requested Action** Introduction

### Summary Explanation and Background

The Mayor and City Council provided direction to the City Attorney and City Administration, during the August 13, 2025 Committee of the Whole meeting, to prepare an ordinance regarding the requirements for property owners to register their long-term residential rental property and short-term residential rental property with the City, and provides for enforcement and penalties for failure to comply with Section 12-129 of the City's Code of Ordinances.

### Strategic Plan Alignment

Is this a Strategic Decision? NO

If No, will it harm the intent or success of the Strategic Plan? NO

If Yes, Priority Goals Supported are listed below:

- ☐ CITY SERVICES AND AMENITIES: DELIVER EXCEPTIONAL CITY SERVICES AND HIGH-QUALITY AMENITIES
- ☐ COMMUNICATION: CULTIVATE AN ENGAGED AND INFORMED COMMUNITY AND WORKFORCE
- ☐ ECONOMY, EDUCATION, AND WORKFORCE: CREATE A COMMUNITY OF PROSPEROUS RESIDENTS, THRIVING NEIGHBORHOODS, AND SUCCESSFUL BUSINESSES
- ☐ FISCAL SUSTAINABILITY: MAINTAIN A FINANCIALLY SOUND GOVERNMENT AND HIGH-PERFORMING ORGANIZATION
- ☐ INFRASTRUCTURE: INVEST IN RESILIENT INFRASTRUCTURE
- ☐ ENVIRONMENTAL SUSTAINABILITY: PRESERVE CAPE CORAL'S NATURAL RESOURCES FOR CURRENT AND FUTURE GENERATIONS

Is this a Consultant recommendation? NO

Is this contained in a Master Plan? NO

If yes to either question, please provide details of the name of Consultant or name of the Master Plan when applicable:

**Recommendations**

**Source of Additional Information**

**Fiscal Impact/Funding Sources(s)/Budget Consideration**

**Will this action result in a Budget Amendment?** NO

**Prepared By**

ORDINANCE 53 - 25

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AMENDING THE CITY OF CAPE CORAL, FLORIDA, CODE OF ORDINANCES, CHAPTER 12, "OFFENSES AND MISCELLANEOUS PROVISIONS", ARTICLE XIV, "RESIDENTIAL RENTAL PROPERTY", SECTION 12-129, "RESIDENTIAL RENTAL PROPERTY REGISTRATION"; REGARDING THE REQUIREMENT TO REGISTER RESIDENTIAL RENTAL PROPERTY WITH THE CITY; PROVIDING FOR CODIFICATION AND RESOLUTION OF CONFLICTING LAWS; PROVIDING FOR SEVERABILITY AND AN EFFECTIVE DATE.

WHEREAS, the Mayor and City Council recognize the significant number of residential rental properties located within the City of Cape Coral; and

WHEREAS, to ensure that property owners of residential rental properties are notified of code violations at their property, it is necessary for the City to maintain current and accurate contact information for such owners; and

WHEREAS, the Mayor and City Council hereby find that this ordinance is in the best interest of the public health, safety, and welfare.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AS FOLLOWS:

SECTION 1. The foregoing recitals are incorporated by reference and are approved.

SECTION 2. Chapter 12, Article XIV, Section 12-129, Cape Coral Code of Ordinances, is hereby amended to read as follows:

**CHAPTER 12  
ARTICLE XIV**

**§ 12-129 Residential rental property registration.**

(a) *Purpose and intent.* The purpose and intent of this section is to establish a registration process to address the significant amount of residential rental property located within the City of Cape Coral. It is the City's further intent to specifically establish a residential rental property registration program as a mechanism to protect neighborhoods from becoming blighted through the lack of adequate maintenance of residential rental properties.

(b) *Definitions.* For the purpose of this article, the following definitions shall apply unless the context clearly indicates or requires a different meaning:

*Dwelling unit* shall have the same meaning as provided in Article 11 of the Cape Coral Land Development Code, as amended.

*Leased or rented* shall mean any arrangement, by written agreement or otherwise, in order to lease, sublease, rent, license, sublicense, or allow occupancy of a residential rental property.

*Long term residential rental property* shall mean a residential rental property that is leased or rented to another person or entity for a consecutive period greater than six (6) months.

*Owner* shall mean any person having any legal or equitable interest in any residential rental property.

*Parcel* shall have the same meaning as provided in Article 11 of the Cape Coral Land Development Code, as amended.

*Residential rental property* shall mean a dwelling unit, or any habitable space located in a residential or mixed-use structure including, but not limited to, condominiums, single-family dwellings, and multi-family dwellings, containing four individual dwelling units or fewer that is leased or rented to another person or entity. Residential rental property shall not include any dwelling unit that is owned by a federal, state, or local housing program or the federal Department of Housing and Urban

Development, hotels, motels, or any community residential facility licensed and inspected by the state of Florida. ~~Residential rental property shall not include public lodging establishments, as defined in Section 509.013, Florida Statutes, except for vacation rentals, as defined in Section 509.242, Florida Statutes. Residential rental property shall not include dwelling units that are owner-occupied.~~

Short term residential rental property shall mean a residential rental property that is leased or rented to another person or entity for a period of six (6) months or less.

(c) *Registration of residential rental property required.*

- (1) The owner of any residential rental property located in the City of Cape Coral shall be required to register each said property with the ~~Department of Community Development~~ City Clerk's Department ("Department"), on forms provided by the City or through the online registration portal on the City's website.
- (2) The registration by the owner shall provide the City with contact information for the residential rental property, including, but not limited to, legal name of the owner, and an individual or company name, direct mailing address, email address (if any), and telephone number for a person or entity responsible to respond to any nuisances, code violations, and emergencies that may arise at the residential rental property.
- (3) The owner shall maintain current contact information with the Department and shall be required to notify the Department within thirty (30) days after any changes to the registration information provided to the City. In the event ownership of the residential rental property changes, the new owner shall register said property with the Department within thirty (30) days from the date of such ownership transfer, in accordance with Subsection (c)(1) above.
- (4) At the time of registering a residential rental property with the City, and on the anniversary date of such registration each year, the owner shall pay a one-time the City an annual registration fee of \$35.00 for an individual dwelling unit. The annual registration fees for long term residential rental property and short term residential rental property shall be established by Resolution of the City Council. Notwithstanding the foregoing, owners of residential or mixed-use structures containing more than one dwelling unit, when each unit is owned by the same owner and located on the same parcel, may register all such units with the Department under a single registration and pay a one-time one (1) annual registration fee of \$35.00 for the long term residential rental property or short term residential rental property, as the case may be. The failure of the owner to renew its residential rental property registration with the City within thirty (30) days of the anniversary date of such registration will result in a late fee as established by Resolution of the City Council.

(d) *Enforcement and penalties.* The failure to register a residential rental property with the City, or otherwise comply with this section, shall be a violation of this section and subject the owner to the code enforcement provisions and procedures provided in Section 2-81 through 2-96, Cape Coral Code of Ordinances.

- (1) Notwithstanding any civil penalty provided for in Subsection (d)(2) or (d)(3) below, any owner registering a residential rental property with the City as a long term residential rental property that is subsequently found to be renting or leasing such residential rental property as a short term residential rental property shall constitute a violation of Subsection (c)(1) and shall be subject to the following civil penalties:
  - a. If the violation is the first offense, the owner shall receive a civil penalty of \$1,000.00.
  - b. If the violation is the second or any subsequent violation within the preceding 36-months, the owner shall receive a civil penalty of \$2,000.00.
- (2) Notwithstanding any civil penalty provided for in Subsection (d)(1) or (d)(3) herein, any owner that has failed to renew its residential rental property registration within

thirty (30) days of the anniversary date of such registration, and is found in violation of Section 12-129, shall be subject to the late fee as established by Resolution of the City Council, and shall be subject to the following civil penalties:

- a. The civil penalty for a violation of this section by the owner of a long term residential rental property shall be \$250.00. The civil penalty for a second and any subsequent violation of this section within any 36-month period by the owner of a long term residential rental property shall be \$500.00.
  - b. The civil penalty for a violation of this section by the owner of a short term residential rental property shall be \$500.00. The civil penalty for a second and any subsequent violation of this section within any 36-month period by the owner of a short term residential rental property shall be \$1,000.00.
  - c. Each day any violation of any provision of this section shall continue shall constitute a separate offense.
  - d. The Special Magistrate shall not have the discretion to alter the civil penalties prescribed in this section.
- (3) Notwithstanding any civil penalty provided for in Subsection (d)(1) or (d)(2) above, any owner that is found in violation of Section 12-129, shall be subject to the following civil penalties:
- a. The civil penalty for a violation of this section by the owner of a long term residential rental property shall be \$500.00. The civil penalty for a second and any subsequent violation of this section within any 36-month period by the owner of a long term residential rental property shall be \$1,000.00.
  - b. The civil penalty for a violation of this section by the owner of a short term residential rental property shall be \$1,000.00. The civil penalty for a second and any subsequent violation of this section within any 36-month period by the owner of a short term residential rental property shall be \$2,000.00.
  - c. Each day any violation of any provision of this section shall continue shall constitute a separate offense.
  - d. The Special Magistrate shall not have the discretion to alter the civil penalties prescribed in this section.
- (4) The City Clerk, or City Clerk's designee, shall notify the Lee County Property Appraiser in writing of any property that is found in violation of this section and which a homestead exemption is claimed.

SECTION 3. Severability. In the event that any portion or Section of this ordinance is determined to be invalid, illegal or unconstitutional by a court of competent jurisdiction, such decision shall in no manner affect the remaining portions or Sections of this ordinance which shall remain in full force and effect.

SECTION 4. Effective Date. This ordinance shall become effective on January 1, 2026.

ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF CAPE CORAL, FLORIDA, AT THEIR REGULAR SESSION THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2025.

\_\_\_\_\_  
JOHN GUNTER, MAYOR

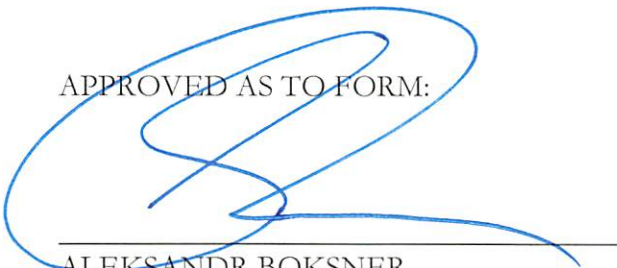

VOTE OF MAYOR AND COUNCILMEMBERS:

GUNTER \_\_\_\_\_  
STEINKE \_\_\_\_\_  
LEHMANN \_\_\_\_\_  
DONNELL \_\_\_\_\_

LASTRA \_\_\_\_\_  
KILRAINE \_\_\_\_\_  
LONG \_\_\_\_\_  
KADUK \_\_\_\_\_

ATTESTED TO AND FILED IN MY OFFICE THIS \_\_\_\_\_ DAY OF \_\_\_\_\_,  
2025.

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ALEKSANDR BOKSNER  
CITY ATTORNEY  
ord/ResRentalPropRegistration  
  
\_\_\_\_\_

\_\_\_\_\_  
KIMBERLY BRUNS  
CITY CLERK

# **Business Impact Estimate**

Proposed ordinance's title/reference: Ordinance 53-25. An Ordinance of the Mayor and City Council of the City of Cape Coral, Florida, amending the City of Cape Coral, Florida, Code of Ordinances, Chapter 12, "Offenses and Miscellaneous Provisions", Article XIV, "Residential Rental Property", Section 12-129, "Residential Rental Property Registration"; regarding the requirement to register residential rental property with the City; providing for codification and resolution of conflicting laws; providing for severability and an effective date.

This Business Impact Estimate is provided in accordance with section 166.041(4), Florida Statutes.

In accordance with the provisions of controlling law, even notwithstanding the fact that an exemption noted above may apply, the City of Cape Coral hereby publishes the following information:

1. Summary of the proposed ordinance (must include a statement of the public purpose, such as serving the public health, safety, morals and welfare):

The purpose of the proposed ordinance is to amend the requirements for property owners to register their residential rental property with the City and establishes enforcement and penalties if an owner fails to comply with Section 12-129 of the City of Cape Coral, Florida, Code of Ordinances.

2. An estimate of the direct economic impact of the proposed ordinance on private, for-profit businesses in the City of Cape Coral, if any:

(a) An estimate of direct compliance costs that businesses may reasonably incur; Residential rental property owners will pay an annual registration fee for the residential rental property as established by resolution of the City Council. There will be an economic impact to a private, for-profit business if that business is the owner of a residential rental property and fails to comply with Section 12-129, will be subject to penalties and enforcement.

(b) Any new charge or fee imposed by the proposed ordinance or for which businesses will be financially responsible; and

Residential rental property owners will pay an annual registration fee for the residential rental property as established by resolution of the City Council

A private, for-profit business will be subject to a civil penalty under this Ordinance if such business fails to comply with the requirements set forth in Section 12-129 of the City of Cape Coral, Florida, Code of Ordinances, as follows:

i) If a private, for-profit business, registers their residential rental property as a long-term residential rental property, and are found to be operating as a short-term residential rental property shall be subject to a \$1,000 civil penalty for their first offense, and for a second, or subsequent offense within a 36-month period, shall be subject to a \$2,000 civil penalty.

ii) If a private, for-profit business, fails to renew its long-term residential rental property registration with the City and are found to be in violation of Section 12-129 of the City's Code, shall be subject to a \$250 civil penalty, plus the late fee as established by resolution and approved by the City Council, and for a second, or subsequent offense within a 36-month period, shall be subject to a \$500 civil penalty, plus the late fee as established by resolution and approved by the City Council. If a private, for-profit business, fails to renew its short-term residential rental property registration with the City and are found to be in violation of Section 12-129 of the City's Code, shall be subject to a \$500 civil penalty, plus the late fee as established by resolution and approved by the City Council and for a second, or subsequent offense within a 36-month period, shall be subject to \$1,000 civil penalty, plus the late fee as established by resolution and approved by the City Council.

iii) Except as provided in Sections 2(b)(i) and (ii) above, if a private, for-profit business, is found in violation of Section 12-129 of the City's Code of Ordinances, a long-term residential rental property owner shall be subject to a civil violation in the amount of \$500 and for a second and subsequent violation within a 36-month period, the owner shall be subject to a civil penalty in the amount of \$1,000.

If a private, for-profit business, is found in violation of Section 12-129 of the City's Code of Ordinances, a short-term residential rental property owner shall be subject to a \$1,000 civil penalty, and for a second, or subsequent offense within a 36-month period, shall be subject to \$2,000 civil penalty.

(c) An estimate of the City of Cape Coral's regulatory costs, including estimated revenues from any new charges or fees to cover such costs.

There will be an indeterminate impact on the City with respect to the staff and resources necessary to administer the program and enforce the number of violations issued.

3. Good faith estimate of the number of businesses likely to be impacted by the proposed ordinance: The City estimates that there are 8,000 to 10,000 residential rental properties in the City. A business will be further impacted by this ordinance if such business fails to comply with the rental registration requirements as set forth in Section 12-129 of the City's Code Ordinances.

4. Additional information the governing body deems useful (if any):

N/A