

PROPOSED ORDINANCE NO. 26-5613
VACATION RENTAL PROGRAM IMPROVEMENTS

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FINAL PROPOSED ORDINANCE NO. 26-5613

ORDINANCE NO. 26-5613

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, PROVIDING THAT CHAPTER 34.5 OF THE CITY CODE, ENTITLED VACATION RENTALS, SHALL BE AMENDED TO CLARIFY REGISTRATION AND RENEWAL PROCEDURES; TO UPDATE APPLICATION AND INSPECTION REQUIREMENTS; TO ADD NEW DEFINITIONS AND MODIFY EXISTING DEFINITIONS; TO ADD NEW FEES PERTAINING TO INSPECTIONS AND CHANGE IN DESIGNATED RESPONSIBLE PARTY; TO INCREASE CURRENT FEES; AND TO CLARIFY ADVERTISING REQUIREMENTS FOR VACATION RENTALS; ALL AS MORE FULLY SPECIFIED HEREIN; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the City of Sarasota Zoning Code, by means of provisions that were in existence on June 1, 2011, currently regulates the duration of stays in vacation rentals located in residential zone districts by requiring that a minimum stay exceed one week, and such regulation is lawfully "grandfathered in" pursuant to Section 509.032(7)(b) Florida Statutes; and,

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

establishments" which are rented, or advertised or held out for rental to guests for periods of *at least* 30 days or one calendar month, whichever is less; and,

WHEREAS, Section 509.242(1)(c) Florida Statutes further classifies transient public lodging establishments into seven categories including hotels, motels, and bed and breakfast inns. One of these 7 categories is called "vacation rental" which is defined to mean "any unit or group of units in a condominium or cooperative or any individually or collectively owned single family, two family, three family or four family house or dwelling unit" that is also a transient public lodging establishment, but that is not a timeshare project; and,

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, many citizens who addressed the City Commission about vacation rentals have used the term "hotel houses" to refer to structures that have the outward appearance of single family houses, but in reality are high occupancy residential rental properties that are purposefully built to accommodate rotating occupancy by large groups of people and which are marketed and used like hotels; and,

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

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

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

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

WHEREAS, on May 4, 2021, the City Commission adopted Ordinance 21-5353 adding Chapter 34.5, entitled Vacation Rentals, to the Code of the City of Sarasota and making said Chapter 34.5 apply to vacation rentals in any individually or collectively owned single family, two family, three family and four family house or dwelling units located in residential zone districts within the Coastal Islands Overlay District established by Section VI-907 of the Zoning Code; and,

WHEREAS, on January 3, 2022 the City Commission adopted Ordinance 22-5392 amending and re-stating Ordinance 21-5353 in order to make the following four changes: (1) to substitute written Declarations for the former Affidavit requirement; (2) to substitute specifically enumerated items that are subject to inspection in place of former general references to the Florida Building Code; Florida Fire Prevention Code and Residential Swimming Pool Safety Act; (3) to substitute the parcel identification number assigned by the Sarasota County Property Appraiser for the former requirement that the legal description of the vacation rental property be provided with an application for a Certificate of Registration; and (4) to substitute the City of Sarasota registration number for the State of Florida transient lodging license number to be displayed in the advertising of a vacation rental.

WHEREAS, on November 6, 2023, the City Commission adopted Ordinance 23-5498 to amend Chapter 34.5 of the City Code by increasing all application and inspection fees for vacation rentals; by providing that a certificate of registration for a vacation rental shall be valid for a period of one year rather than two years and by providing that a vacation rental shall be subject to mandatory re-inspection upon annual renewal of the certificate of registration; and,

WHEREAS, on February 5, 2024, the City Commission adopted Ordinance 24-5506 to amend Chapter 34.5 of the City Code to provide that such Chapter is applicable city wide in single family and multiple family zone districts; and,

WHEREAS, on October 6, 2025, the City Commission adopted Ordinance 25-5560 to amend Chapter 34.5 of the City Code to provide that the City may request supplemental information for a change in the Designated Responsible Party (DRP); to delete the requirement to provide proof of payment of County Business Tax upon registration; to require a map with emergency evacuation route be placed in vacation rentals; to require inspections to be scheduled within 30 days of filing applications; to provide that fees are non-refundable; to provide that a failure to designate DRP is a violation of Chapter 34.5 and to clarify that vacation rental advertising includes online advertising; and,

WHEREAS, City staff has requested certain subsequent amendments to the vacation rental ordinance as more fully described herein and the City Commission finds that the adoption of this ordinance to incorporate such requested amendments is in the best interest of the public health, safety, and welfare.

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

Section 1. The Code of the City of Sarasota, Florida Chapter 34.5, Vacation Rentals, as last amended by Ordinance 25-5560, is hereby amended and restated in its entirety as shown below. Deleted text is shown in ~~strike-through~~ format. New text is shown in underline format.

ARTICLE I. GENERAL PROVISIONS

Section 34.5-1 Findings

The City Commission makes the following findings:

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

districts. The primary principal use in the residential single family zone districts is a residential use category known as "household living."

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

(c) In accordance with Section II-304(b)(1) of the Zoning Code "household living" is "characterized by the residential occupancy of a dwelling unit by a family. Tenancy is arranged for periods longer than one week. Uses where tenancy is arranged for a shorter period are not considered residential. They are considered to be a form of "transient lodging ..."

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

(e) Certain vacation rentals are presently operating throughout the City within residential zones, and although initially more complaints were received about the operation of vacation rentals on St. Armands Key and Lido Key, vacation rentals have proliferated throughout the City and are not confined to the barrier islands.

(f) The City of Sarasota Zoning Code (Chapter 38 of the City Code) defines a hotel as a building or group of detached or connected buildings containing six (6) or more guest rooms designed or used primarily for providing sleeping accommodations for

automobile travelers and/or tourists on a daily or weekly rate basis that provides customary hotel services such as linen and maid service and may contain ancillary facilities such as, but not limited to, conference and recreational facilities. This definition was in effect on June 1, 2011.

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

(h) According to the 2020 U.S. Census, the City of Sarasota has an average household size of 2.1 persons.

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

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

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

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

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

(n) It is unnecessary to regulate owner occupied vacation rentals under this Chapter because on site owners can be expected to regulate and supervise their properties to the same or a greater extent than provided under this Chapter out of self-interest.

(o) It is unlawful to regulate resident occupied rentals that meet the requirements of Section 559.955(3) Florida Statutes for home-based businesses because such regulation is pre-empted to the state of Florida by Section 559.955(1) Florida Statutes.

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

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

Section 34.5-2 Statement of Intent

It is the intent of this Chapter to regulate vacation rentals as defined by the Florida Statutes but excluding those vacation rentals in condominiums and cooperatives. It is the

further intent of this ordinance to regulate those vacation rentals in any individually or collectively owned single family, two family, three family, and four family house or dwelling units located in residential zones within the City of Sarasota.

The general purposes of this Chapter are to ensure to the City's residents the tranquility and peaceful enjoyment of their homes and their neighborhoods; to mitigate incompatibilities between vacation rentals and resident occupied homes and to protect the health, safety, and welfare of the occupants of vacation rentals and their guests and to encourage them to be respectful of the residents of the neighborhood in which they are vacationing. The City intends to address complaints associated with unsupervised vacation rentals (including by way of illustration and not limitation, over-occupancy, open and late night parties, excessive noise, parking on public sidewalks and excessive trash and garbage accumulation) in the manner set forth herein, including, but not limited to establishing a mandatory registration system for vacation rentals; specifying maximum occupancy limits; requiring inspections; and requiring the owner of a vacation rental to designate an individual or two individuals to be responsible for the vacation rental.

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

Section 34.5-3. Definitions

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

(a) *Applicant* means a vacation rental owner as defined herein or an authorized representative of a vacation rental owner as defined herein.

(b) *Authorized representative* means an individual who has been given written authorization from a vacation rental owner to sign any documents required by this Chapter on the behalf of the owner.

~~(a)~~ (c) *Bedroom* means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an en suite bathroom, but does not include a bathroom, a kitchen, a dining area or any main living area. If a room has been added, altered, or converted without any required building permit having been issued, such room shall not be deemed a bedroom.

~~(b)~~ (d) *Certificate of Registration* means the document that is issued by the City in accordance with Section 34.5-5 to show that the vacation rental described on the certificate is currently registered with the City as required by Section 34.5-4. An initial Certificate of Registration means either: (1) the first certificate of registration issued to the owner identified on the Certificate for the particular vacation rental identified on the certificate; or (2) a certificate of registration issued to an owner who has previously failed to timely apply for or to obtain a renewed certificate of registration after their certificate expired. A renewed certificate of registration means any subsequent Certificate of Registration issued subsequently to an initial certificate of registration for a successive calendar year to the same owner identified on the initial certificate for the same vacation rental identified on the certificate.

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

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

(g) *Late cancellation of inspection* means the cancellation of a scheduled inspection within two (2) city business days before the scheduled inspection.

~~(e)~~ (h) *Maximum occupancy* means the maximum number of persons who may be occupants of a vacation rental at the same time between the hours of 11 pm and 7 am.

~~(f)~~ (i) *Occupant* means any person who is physically present within a vacation rental between the hours of 11 pm and 7 am..

~~(g)~~ (j) *Owner or vacation rental owner* means a natural person or legal entity holding all or a portion of the fee simple title to a vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event that the vacation rental owner is not an individual, each and every person who owns an equitable interest in the vacation rental shall also be considered an Owner. When the Owner is a limited liability company (LLC), a manager of the LLC may sign any documents required by this Chapter and the registered agent may sign any documents required by this Chapter when duly authorized. Except for the signatures required by Section 34.5-4(b)(17) and the Declaration referenced in Sec. 34.5-6(b), whenever the signature of an owner is required by this Chapter, the term owner shall include an

authorized representative of the owner who has been designated as an authorized representative in writing by the owner.

~~(h)~~ (k) *Owner occupied* means a rental that is the primary and permanent residence of the owner of the property and in which the owner will be present throughout the guest stay (including overnight) to host the rental. An owner who claims exemption from the requirements of this chapter on the basis that a rental is owner occupied shall be required to demonstrate that the rental is owner occupied to the satisfaction of City staff. A showing that the property in question has qualified for and is receiving the State of Florida homestead property tax exemption shall be conclusive evidence that the property is owner occupied.

~~(i)~~ (l) *Pre-existing rental agreement* For vacation rentals within the Coastal Islands Overlay District, means a written agreement with prospective occupants that was already in existence and fully executed on or before May 4, 2021 and in which the occupants' tenancy is arranged for a period of longer than one week. For vacation rentals outside the Coastal Islands Overlay District, means a written agreement with prospective occupants that was already in existence and fully executed on or before February 5, 2024 and in which the occupants' tenancy is arranged for a period of longer than one week.

~~(j)~~ (m) *Vacation rental* means a rental as defined in Sections 509.242(1)(c) and 509.013(4)(a)(1), Florida Statutes, excluding those vacation rentals in condominiums and cooperatives.

ARTICLE II. REGISTRATION REQUIRED

Section 34.5-4 Mandatory registration – Initial certificate of registration

(a) No vacation rental (as defined in Section 34.5-3(j) (m) above) shall be rented or offered for rent without a current valid certificate of registration (as defined in Section 34.5-3(b) (d) above). Failure to possess a current valid certificate of registration while renting or allowing a vacation rental to be occupied is a violation of this section. The City shall cause to be posted on its website a summary of the obligations of a vacation rental owner regarding the registration and operation of a vacation rental in accordance with this Chapter.

(1) This subsection shall apply to vacation rentals located within the Coastal Islands Overlay District established by Section VI-907 of the Zoning Code. Every vacation rental owner, either personally or through an agent, shall apply to the City for an initial certificate of registration, in accordance with instructions to be posted on the City's website, no earlier than January 3, 2022, and by no later than March 1, 2022, and shall obtain a certificate of registration by no later than June 1, 2022. Owners of vacation rentals who open a new vacation rental after March 1, 2022 shall apply for an initial certificate of registration prior to renting or allowing occupancy of the vacation rental at any time of year. Owners of vacation rentals who become owners after March 1, 2022 shall apply for an initial certificate of registration ~~at any time of year prior to acquiring ownership or~~ by no later than fifteen (15) days after acquiring ownership. A separate certificate of registration is required for each vacation rental. The operation of a vacation rental without a certificate of registration after June 1, 2022 shall be a violation of this section. Every day of such operation without registration shall constitute a separate violation.

(2) This subsection shall apply to vacation rentals located on the mainland and not located within the Coastal Islands Overlay District. Every vacation rental owner, either

personally or through an agent, shall apply to the City for an initial certificate of registration, in accordance with instructions to be posted on the City's website, no earlier than July 1, 2024, and by no later than October 31, 2024, and shall obtain a certificate of registration by no later than January 1, 2025. Owners of vacation rentals who open a new vacation rental after July 1, 2024 shall apply for an initial certificate of registration ~~at any time of year prior to acquiring ownership or by~~ no later than fifteen (15) days after acquiring ownership. A separate certificate of registration is required for each vacation rental. The operation of a vacation rental without a certificate of registration after January 1, 2025 shall be a violation of this section. Every day of such operation without registration shall constitute a separate violation.

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

(1) A completed application form supplied by the City. At a minimum, the application form shall include the street address of the vacation rental; the parcel identification number assigned by the Sarasota County Property Appraiser; the name, address, electronic mail address, and telephone number of the vacation rental owner(s); and the name, address, electronic mail address, and telephone number of the designated responsible party ~~or parties~~ if different from the owner and which may be the name,

address, electronic mail address, and telephone number of the designated property management company.

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

(3) Payment of the initial registration fee

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

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

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

(7) Reserved.

(8) Evidence that the vacation rental owner has made arrangements for payment of tourist development taxes and any other taxes required by law to be remitted to the Sarasota County Tax Collector.

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

(10) Evidence that the vacation rental owner has made arrangements for payment of sales taxes, transient rental taxes and any other taxes required by law to be submitted to the Florida Department of Revenue.

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

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

(13) An exterior site sketch of the vacation rental facility. The sketch shall show and identify all structures, pools, hot tubs, spas, fencing, and uses, including areas provided for off-street parking. For purposes of the sketch, off street parking spaces shall be delineated to enable a fixed count of the number of spaces provided. At the option of the vacation rental owner, such sketch may be hand drawn to reasonable scale and need not be professionally prepared.

(14) An interior building sketch by floor for each floor in the vacation rental showing the floor plan layout and identifying all bedrooms, other rooms, exits, hallways and stairways and elevators as may be applicable. At the option of the vacation

rental owner, such sketch may be hand drawn to reasonable scale and need not be professionally prepared.

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

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

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

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

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

application for a renewed certificate of registration shall be filed by the applicable due date.
Such applications shall be accompanied by payment of the applicable fees. If the information is timely provided and any delinquent fees are timely paid, the application shall be processed.

Section 34.5-5 Certificate of Registration

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

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

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

(3) The vacation rental has been inspected as required by 34.5-10 and the inspection shows that the vacation rental complies with the provisions of this Chapter including the minimum safety requirements of Section 34.5-12 and the informational requirements of Section 34.5-13 and in compliance with other applicable City ordinances including zoning regulations.

(b) ~~Initial certificates of registration issued during the calendar years 2022 and 2023 shall be valid through December 31, 2023. Thereafter, +~~ Initial certificates of registration for which an application is filed prior to July 1 shall expire on December 31 of the year for which the certificate was issued. ~~All initial certificates of registration shall expire on December 31 the year for which the certificate was issued, even if though~~ this means the certificate of registration is valid for less than one year. Initial certificates of

registration for which an application is filed on or after July 1 shall remain valid through the end of the year in which the application was filed and through December 31 of the following year when the certificate shall expire. Applicants who timely file an application for an initial certificate of registration filed on or after July 1 shall pay an application fee equal to one-half of the application fee for the year in which the application is filed plus the full application fee for the following year. This paragraph shall apply to both first time initial certificates of registration and to initial certificates required because of a failure to renew a previously issued certificate. All initial and renewed certificates of registration shall be considered current and valid until their expiration date unless: (1) an amended certificate is required by Sec. 34.5-7; (2) a new initial certificate is required by Sec. 34.5-8; or (3) the certificate has been suspended in accordance with Sec. 34.5-20.

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

(d) If the violation history of the vacation rental identified in the application for an initial certificate of registration shows any violations of City Codes with associated unpaid penalties or unsatisfied liens, the initial certificate of registration shall not be issued unless all outstanding penalties or liens are first paid or satisfied as the case may be.

Section 34.5-6 Renewed Certificate of Registration

(a) An owner or authorized representative shall renew the certificate of registration and obtain a renewed certificate of registration prior to December 31 of each calendar year after the initial certificate of registration is issued.

(1) For vacation rentals located within the Coastal Islands Overlay District, Renewed certificates of registration issued before January 1, 2024 shall be valid for two (2) years. An application for a renewed certificate of registration shall be filed no earlier than July 1, 2025 and by no later than October 1, 2025. Thereafter, an application for a renewed certificate of registration shall be filed no earlier than July 1 and by no later than October 1 each year.

(2) For vacation rentals located on the mainland and not within the Coastal Islands Overlay District an application for a renewed certificate of registration shall be filed no earlier than July 1, 2025 and by no later than October 1, 2025 each year. Thereafter, an application for a renewed certificate of registration shall be filed no earlier than July 1 and by no later than October 1 each year.

(3) Except as provided in subparagraph (4) below, A a determination of compliance for all applications for renewed certificates of registration shall be made by December 31 of each year. Commencing on January 1, 2024, all renewed certificates of registration shall be valid from January 1 of each year for one calendar year until December 31. However, renewed certificates of registration issued at any time after January 1 of any year shall expire on December 31 of that year, such that all renewed certificates of registration shall expire on December 31 of each year even if this means the certificate of registration is valid for less than one year. All renewed certificates of registration shall be considered current and valid until their expiration date unless: (1) an

amended certificate is required by Sec. 34.5-7; (2) a new initial certificate is required by Sec. 34.5-8; or (3) the certificate has been suspended in accordance with Sec. 34.5-20.

(4) For all vacation rentals an untimely filed application for a renewed certificate will be accepted after October 1 until on or before December 31 each year, if accompanied by all supporting materials required by subparagraph (c) below and by payment of the application fee and late fee. A determination of compliance for all applications submitted pursuant to this subparagraph shall be made by March 31 of each year. A late application for a renewed certificate of registration submitted after December 31 will not be accepted and a new initial certificate shall be required.

(b) An application for a renewed certificate of registration shall be made on a form supplied by the City for that purpose. The application shall require the applicant to indicate whether each specific item of information submitted with the application for an initial certificate of registration required by Section 34.5-4(b) subsections (1), (2), (4), (5), (8), (10), (11), (12), (13), (14), (15), and (17) remains current and accurate. If the ~~applicant~~ owner signs a Declaration under penalty of perjury, that the information remains current and accurate, no further information concerning these items shall be requested. If the applicant indicates that specified items are no longer current and accurate, then updated information which is current and accurate shall be submitted to support the application.

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

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

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

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

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

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

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

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

(4) The vacation rental has been inspected as required by Section 34.5-10 and the inspection shows that the vacation rental is in compliance with the provisions of this Chapter, including the minimum safety requirements of Section 34.5-12 and the informational requirements of Section 34.5-13 and in compliance with other applicable City ordinances and zoning regulations.

Section 34.5-7 Amendment of Certificate Registration

A vacation rental owner shall be required to apply for an amended certificate of registration in the event that any of the following changes to the vacation rental occur. City staff is authorized to request any supporting information to supplement the amendment that may be required to complete the processing of the application.

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

Section 34.5-8 Certificate of Registration non-Transferrable, Non-Assignable

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

transaction, whether or not a change of ownership warrants and requires a new initial certificate of registration.

When a vacation rental is sold or ownership is otherwise transferred, the new owner shall apply for an initial certificate of registration within fifteen (15) days from the date of the sale or transfer and shall obtain a new initial certificate of registration. If the new owner fails to apply for a new certificate of registration as provided in this section, any certificate of registration previously issued for that vacation rental shall be null and void on the sixteenth (16th) day after such sale or transfer. An inspection of the vacation rental is required whenever a new owner applies for an initial certificate of registration due to the sale of a vacation rental or a change of ownership not involving a sale.

Section 34.5-9 No vested rights, estoppel or waiver

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

Section 34.5-10 Inspections of Vacation Rentals

(a) Upon the filing of an application for an initial or a renewed certificate of registration and prior to receipt of an initial certificate of registration from the City pursuant to Section 34.5-5, or prior to receipt of a renewed certificate of registration pursuant to Section 34.5-6, the vacation rental shall be subject to an inspection to verify compliance with the minimum safety requirements specified under Section 34.5-12 of this Chapter and minimum informational requirements specified under Section 34.5-13

of this Chapter and to confirm that the vacation rental is in compliance with this Chapter and with any applicable provisions of the Sarasota City Code including the Zoning Code. Within thirty (30) days after the approval of an application that requires a subsequent inspection under this Chapter, the designated responsible party shall call or email the City to schedule the inspections required by this Chapter. The inspection is not required to occur within thirty (30) days after the application is approved, but it must be on the schedule within thirty (30) days after the application is approved. In the event arrangements to schedule the required inspection have not been made within thirty (30) days after approval of the application as provided above; then the applicant shall be charged the same late fee as for an untimely submitted application. Failure to schedule a required inspection within thirty (30) days after approval of the application as provided above shall constitute a violation of this Section 34.5-10 and shall be subject to enforcement action as provided in this Chapter. After any inspection or re-inspection pursuant to this Chapter has occurred, the designated responsible party shall be notified as to whether or not corrective action is required. In the event that corrective action is required, the corrective activity must occur within thirty (30) days after notice. However, an inspector, exercising reasonable discretion, may specify an earlier compliance deadline due to documented safety concerns or a later compliance deadline if compliance within thirty (30) days is not practical or reasonable. Any re-inspection may be conducted remotely or virtually when the inspector is able to reliably verify compliance and to retain evidence of compliance or non-compliance.

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

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

(d) ~~If the inspector is denied admittance or i~~ If the inspector fails in at least three (3) attempts to complete an initial or a subsequent inspection of the vacation rental, either because the inspector was denied admittance to the vacation rental premises or because no one appeared at the scheduled time of the inspection to allow access to the premises (i.e. a "no-show"), the inspector shall provide a notice of inability to conduct the inspection to the vacation rental owner or to the designated responsible party at the address shown on the application for registration or on the certificate of registration after each failed attempt. No certificate of registration shall be issued initially or renewed until the inspection has been conducted. Three (3) failed inspections and ~~T~~the issuance of a notice of inability to conduct an inspection after the third failed attempt shall be deemed a violation of this Section 34.5-10 and shall be subject to enforcement remedies as provided in this Chapter. In the event the issuance of a notice of inability to conduct an inspection also results in a violation of Section 34.5-4(a), enforcement remedies as provided in this Chapter may be pursued for a violation of Section 34.5-4(a).

Section 34.5-11 Schedule of Fees

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

Application Fee for an initial certificate of registration in accordance with Section 34.5-4 or Section 34.5-8. ~~\$500.00~~ \$700.00

Application Fee for a renewed certificate of registration subsequent to the initial application in accordance with Section 34.5-6. ~~\$350.00~~ \$600.00

Late Fee for an untimely submitted application for an initial certificate of registration or a renewed certificate of registration. \$200.00

Application Fee for an amended certificate of registration pursuant to Sec. 34.5-7 \$200.00

~~First Re-Inspection Fee~~ ~~\$100.00~~

~~Second and Third Re-Inspection Fees~~ \$200.00

No-show for inspection; denial of admittance for inspection; or late cancellation of inspection fee \$200.00

Designated Responsible Party Change Fee \$ 50.00

ARTICLE III. STANDARDS FOR VACATION RENTALS

Section 34.5-12 Minimum safety requirements

(a) Vacation rentals that have an inground, above ground, outdoor pool, indoor pool, or a spa shall comply with the latest adopted edition of the Florida Building Code, Residential Code, Chapter 45, as amended.

(b) The vacation rental shall have a smoke and carbon monoxide detection and notification system which shall be installed and continually maintained, and which shall be permanently powered by the dwelling's electrical system or where not feasible shall be powered by 10-year nonremovable nonreplaceable batteries. The use of combination

smoke alarm and carbon monoxide alarms is acceptable. Smoke alarms shall be located in each sleeping room and outside each separate sleeping area in the immediate vicinity of the bedrooms and on each additional story of a dwelling including basements and habitable attics. Carbon monoxide alarms shall be located within ten feet of each sleeping room for any dwelling using fossil-fuel burning heater, fixture, or appliance, a fireplace or attached garage.

(c) A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected, and maintained in accordance with NFPA 10 on each floor level of the vacation rental. The fire extinguisher may be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location or with written information provided to the overnight occupants regarding the location of the fire extinguisher(s).

Section 34.5-13 Minimum informational requirements

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

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

property management company

- (6) a map of the area with an emergency evacuation route

from the vacation rental to be used in the event of a hurricane or storm event and showing the location of the nearest public shelters.

(b) The following additional information shall also be posted in a conspicuous location on an interior wall inside the vacation entry in close proximity to the main entrance. Alternatively, this additional information may be provided in accordance with subsection 34.5-13(c).

- (1) the maximum occupancy of the vacation rental

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

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

(4) a statement that shall state as follows: Sound that is audible beyond the property lines of the vacation rental unit is regulated by ~~Section 20-5(b)~~ of the City Sound Control Ordinance and a violation of the Sound Ordinance could result in fines to the occupants.

(c) As an alternative to posting, the information required to be provided by this section may be provided in a "welcome binder" left on a coffee table, kitchen table, or

other prominent location in the vacation rental or the information may be provided to the occupants of the vacation rental electronically. In the event the required information is provided electronically, the vacation rental owner shall have the burden to demonstrate that the information was, in fact, provided, if requested to do so by the City Director of Development Services.

Section 34.5-14 Parking

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

Section 34.5-15 Designated Responsible Party

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

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

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

(3) To come to the vacation rental within one (1) hour, or as soon thereafter as reasonably possible, following notification from an occupant, the owner, or a City official, code compliance officer or law enforcement officer to assist with finding solutions to problems or issues associated with the vacation rental.

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

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

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

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

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

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

(10) To provide the ~~Office of the City Auditor and Clerk~~ City's Vacation Rental Compliance Division with notice of resignation in writing at least one (1) week in advance of the effective date of the resignation.

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

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

(d) An owner may change his or her designated responsible party temporarily or permanently. ~~However, there shall be no more than two designated responsible parties for each vacation rental property at any one time.~~ To change the designated responsible party, the property owner shall notify the City Vacation Rentals Compliance Division in writing on a form to be provided by the City at least one week in advance. City staff is authorized to request any supporting information to supplement the form that may be required to complete the processing of the change in the designated responsible party. Failure to notify the City as provided by this subsection within fifteen (15) days of a change in the designated responsible party shall constitute a violation of this Section 34.5-15 and shall be subject to enforcement action as provided in this Chapter.

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

Section 34.5-16 Maximum Occupancy

(a) Maximum occupancy for vacation rentals in residential single family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or ten (10) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy. Maximum occupancy for vacation rentals in residential multiple family zone districts shall be two (2) persons per bedroom, plus two additional persons per property or twelve (12) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy.

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

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

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

(c) Notwithstanding the maximum occupancy limits of subsection (a), a vacation rental located on the mainland outside of the Coastal Islands Overlay District that was lawfully used as a vacation rental as of February 5, 2024, may have a higher maximum occupancy limitation in accordance with this subsection (c). As to the application of maximum occupancy limitation of subsection (a) to vacation rentals lawfully in existence as of February 5, 2024, it is acknowledged that there are vacation rentals that could qualify for a higher maximum occupancy limit, if the limit were set higher, based on the number of bedrooms in the vacation rental. In an effort to recognize reasonable investment backed expectations and yet balance and protect the interests of residents in surrounding single family homes which are not vacation rental properties, there shall be a phasing in of maximum occupancy in accordance with the schedule below. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the certificate of registration process.

(1) The maximum occupancy for vacation rentals lawfully in existence on February 5, 2024 shall temporarily be capped at no more than sixteen (16) provided that all the requirements to obtain a certificate of registration in accordance with Section 34.5-5 are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect from January 1, 2025 through December 31, 2025.

(2) The maximum occupancy for vacation rentals lawfully in existence on February 5, 2024 shall be reduced from sixteen (16) to fourteen (14) for the one (1) year period commencing January 1, 2026 through December 31, 2026 provided that all requirements to obtain a certificate of registration in accordance with Section 34.5-5 are satisfied and a certificate of registration is issued.

(d) After December 31, 2024, the maximum occupancy for all vacation rentals within the Coastal Islands Overlay District shall be as provided in subparagraph 34.5-16(a) above. After December 31, 2026, the maximum occupancy for all vacation rentals located on the mainland outside of the Coastal Islands Overlay District shall be as provided in subsection 34.5-16(a) above.

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

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

(a) The maximum occupancy limits contained in Section 34.5-16(a) or (b) above shall not apply to occupancy pursuant to a pre-existing rental agreement as defined in Section 34.5-3(i). Notwithstanding any other provision of this Chapter, occupancy pursuant to pre-existing rental agreements are exempt from the maximum occupancy limits of this Chapter.

(b) If an owner of a vacation rental is cited for a violation of Section 34.5-16 when the vacation rental is occupied under the terms of a pre-existing rental agreement, the vacation rental owner may defend against such citation based on the fact that the vacation rental was exempt from the maximum occupancy limits of Section 34.5-16 due to occupancy under a pre-existing rental agreement.

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

Section 34.5-18 Advertising

(a) As used in this section, the word advertising shall include online advertising, print media, television and all other media.

(b) Any advertising of ~~the~~ a vacation rental ~~or~~ 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, and shall display the City of Sarasota Vacation Rental certificate of registration number.

(c) Any advertising of the vacation rental shall contain the maximum occupancy limit for the rental and shall conform to the minimum stay requirement set out in Section II-304(b) of the Zoning Code. Except when advertised in compliance with subsection (d) below, ~~if~~ the advertising of a vacation rental for an occupancy level that exceeds the maximum occupancy limit set by Section 34.5-16 is a violation of this Section and is direct evidence of offering a property for rent as a vacation rental in violation of the maximum occupancy limits of Section 34.5-16 and the advertising or advertisement is admissible in any enforcement proceeding. The advertising or advertisement raises a rebuttable presumption that the property identified in the advertising or advertisement was occupied in violation of Section 34.5-16. Any advertising of a property for purposes of a vacation rental shall be deemed sufficient evidence of the use of that property as a vacation rental for purposes of enforcing all sections of this Chapter.

(d) Notwithstanding subsection (c) above, advertising stating the maximum number of persons that a vacation rental can accommodate may state that the vacation rental can accommodate more persons than the applicable maximum occupancy limit set by Section 34.5-16, provided that such advertisement also includes the maximum occupancy limits set by Section 34.5-16 (as required by subsection (b) above) and clearly explains that occupancy in excess of such limit is restricted to children under six (6) years of age.

(e) The advertising allowance provided in subsection (d) shall remain in effect through [DATE] as a temporary trial period to evaluate compliance. Owners advertising pursuant to subsection (d) shall submit monthly tenancy and occupancy information to the City on a form provided by the City. The advertising allowance shall expire at the end of the trial period unless extended by ordinance

ARTICLE IV. ENFORCEMENT

Section 34.5-19 Violations of this Chapter

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

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

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

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

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

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

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

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

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

(d) All repeat violations shall be scheduled for a hearing before the special magistrate and the repeat violator shall not have the option to pay a fine prior to the hearing. For purposes of this paragraph the term repeat violation shall mean a second violation of the same provision of this Chapter or the same provision of another applicable City ordinance for the second time within a ~~one (1)~~ five (5) year period.

Section 34.5-20 Suspension of certificate registration

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

(b) Suspension of time frames.

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

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

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

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

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

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

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

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

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

Section 34.5-21 Enforcement and Remedies

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

(b) The City may utilize Chapter 162, Part I Florida Statutes to prosecute a violation of this Chapter or other code violation with respect to a vacation rental and in such case, the special magistrate shall be authorized to hold a hearing, to assess penalties in accordance with Section 2-315 of the Sarasota City Code and to order other relief in accordance with Chapter 2, Article V, Division 5 of the Sarasota City Code.

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

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

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

(24) Vacation rentals. Chapter 34.5

Section 3. In the event that any word(s), phrase(s), portion(s), section(s), subsection(s) of this Chapter is (or are) contrary to law, or against public policy, or shall for any reason whatsoever be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such word(s), phrase(s), portion(s), section(s), subsection(s) of this Chapter shall be null and void and shall be deemed severed and shall be a separate, distinct and independent provision from the remaining provisions of this Chapter; and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sections or subsections of this Chapter, which shall remain in full force and effect.

Section 4. The revisions to Sections 34.5-3; 34.5-4(b)(17)and(18); 34.5-5(c); 34.5-8; 34.5-10(a),(c), and (d); 34.5-13(a); 34.5-15; 34.5-18 34.5-19(d) shall become effective upon final adoption of this ordinance and second reading and may be applied to applications filed prior to this effective date and to vacation rentals that received a certificate of registration prior to this effective date. The revisions to Section 34.5-4(a)(2) and(b)(1) and (4); 34.5-6(4); and 34.5-11 shall become effective on the date of final adoption of this ordinance on second reading and shall apply only to applications filed after effective date and to applications conducted after the effective date. Section 34.5-5(b) shall become effective on January 1, 2027 and shall apply only to applications filed after January 1, 2027.

PASSED on first reading by title only, after posting for public viewing at City Hall for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this _____ day of _____, 2026.

PASSED on second reading and finally adopted this _____ day of _____, 2026.

Debbie Trice, Mayor

ATTEST:

Shayla Griggs, City Auditor and Clerk

_____ Mayor Debbie Trice
_____ Vice Mayor Kathy Kelley Ohlrich
_____ Commissioner Jen Ahearn-Koch
_____ Commissioner Liz Alpert
_____ Commissioner Kyle Scott Battie

cityatty/ordinances/2026/26-5613(vacation.rentals.admin2026)/RMF/(09-29-26)

CURRENT ORDINANCE 25-5560 - CHAPTER 34.5

ORDINANCE NO. 25-5560

AN ORDINANCE OF THE CITY OF SARASOTA, FLORIDA, PROVIDING THAT CHAPTER 34.5 OF THE CITY CODE, ENTITLED VACATION RENTALS, SHALL BE AMENDED AS MORE FULLY DESCRIBED HEREIN; INCLUDING BUT NOT LIMITED TO PROVIDING THAT THE CITY MAY REQUEST SUPPLEMENTAL INFORMATION TO COMPLETE PROCESSING A REQUEST FOR CHANGE IN DESIGNATED RESPONSIBLE PARTY; DELETING REQUIREMENT TO PROVIDE PROOF OF COUNTY LOCAL BUSINESS TAX UPON REGISTRATION; REQUIRING A MAP WITH EMERGENCY EVACUATION ROUTE BE PLACED IN VACATION RENTALS; REQUIRING INSPECTIONS TO BE SCHEDULED WITHIN 30 DAYS OF FILING APPLICATIONS; PROVIDING FOR NON-REFUNDABLE FEES; PROVIDING THAT THE FAILURE TO NOTIFY THE CITY OF A CHANGE IN THE DESIGNATION OF THE "DESIGNATED RESPONSIBLE PARTY" SHALL BE A VIOLATION OF THE VACATION RENTAL ORDINANCE; CLARIFYING THAT ADVERTISING INCLUDES ONLINE ADVERTISING; AND AMENDING AND RESTATING ORDINANCE 24-5506; ALL AS MORE FULLY SPECIFIED HEREIN; PROVIDING FOR THE SEVERABILITY OF THE PARTS HEREOF; PROVIDING FOR READING BY TITLE ONLY AND PROVIDING FOR AN EFFECTIVE DATE.

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

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

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

WHEREAS, the City of Sarasota Zoning Code, by means of provisions that were in existence on June 1, 2011, currently regulates the duration of stays in vacation rentals

located in residential zone districts by requiring that a minimum stay exceed one week, and such regulation is lawfully "grandfathered in" pursuant to Section 509.032(7)(b) Florida Statutes; and,

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

WHEREAS, Section 509.242(1)(c) Florida Statutes further classifies transient public lodging establishments into seven categories including hotels, motels, and bed and breakfast inns. One of these 7 categories is called "vacation rental" which is defined to mean "any unit or group of units in a condominium or cooperative or any individually or collectively owned single family, two family, three family or four family house or dwelling unit" that is also a transient public lodging establishment, but that is not a timeshare project; and,

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

WHEREAS, on May 4, 2021, the City Commission adopted Ordinance 21-5353 adding Chapter 34.5, entitled Vacation Rentals, to the Code of the City of Sarasota and making said Chapter 34.5 apply to vacation rentals in any individually or collectively owned single family, two family, three family and four family house or dwelling units located in residential zone districts within the Coastal Islands Overlay District established by Section VI-907 of the Zoning Code; and,

WHEREAS, on January 3, 2022 the City Commission adopted Ordinance 22-5392 amending and re-stating Ordinance 21-5353 in order to make the following four changes: (1) to substitute written Declarations for the former Affidavit requirement; (2) to substitute specifically enumerated items that are subject to inspection in place of former general references to the Florida Building Code; Florida Fire Prevention Code and Residential Swimming Pool Safety Act; (3) to substitute the parcel identification number assigned by the Sarasota County Property Appraiser for the former requirement that the legal description of the vacation rental property be provided with an application for a Certificate of Registration; and (4) to substitute the City of Sarasota registration

number for the State of Florida transient lodging license number to be displayed in the advertising of a vacation rental.

WHEREAS, on November 6, 2023, the City Commission adopted Ordinance 23-5498 to amend Chapter 34.5 of the City Code by increasing all application and inspection fees for vacation rentals; by providing that a certificate of registration for a vacation rental shall be valid for a period of one year rather than two years and by providing that a vacation rental shall be subject to mandatory re-inspection upon annual renewal of the certificate of registration; and,

WHEREAS, on February 5, 2024, the City Commission adopted Ordinance 24-5506 to amend Chapter 34.5 of the City Code to provide that such Chapter is applicable city wide in single family and multiple family zone districts; and,

WHEREAS, City staff has requested certain subsequent amendments to the vacation rental ordinance as more fully described herein and the City Commission finds that the adoption of this ordinance to incorporate such requested amendments is in the best interest of the public health, safety, and welfare.

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

Section 1. The Code of the City of Sarasota, Florida Chapter 34.5, Vacation Rentals, as last amended by Ordinance 24-5506, is hereby amended and restated in its entirety as shown below. Deleted text is shown in ~~strike-through~~ format. New text is shown in underline format.

ARTICLE I. GENERAL PROVISIONS

Section 34.5-1 Findings

The City Commission makes the following findings:

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

districts. The primary principal use in the residential single family zone districts is a residential use category known as "household living."

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

(c) In accordance with Section II-304(b)(1) of the Zoning Code "household living" is "characterized by the residential occupancy of a dwelling unit by a family. Tenancy is arranged for periods longer than one week. Uses where tenancy is arranged for a shorter period are not considered residential. They are considered to be a form of "transient lodging ..."

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

(e) Certain vacation rentals are presently operating throughout the City within residential zones, and although initially more complaints were received about the operation of vacation rentals on St. Armands Key and Lido Key, vacation rentals have proliferated throughout the City and are not confined to the barrier islands.

(f) The City of Sarasota Zoning Code (Chapter 38 of the City Code) defines a hotel as a building or group of detached or connected buildings containing six (6) or more guest rooms designed or used primarily for providing sleeping accommodations for

automobile travelers and/or tourists on a daily or weekly rate basis that provides customary hotel services such as linen and maid service and may contain ancillary facilities such as, but not limited to, conference and recreational facilities. This definition was in effect on June 1, 2011.

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

(h) According to the 2020 U.S. Census, the City of Sarasota has an average household size of 2.1 persons.

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

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

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

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

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

(n) It is unnecessary to regulate owner occupied vacation rentals under this Chapter because on site owners can be expected to regulate and supervise their properties to the same or a greater extent than provided under this Chapter out of self-interest.

(o) It is unlawful to regulate resident occupied rentals that meet the requirements of Section 559.955(3) Florida Statutes for home-based businesses because such regulation is pre-empted to the state of Florida by Section 559.955(1) Florida Statutes.

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

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

Section 34.5-2 Statement of Intent

It is the intent of this Chapter to regulate vacation rentals as defined by the Florida Statutes but excluding those vacation rentals in condominiums and cooperatives. It is the

further intent of this ordinance to regulate those vacation rentals in any individually or collectively owned single family, two family, three family, and four family house or dwelling units located in residential zones within the City of Sarasota.

The general purposes of this Chapter are to ensure to the City's residents the tranquility and peaceful enjoyment of their homes and their neighborhoods; to mitigate incompatibilities between vacation rentals and resident occupied homes and to protect the health, safety, and welfare of the occupants of vacation rentals and their guests and to encourage them to be respectful of the residents of the neighborhood in which they are vacationing. The City intends to address complaints associated with unsupervised vacation rentals (including by way of illustration and not limitation, over-occupancy, open and late night parties, excessive noise, parking on public sidewalks and excessive trash and garbage accumulation) in the manner set forth herein, including, but not limited to establishing a mandatory registration system for vacation rentals; specifying maximum occupancy limits; requiring inspections; and requiring the owner of a vacation rental to designate an individual or two individuals to be responsible for the vacation rental.

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

Section 34.5-3. Definitions

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

(a) *Bedroom* means any room in a vacation rental which has a bed or other place for sleeping and a separate closet that is an integral part of the permanent construction within the bedroom or an en suite bathroom, but does not include a bathroom, a kitchen, a dining area or any main living area. If a room has been added, altered, or converted without any required building permit having been issued, such room shall not be deemed a bedroom.

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

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

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

(e) *Maximum occupancy* means the maximum number of persons who may be occupants of a vacation rental at the same time between the hours of 11 pm and 7 am.

(f) *Occupant* means any person who is physically present within a vacation rental between the hours of 11 pm and 7 am..

(g) *Owner or vacation rental owner* means a natural person or legal entity holding all or a portion of the fee simple title to a vacation rental, whether an individual, partnership, corporation, limited liability company, trust, or other entity. In the event that the vacation rental owner is not an individual, each and every person who owns an equitable interest in the vacation rental shall also be considered an Owner.

(h) *Owner occupied* means a rental that is the primary and permanent residence of the owner of the property and in which the owner will be present throughout the guest stay (including overnight) to host the rental. An owner who claims exemption from the requirements of this chapter on the basis that a rental is owner occupied shall be required to demonstrate that the rental is owner occupied to the satisfaction of City staff. A showing that the property in question has qualified for and is receiving the State of Florida homestead property tax exemption shall be conclusive evidence that the property is owner occupied.

(i) *Pre-existing rental agreement* For vacation rentals within the Coastal Islands Overlay District, means a written agreement with prospective occupants that was already in existence and fully executed on or before May 4, 2021 and in which the occupants' tenancy is arranged for a period of longer than one week. For vacation rentals outside the Coastal Islands Overlay District, means a written agreement with prospective occupants that was already in existence and fully executed on or before February 5, 2024 and in which the occupants' tenancy is arranged for a period of longer than one week.

(j) *Vacation rental* means a rental as defined in Sections 509.242(1)(c) and 509.013(4)(a)(1), Florida Statutes, excluding those vacation rentals in condominiums and cooperatives.

ARTICLE II. REGISTRATION REQUIRED

Section 34.5-4 Mandatory registration – Initial certificate of registration

(a) No vacation rental (as defined in Section 34.5-3(j) above) shall be rented or offered for rent without a current valid certificate of registration (as defined in Section 34.5-3(b) above). Failure to possess a current valid certificate of registration while renting or allowing a vacation rental to be occupied is a violation of this section. The City shall cause to be posted on its website a summary of the obligations of a vacation rental owner regarding the registration and operation of a vacation rental in accordance with this Chapter.

(1) This subsection shall apply to vacation rentals located within the Coastal Islands Overlay District established by Section VI-907 of the Zoning Code. Every vacation rental owner, either personally or through an agent, shall apply to the City for an initial certificate of registration, in accordance with instructions to be posted on the City's website, no earlier than January 3, 2022, and by no later than March 1, 2022, and shall obtain a certificate of registration by no later than June 1, 2022. Owners of vacation rentals who open a new vacation rental after March 1, 2022 shall apply for an initial certificate of registration prior to renting or allowing occupancy of the vacation rental at any time of year. Owners of vacation rentals who become owners after March 1, 2022 shall apply for an initial certificate of registration at any time of year prior to acquiring ownership or by no later than fifteen (15) days after acquiring ownership. A separate certificate of registration is required for each vacation rental. The operation of a vacation rental without a

certificate of registration after June 1, 2022 shall be a violation of this section. Every day of such operation without registration shall constitute a separate violation.

(2) This subsection shall apply to vacation rentals located on the mainland and not located within the Coastal Islands Overlay District. Every vacation rental owner, either personally or through an agent, shall apply to the City for an initial certificate of registration, in accordance with instructions to be posted on the City's website, no earlier than July 1, 2024, and by no later than October 31, 2024, and shall obtain a certificate of registration by no later than January 1, 2025. Owners of vacation rentals who open a new vacation rental after July 1, 2024 shall apply for an initial certificate of registration at any time of year prior to acquiring ownership or by no later than fifteen (15) days after acquiring ownership. A separate certificate of registration is required for each vacation rental. The operation of a vacation rental without a certificate of registration after January 1, 2025 shall be a violation of this section. Every day of such operation without registration shall constitute a separate violation.

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

(1) A completed application form supplied by the City. At a minimum, the application form shall include the street address of the vacation rental; the parcel

identification number assigned by the Sarasota County Property Appraiser; the name, address, electronic mail address, and telephone number of the vacation rental owner(s); and the name, address, electronic mail address, and telephone number of the designated responsible party or parties if different from the owner.

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

(3) Payment of the initial registration fee

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

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

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

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

(8) Evidence that the vacation rental owner has ~~a current and active account with the Sarasota County Tax Collector for the purposes of collecting and remitting~~ made arrangements for payment of tourist development taxes and any other taxes required by law to be remitted to the Sarasota County Tax Collector.

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

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

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

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

(13) An exterior site sketch of the vacation rental facility. The sketch shall show and identify all structures, pools, hot tubs, spas, fencing, and uses, including areas provided for off-street parking. For purposes of the sketch, off street parking spaces shall be delineated to enable a fixed count of the number of spaces provided. At the option of the vacation rental owner, such sketch may be hand drawn to reasonable scale and need not be professionally prepared.

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

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

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

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

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

(c) Submission of an incomplete application for an initial certificate of registration or a submission not accompanied by all of the applicable requirements of this section or

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

Section 34.5-5 Certificate of Registration

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

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

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

(3) The vacation rental has been inspected as required by 34.5-10 and the inspection shows that the vacation rental complies with the provisions of this Chapter including the minimum safety requirements of Section 34.5-12 and the informational requirements of Section 34.5-13 and in compliance with other applicable City ordinances including zoning regulations.

(b) Initial certificates of registration issued during the calendar years 2022 and

2023 shall be valid through December 31, 2023. Thereafter, initial certificates of registration shall expire on December 31 of the year for which the certificate was issued. All initial certificates of registration shall expire on December 31 the year for which the certificate was issued, even if this means the certificate of registration is valid for less than one year. All initial and renewed certificates of registration shall be considered current and valid until their expiration date unless: (1) an amended certificate is required by Sec. 34.5-7; (2) a new initial certificate is required by Sec. 34.5-8; or (3) the certificate has been suspended in accordance with Sec. 34.5-20.

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

(d) If the violation history of the vacation rental identified in the application for an initial certificate of registration shows any violations of City Codes with associated unpaid penalties or unsatisfied liens, the initial certificate of registration shall not be issued unless all outstanding penalties or liens are first paid or satisfied as the case may be.

Section 34.5-6 Renewed Certificate of Registration

(a) An owner or authorized representative shall renew the certificate of registration and obtain a renewed certificate of registration prior to December 31 of each calendar year after the initial certificate of registration is issued.

(1) For vacation rentals located within the Coastal Islands Overlay District, Renewed certificates of registration issued before January 1, 2024 shall be valid for two (2) years. An application for a renewed certificate of registration shall be filed no earlier than July 1, 2025 and by no later than October 1, 2025. Thereafter, an application for a renewed certificate of registration shall be filed no earlier than July 1 and by no later than October 1 each year.

(2) For vacation rentals located on the mainland and not within the Coastal Islands Overlay District an application for a renewed certificate of registration shall be filed no earlier than July 1, 2025 and by no later than October 1, 2025 each year. Thereafter, an application for a renewed certificate of registration shall be filed no earlier than July 1 and by no later than October 1 each year.

(3) A determination of compliance for all applications for renewed certificates of registration shall be made by December 31 of each year. Commencing on January 1, 2024, all renewed certificates of registration shall be valid from January 1 of each year for one calendar year until December 31. However, renewed certificates of registration issued at any time after January 1 of any year shall expire on December 31 of that year, such that all renewed certificates of registration shall expire on December 31 of each year even if this means the certificate of registration is valid for less than one year. All renewed certificates of registration shall be considered current and valid until their expiration date unless: (1) an amended certificate is required by Sec. 34.5-7; (2) a new initial certificate is required by Sec. 34.5-8; or (3) the certificate has been suspended in accordance with Sec. 34.5-20.

(b) An application for a renewed certificate of registration shall be made on a form supplied by the City for that purpose. The application shall require the applicant to indicate whether each specific item of information submitted with the application for an initial certificate of registration required by Section 34.5-4(b) subsections (1), (2), (4), (5), (8), (10), (11), (12), (13), (14), (15), and (17) remains current and accurate. If the applicant signs a Declaration under penalty of perjury, that the information remains current and accurate, no further information concerning these items shall be requested. If the applicant indicates that specified items are no longer current and accurate, then updated information which is current and accurate shall be submitted to support the application.

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

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

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

~~(3)~~ (2) A copy of a current and active license for the vacation rental issued by the State of Florida Department of Business and Professional Regulation showing that the vacation rental is a licensed transient public lodging establishment.

~~(4)~~ (3) A Declaration signed by the owner on a form provided by the City, representing that he or she is aware of the City of Sarasota rules regulating vacation rentals specifically including the minimum stay requirement set out in Section II-304(b) of the City of Sarasota Zoning Code.

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

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

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

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

(4) The vacation rental has been inspected as required by Section 34.5-10 and the inspection shows that the vacation rental is in compliance with the provisions of this Chapter, including the minimum safety requirements of Section 34.5-12 and the informational requirements of Section 34.5-13 and in compliance with other applicable City ordinances and zoning regulations.

Section 34.5-7 Amendment of Certificate Registration

~~An amendment of the initial or any renewed~~ A vacation rental owner shall be required to apply for an amended certificate of registration shall be required in the event that any of the following changes to the vacation rental occur. City staff is authorized to request any supporting information to supplement the amendment that may be required to complete the processing of the application.

(a) An increase in the number of bedrooms or bathrooms in the vacation rental.

(b) An increase in the gross square footage of the vacation rental.

(c) An increase in the maximum occupancy of the vacation rental.

(d) An increase or decrease in the number of parking spaces or a change in the location of parking spaces for the vacation rental from what was shown on the exterior site sketch submitted with the most recent application for a Certificate of Registration in accordance with Section 34.5-4(13).

(e) Any other material modifications that would increase the intensity of use.

Section 34.5-8 Certificate of Registration non-Transferrable, Non-Assignable

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

When a vacation rental is sold or ownership is otherwise transferred, the new owner shall apply for an initial certificate of registration within fifteen (15) days from the date of the sale or transfer and shall obtain a new initial certificate of registration. If the new owner fails to apply for a new certificate of registration as provided in this section, any certificate of registration previously issued for that vacation rental shall be null and void on the sixteenth (16th) day after such sale or transfer. An inspection of the vacation rental is required whenever a new owner applies for an initial certificate of registration due to the sale of a vacation rental or a change of ownership not involving a sale.

Section 34.5-9 No vested rights, estoppel or waiver

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

Section 34.5-10 Inspections of Vacation Rentals

(a) Upon the filing of an application for an initial or a renewed certificate of registration and prior to receipt of an initial certificate of registration from the City pursuant to Section 34.5-5, or prior to receipt of a renewed certificate of registration pursuant to Section 34.5-6, the vacation rental shall be subject to an inspection to verify compliance with the minimum safety requirements specified under Section 34.5-12 of this Chapter and minimum informational requirements specified under Section 34.5-13 of this Chapter and to confirm that the vacation rental is in compliance with this Chapter and with any applicable provisions of the Sarasota City Code including the Zoning Code. Within thirty (30) days after the approval of an application that requires a subsequent inspection under this Chapter, the designated responsible party shall call or email the City to schedule and confirm all the inspections required by this Chapter. The inspection is not required to occur within thirty (30) days after the application is approved, but it must be on the schedule within thirty (30) days after the application is approved. In the event arrangements to schedule the required inspection have not been made within thirty (30) days after approval of the application as provided above; then the applicant shall be charged the same late fee as for an untimely submitted

application. Failure to schedule a required inspection within thirty (30) days after approval of the application as provided above shall constitute a violation of this Section 34.5-10 and shall be subject to enforcement action as provided in this Chapter.

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

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

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

Section 34.5-11 Schedule of Fees

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

Application Fee for an initial certificate of registration in accordance with Section 34.5-4 or Section 34.5-8. \$500.00

Application Fee for a renewed certificate of registration subsequent to the initial application in accordance with Section 34.5-6. \$350.00

Late Fee for an untimely submitted application for an initial certificate of registration or a renewed certificate of registration. \$200.00

Application Fee for an amended certificate of registration pursuant to Sec. 34.5-7 \$200.00

First Re-Inspection Fee \$100.00

Second and Third Re-Inspection Fees \$200.00

~~Inspection Fee upon change of ownership \$200.00~~

ARTICLE III. STANDARDS FOR VACATION RENTALS

Section 34.5-12 Minimum safety requirements

(a) ~~A swimming pool, spa or hot tub shall comply with the current standards of the Residential Swimming Pool Safety Act, Chapter 515, Florida Statutes, which specifies that a pool, spa, or hot tub must meet at least one of the following requirements relating to pool safety features:~~ Vacation rentals that have an inground, above ground, outdoor pool, indoor pool, or a spa shall comply with the latest adopted edition of the Florida Building Code, Residential Code, Chapter 45, as amended.

i. ~~The pool must be isolated from access to a home by an enclosure that meets the specific barrier requirements of the Residential Swimming Pool Safety Act including and not limited to a minimum 4 foot height barrier with no gaps, openings,~~

~~protrusions, or structural elements that could allow a young child to crawl under, squeeze through, or climb over the barrier. The barrier must be placed around the perimeter of the pool and must be separate from any fence, wall, or other enclosure surrounding the yard unless the fence, wall, or enclosure is situated on the perimeter of the pool and is being used as part of the barrier. Gates that provide access to swimming pools must open outward away from the pool and be self-closing and equipped with a self-latching locking device with the release mechanism of which must be located on the pool side of the gate, or~~

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

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

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

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

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

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

(c) A portable, multi-purpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected, and maintained in accordance with NFPA 10 on each floor level of the vacation rental. The fire extinguisher may be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location or with written information provided to the overnight occupants regarding the location of the fire extinguisher(s).

Section 34.5-13 Minimum informational requirements

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

- (1) the location of the nearest hospital
- (2) the non-emergency police telephone number
- (3) the dates and approximate times of trash and recycling pick up
- (4) the street address of the vacation rental
- (5) the name and phone number of the designated responsible party or parties
- (6) a map of the area with an emergency evacuation instructions route from the vacation rental to be used in the event of a hurricane or storm event and showing the location of the nearest public shelters.

(b) The following additional information shall also be posted in a conspicuous location on an interior wall inside the vacation entry in close proximity to the main entrance. Alternatively, this additional information may be provided in accordance with subsection 34.5-13(c).

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

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

(4) a statement that shall state as follows: ~~s~~Sound that is audible beyond the property lines of the vacation rental unit is regulated by Section 20-5(b) of the City Sound Ordinance and ~~that~~ a violation of the Sound Ordinance could result in fines to the occupants.

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

Section 34.5-14 Parking

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

Section 34.5-15 Designated Responsible Party

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

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

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

(3) To come to the vacation rental within one (1) hour, or as soon thereafter as reasonably possible, following notification from an occupant, the owner, or a City official, code compliance officer or law enforcement officer to assist with finding solutions to problems or issues associated with the vacation rental.

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

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

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

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

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

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

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

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

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

(d) An owner may change his or her designated responsible party temporarily or permanently. However, there shall be no more than two designated responsible parties

for each vacation rental property at any one time. To change the designated responsible party, the property owner shall notify the City in writing on a form to be provided by the City at least one week in advance. City staff is authorized to request any supporting information to supplement the form that may be required to complete the processing of the change in the designated responsible party. Failure to notify the City as provided by this subsection within fifteen (15) days of a change in the designated responsible party shall constitute a violation of this Section 34.5-15 and shall be subject to enforcement action as provided in this Chapter.

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

Section 34.5-16 Maximum Occupancy

(a) Maximum occupancy for vacation rentals in residential single family zone districts shall be two (2) persons per bedroom, plus two (2) additional persons per property or ten (10) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy. Maximum occupancy for vacation rentals in residential multiple family zone districts shall be two (2) persons per bedroom, plus two additional persons per property or twelve (12) persons, whichever is less. Children under six (6) years of age shall not be included in the calculation of maximum occupancy.

(b) Notwithstanding the maximum occupancy limits of subsection (a), a vacation rental located within the Coastal Islands Overlay District that was lawfully used as a vacation rental as of May 4, 2021, may have a higher maximum occupancy limitation in

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

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

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

(c) Notwithstanding the maximum occupancy limits of subsection (a), a vacation rental located on the mainland outside of the Coastal Islands Overlay District that was lawfully used as a vacation rental as of February 5, 2024, may have a higher maximum

occupancy limitation in accordance with this subsection (c). As to the application of maximum occupancy limitation of subsection (a) to vacation rentals lawfully in existence as of February 5, 2024, it is acknowledged that there are vacation rentals that could qualify for a higher maximum occupancy limit, if the limit were set higher, based on the number of bedrooms in the vacation rental. In an effort to recognize reasonable investment backed expectations and yet balance and protect the interests of residents in surrounding single family homes which are not vacation rental properties, there shall be a phasing in of maximum occupancy in accordance with the schedule below. No special vesting process or fee shall be required to obtain this vesting benefit other than demonstrating eligibility through the certificate of registration process.

(1) The maximum occupancy for vacation rentals lawfully in existence on February 5, 2024 shall temporarily be capped at no more than sixteen (16) provided that all the requirements to obtain a certificate of registration in accordance with Section 34.5-5 are satisfied and a certificate of registration is issued. This maximum occupancy limit shall remain in effect from January 1, 2025 through December 31, 2025.

(2) The maximum occupancy for vacation rentals lawfully in existence on February 5, 2024 shall be reduced from sixteen (16) to fourteen (14) for the one (1) year period commencing January 1, 2026 through December 31, 2026 provided that all requirements to obtain a certificate of registration in accordance with Section 34.5-5 are satisfied and a certificate of registration is issued.

(d) After December 31, 2024, the maximum occupancy for all vacation rentals within the Coastal Islands Overlay District shall be as provided in subparagraph 34.5-16(a) above. After December 31, 2026, the maximum occupancy for all vacation rentals located

on the mainland outside of the Coastal Islands Overlay District shall be as provided in subsection 34.5-16(a) above.

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

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

(a) The maximum occupancy limits contained in Section 34.5-16(a) or (b) above shall not apply to occupancy pursuant to a pre-existing rental agreement as defined in Section 34.5-3(i). Notwithstanding any other provision of this Chapter, occupancy pursuant to pre-existing rental agreements are exempt from the maximum occupancy limits of this Chapter.

(b) If an owner of a vacation rental is cited for a violation of Section 34.5-16 when the vacation rental is occupied under the terms of a pre-existing rental agreement, the vacation rental owner may defend against such citation based on the fact that the vacation rental was exempt from the maximum occupancy limits of Section 34.5-16 due to occupancy under a pre-existing rental agreement.

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

agreement if the occupants are not the occupants identified in the pre-existing rental agreement.

Section 34.5-18 Advertising

(a) As used in this section, the word advertising shall include online advertising, print media, television and all other media.

(b) Any advertising of the a vacation rental or shall conform to the information submitted with the application for registration of the vacation rental and to the information shown on the certificate of registration for the vacation rental, ~~specifically including but not limited to maximum occupancy~~ and shall display the City of Sarasota Vacation Rental Certificate of Registration number.

(c) Any advertising of the vacation rental shall contain the maximum occupancy limit for the rental and shall conform to the minimum stay requirement set out in Section II-304(b) of the Zoning Code. The advertising of a vacation rental for an occupancy level that exceeds the maximum occupancy limit set by Section 34.5-16 is a violation of this Section and is direct evidence of offering a property for rent as a vacation rental in violation of the maximum occupancy limits of Section 34.5-16 and the advertising or advertisement is admissible in any enforcement proceeding. The advertising or advertisement raises a rebuttable presumption that the property identified in the advertising or advertisement was occupied in violation of Section 34.5-16. Any advertising of a property for purposes of a vacation rental shall be deemed sufficient evidence of the use of that property as a vacation rental for purposes of enforcing all sections of this Chapter.

ARTICLE IV. ENFORCEMENT

Section 34.5-19 Violations of this Chapter

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

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

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

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

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

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

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

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

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

(d) All repeat violations shall be scheduled for a hearing before the special magistrate and the repeat violator shall not have the option to pay a fine prior to the hearing. For purposes of this paragraph the term repeat violation shall mean a second violation of the same provision of this Chapter or the same provision of another applicable City ordinance for the second time within a one (1) year period.

Section 34.5-20 Suspension of certificate registration

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

(b) Suspension of time frames.

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

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

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

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

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

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

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

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

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

Section 34.5-21 Enforcement and Remedies

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

(b) The City may utilize Chapter 162, Part I Florida Statutes to prosecute a violation of this Chapter or other code violation with respect to a vacation rental and in such case, the special magistrate shall be authorized to hold a hearing, to assess penalties in accordance with Section 2-315 of the Sarasota City Code and to order other relief in accordance with Chapter 2, Article V, Division 5 of the Sarasota City Code.

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

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

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

(24) Vacation rentals. Chapter 34.5

Section 3. In the event that any word(s), phrase(s), portion(s), section(s), subsection(s) of this Chapter is (or are) contrary to law, or against public policy, or shall for any reason whatsoever be held invalid, illegal or unconstitutional by any court of competent jurisdiction, such word(s), phrase(s), portion(s), section(s), subsection(s) of this Chapter shall be null and void and shall be deemed severed and shall be a separate, distinct and independent provision from the remaining provisions of this Chapter; and such holding shall in no manner affect the validity of the remaining words, phrases, portions, sections or subsections of this Chapter, which shall remain in full force and effect.

Section 4. This ordinance shall take effect immediately upon second reading.

PASSED on first reading by title only, after posting for public viewing at City Hall

for at least three (3) days prior to first reading, as authorized by Article IV, Section 2, Charter of the City of Sarasota, Florida this 21st day of July, 2025.

PASSED on second reading and finally adopted this 6th day of October, 2025.



Liz Alpert, Mayor

ATTEST:




Shayla Griggs, City Auditor and Clerk

<u>Yes</u>	Mayor Liz Alpert
<u>Yes</u>	Vice Mayor Debbie Trice
<u>Yes</u>	Commissioner Jen Ahearn-Koch
<u>Yes</u>	Commissioner Kyle Scott Battie
<u>Yes</u>	Commissioner Kathy Kelley Ohlrich

MARCH 2, 2026 CITY COMMISION MINUTES EXCERPT

1:41:32 P.M.

3) **DISCUSSION RE: VACATION RENTAL EXPANSION FEASIBILITY REPORT - DOWNTOWN NEIGHBORHOOD ZONE DISTRICT (DTN) FEASIBILITY AND OPERATIONAL CONTEXT (AGENDA ITEM IX-3)**

1:41:54 P.M.

Code Compliance Manager Diane Kennedy and Vacation Rental Compliance Supervisor Hannah Chabica, Development Services (DS) Department, came before the Commission.

1:42:13 P.M.

Ms. Chabica presented and referred to a PowerPoint presentation displayed on the Chambers monitor entitled "City of Sarasota Vacation Rental Program DTN Expansion Feasibility Follow-up Report March 2nd, 2026 City Commission Meeting."

1:51:06 P.M.

Ms. Chabica and Ms. Kennedy left the Dais.

1:52:09 P.M.

Citizens' Input received from an individual in the Chambers at City Hall.

1:55:19 P.M.

Ron Kashden, City resident, displayed a printed email on the Chambers monitors regarding the 1670 Laurel Street property having repeat rental violations of the seven-day minimum, indicating the core purpose of the Vacation Rental Registry is to give Code Compliance an effective, clear tool at enforcement of the City's seven-day minimum rental law.

1:58:08 P.M.

Citizens' Input continued from individuals in the Chambers at City Hall.

2:07:49 P.M.

Kelly Brown, City resident and President of Coalition of City Neighborhood Associations (CCNA) and Gillespie Park Neighborhood Association (GPNA), displayed on the Chambers monitors printed material and photographs, indicating on behalf of CCNA, the Vacation Rentals Ordinance was supposed to go City-wide in February 2024 upon approval, with no mention or intent to exclude any neighborhoods from the code or registration process, which CCNA has been trying to correct this issue since then, and on behalf of GPNA, GPNA has been asking for this code to be in effect since 2023 as vacation rentals, which are not owner occupied, continue to ignore the City's rules.

2:11:14 P.M.

Ms. Chabica and Ms. Kennedy returned to the Dais.

2:11:34 P.M.

Questions posed by Vice Mayor Ohlrich were addressed by Ms. Chabica.

2:14:10 P.M.

Questions posed by Commissioner Alpert were addressed by Ms. Chabica, Ms. Kennedy, and General Manager Alison Christie, DS Department, who came before the Commission.

2:18:06 P.M.

Questions posed by Commissioner Ahearn-Koch were addressed by Ms. Chabica, Ms. Christie, Ms. Kennedy, and City Attorney Polzak.

2:21:54 P.M.

Questions posed by Mayor Trice were addressed by Ms. Chabica, Director Lucia Panica, DS Department, who came before the Commission, and Deputy City Attorney John Shamsey, City Attorney's Office, who came before the Commission.

2:31:43 P.M.

The Commission continued to pose questions, which were addressed.

City Attorney Polzak left the Chambers at 2:34 P.M. and returned at 2:37 P.M.

2:44:22 P.M.

Question posed by Commissioner Battie was addressed by Ms. Chabica, and Commissioner Battie spoke to the topic.

2:47:17 P.M.

A motion was made by Commissioner Ahearn-Koch, and seconded by Vice Mayor Ohlrich, to expand the Vacation Rental Program to include the Downtown Neighborhood Zone District (DTN).

2:47:28 P.M.

Commissioner Ahearn-Koch spoke to the motion.

2:49:50 P.M.

Vice Mayor Ohlrich spoke to the motion.

2:51:07 P.M.

Commissioner Alpert spoke to the motion.

2:54:53 P.M.

Commissioner Battie spoke to the motion.

3:01:20 P.M.

Mayor Trice spoke to the motion.

3:03:23 P.M.

Commissioner Ahearn-Koch, the maker of the motion, and Vice Mayor Ohlrich, the seconder of the motion, withdrew the motion to expand the Vacation Rental Program to include the Downtown Neighborhood Zone District (DTN).

3:03:27 P.M.

A motion was made by Commissioner Ahearn-Koch, and seconded by Vice Mayor Ohlrich, to expand the Vacation Rental Program to include the Downtown Neighborhood Zone District (DTN) and direct Staff to research the potential improvements to the Vacation Rental Program, including the following:

1. A tiered fee program
2. Process improvements
3. Potential revocation of registration options
4. Any other improvements or upgrades to the Vacation Rental Ordinance, which will improve the program's functioning

3:04:14 P.M.

Commissioner Ahearn-Koch spoke to the motion.

3:04:53 P.M.

Vice Mayor Ohlrich spoke to the motion.

3:05:24 P.M.

Commissioner Alpert spoke to the motion.

3:06:18 P.M.

Commissioner Battie spoke to the motion.

3:06:23 P.M.

Mayor Trice spoke to the motion.

3:07:04 P.M.

Mayor Trice called for a vote on the motion, which carried by a 5-0 vote, to expand the Vacation Rental Program to include the Downtown Neighborhood Zone District (DTN) and direct Staff to research the potential improvements to the Vacation Rental Program, including the following:

1. A tiered fee program
2. Process improvements
3. Potential revocation of registration options
4. Any other improvements or upgrades to the Vacation Rental Ordinance, which will improve the program's functioning

The Commission recessed at 3:07 P.M. and reconvened at 3:20 P.M.

FINAL PROGRAM IMPROVEMENT REPORT

October 2, 2026

Vacation Rental Compliance Program Program Improvements

Proposed Ordinance No. 26-5613

Prepared for: October 19, 2026 City Commission Meeting

Prepared by: Hannah Chabica, Supervisor, Vacation Rental Compliance

Department: Development Services

Introduction and Objective

Staff recommends approval of proposed Ordinance No. 26-5613 on first reading and support for two additional positions through the required personnel and budget approval processes. These recommendations are intended to address the program's existing administrative, inspection, and enforcement needs.

This report builds on the December 1, 2025 feasibility report and the March 2, 2026 follow-up. At the March 2 meeting, the City Commission unanimously directed staff to research a tiered fee program, process improvements, potential registration revocation options, and other ordinance improvements. This report addresses those four separate motions; DTN expansion is presented as a separate, preceding agenda item.

Current Program Context

As of October 2, 2026, the program includes 660 active and pending vacation rental registration records, up from 612 in January 2026 and 574 in October 2025. This represents an increase of 86 records, or approximately 15%, within the existing RSF and RMF program scope.

Staffing Considerations

The current team consists of a supervisor, two inspectors, and two administrative staff. Existing workload and follow-up demands continue to limit capacity for proactive monitoring and enforcement. Staff manages annual renewals, initial applications, inspections, advertising reviews, complaints, enforcement cases, and ongoing correspondence. Continued program growth has increased administrative and compliance workload independent of DTN expansion.

Staff recommends one Grade 112 Code Administrative Specialist and one Grade 112 Vacation Rental Compliance Specialist through the required personnel and budget approval processes to strengthen administrative support and compliance follow-up. These positions are needed to support current operations regardless of whether DTN expansion proceeds.

Motion 1: Process Improvements

Improvements to program administration include FTG registration and payments, paperless mobile inspections, a public GIS map, inspector zones, consolidated paperwork, written procedures, delegated workflows, and automated notifications. The transition from Granicus to RentalScape for compliance monitoring support is also part of these ongoing improvements. Together, these changes improve access to information and reduce repeated administrative work.

Motion 2: Enforcement and Revocation Review

Permanent revocation of a City vacation rental registration is not an available option under Florida law. Staff recommends to retain the existing code-enforcement and temporary suspension framework. The proposed ordinance would strengthen treatment of repeat violations by extending the look-back period from one year to five years.

Staff will continue evaluating civil citation options and potential improvements to the existing suspension provisions with the City Attorney. A civil citation program is not proposed at this time.

Motion 3: Proposed Fee Schedule

In reviewing a tiered fee program, staff could not establish a meaningful connection between property size or bedroom count and the administrative, inspection, or enforcement work required. Larger properties do not necessarily require more staff time. Staff therefore recommends a uniform fee schedule based on recurring program work and documented costs.

The proposed fees are included in **Section 34.5-11**.

<i>Fee</i>	<i>Current</i>	<i>Proposed</i>
<i>Initial certificate application</i>	\$500	\$700
<i>Annual renewal</i>	\$350	\$600
<i>Late application</i>	\$200	\$200
<i>Certificate amendment</i>	\$200	\$200
<i>First reinspection</i>	\$100	\$200
<i>Subsequent re-inspections</i>	\$200	\$200
<i>No-show, denied access, or late cancellation</i>	No separate fee	\$200
<i>Designated responsible party change</i>	No separate fee	\$50

Late cancellation is defined as cancellation within two City business days before the scheduled inspection. The proposed ordinance contains the complete inspection fee provisions and specifies when each fee applies.

Motion 4: Proposed Ordinance Improvements

The proposed amendments address requirements and processing issues identified through day-to-day administration of Chapter 34.5, consistent with the Commission's direction to identify other ordinance improvements. The primary changes include:

- **Applications and renewals:** Clarify owner and representative authority, application completeness, late renewal deadlines, initial certificate terms, and prorated fees for initial applications filed on or after July 1.
- **Inspections:** Clarify scheduling following application approval, corrective follow-up procedures, failed access attempts, and remote re-inspections when compliance can be reliably verified and documented.
- **Responsible parties and advertising:** Update contact and change-notice requirements and clarify advertising of the existing occupancy exclusion for children under six. Seek direction on a trial period and monthly reporting for all rentals using the allowance, considering added workload and whether compliance monitoring parameters can be customized.

Fiscal Considerations

The planning estimate is based on the existing program and proposed fee schedule and includes ongoing operations and the two proposed positions. The staffing and fee recommendations address current program needs regardless of DTN expansion. Recurring annual costs and one-time startup costs are shown separately.

<i>Program estimate</i>	<i>Amount</i>
<i>Recurring annual program cost with two proposed positions</i>	\$555,861.10
<i>Projected annual fee revenue</i>	\$541,400.00
<i>Projected recurring annual shortfall</i>	\$14,461.10
<i>Projected recurring cost recovery</i>	97.4%
<i>One-time startup costs</i>	\$44,203.00

Actual cost recovery would depend on program costs, application and renewal activity, and collections following implementation. FY26 collections include prior-year renewal carryover and should not be used as a recurring annual revenue forecast.

Implementation and Follow Up

If adopted, staff would update application materials, public guidance, procedures, and FTG fee settings to reflect the adopted requirements and effective dates. Proposed Ordinance No. 26-5613 would also be coordinated with proposed Ordinance No. 26-5602 to preserve both sets of amendments to Chapter 34.5.

Staff recommends returning in October 2027, following FY27, with an update on actual revenue and expenditures, staffing and service levels, compliance outcomes, and DTN implementation. The update would evaluate the results of the program improvements and identify any further fee, process, enforcement, or ordinance changes supported by those results.

Summary and Recommendation

Approve proposed Ordinance No. 26-5613 on first reading; support one Grade 112 Code Administrative Specialist and one Grade 112 Vacation Rental Compliance Specialist through the required personnel and budget approval processes; provide direction on a trial period and monthly reporting for the advertising allowance; and direct staff to return following FY27 to provide an implementation and program update, consistent with the Commission's prior direction.