

**AN ORDINANCE BY THE PASCO COUNTY BOARD OF COUNTY COMMISSIONERS ESTABLISHING WITHIN THE UNINCORPORATED AREAS OF PASCO COUNTY A REGISTRY/REAL PROPERTY REGISTRATION SYSTEM FOR VACANT AND RENTAL PROPERTIES; PROVIDING FOR DEFINITIONS; REQUIRING REGISTRATION OF VACANT PROPERTIES AND RENTAL PROPERTIES; PROVIDING REGISTRATION PROCESS AND REQUIREMENTS; PROVIDING FOR SEVERABILITY; PROVIDING FOR INCLUSION IN THE PASCO COUNTY CODE OF ORDINANCES; PROVIDING FOR AN EFFECTIVE DATE.**

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**WHEREAS**, pursuant to Section 125.01, Florida Statutes, the Board of County Commissioners of Pasco County has the power to adopt ordinances necessary for the exercise of its powers and prescribe fines and penalties for the violation of ordinances in accordance with law; and

**WHEREAS**, the Pasco County Board of County Commissioners ( hereinafter referred to as “the Board”) desires to protect the public health, safety, and welfare of the citizens of unincorporated Pasco County and maintain a high quality of life for its citizens through the maintenance of structures and properties in the the county; and

**WHEREAS**, the Board recognizes that vacant properties, and the condition of many rental properties (hereinafter referred to as “Registrable Properties”) located throughout the county lead to a decline in community and property value; create nuisances; lead to a general decrease in neighborhood and community aesthetic; create conditions that invite criminal activity; and foster an unsafe and unhealthy environment; and

**WHEREAS**, the number of homesteaded (and therefore presumably owner-occupied) homes in Pasco County has declined since its peak 2008, despite the fact that the total number of residential properties in the county has risen during the same time period; and

**WHEREAS**, the Board has already adopted property maintenance codes to regulate building standards for the exterior of structures and the condition of the property as a whole; and

**WHEREAS**, the Board recognizes that it is in the best interest of the public health, safety, and welfare to establish a reliable method of communication with owners when Registrable Property is abandoned, neglected, or left unsupervised, or when tenants/occupants are violating county regulations; and

**WHEREAS**, the Board has a vested interest in protecting neighborhoods against decay caused by Registrable Property; and

**WHEREAS**, the Board finds that owners have an interest in maintaining Registrable Properties and to receive timely notice of violations of the county's regulations discovered on such properties; and

**WHEREAS**, owners of Registrable Properties are often located out of state, making it difficult to notify them of violations of the codes and ordinances of unincorporated Pasco County and/or to serve legal warnings and citations on the owner (when appropriate) related to property conditions; and

**WHEREAS**, the Pasco Sheriff's Office and the county's enforcement officers are often unable to contact a responsible person, or spend more time than necessary attempting to contact persons responsible for property conditions, or to determine whether to trespass persons from vacant property; and

**WHEREAS**, a registry for Registrable Properties that requires owners to designate a representative within the county to receive inquiries, warnings, notices, and other legal process concerning the condition of, or occupancy of, Registrable Properties would benefit property owners by making it easier for the PSO or county enforcement officers to timely contact a local representative in an emergency, or to determine whether to trespass persons from vacant property, to advise of conditions such as illegal dumping that has occurred on the property, and to advise landlords of tenants' violations of the county's regulations; and

**WHEREAS**, the Board of County Commissioners finds that the adoption of this ordinance is a legitimate exercise of their powers granted by Section 125.01(t), Fla. Stat. and Section 553.7931, Fla. Stat.; and

**WHEREAS**, the following regulations will serve to protect the health, safety, and welfare of its citizens.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of County Commissioners of Pasco County, Florida, as follows:

**SECTION 1. AUTHORITY.**

This Ordinance is enacted pursuant to Chapter 125, Florida Statutes, and under the home rule powers of the County.

## **SECTION 2.LEGISLATIVE FINDINGS OF FACT.**

The foregoing WHEREAS clauses are hereby adopted as legislative findings of the Board of County Commissioners and are ratified and confirmed as being true and correct and are hereby made a specific part of this Ordinance upon adoption hereof.

## **SECTION 3.AMENDMENT TO THE PASCO COUNTY CODE OF ORDINANCES.**

The Pasco County Code, shall be amended to add the following regulations:

### **CHAPTER 18 (BUILDINGS AND BUILDING REGULATIONS)**

#### **ARTICLE X. RENTAL/VACANT PROPERTY REGISTRATION SYSTEM**

**18-160. Definitions.** The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning.

***Owner*** shall mean every person, entity, who alone or severally with others, has legal or equitable title to any Real Property as defined by this Article. The Property Manager shall not be considered the Owner.

***Property Manager*** shall mean any party designated by the Owner as responsible for receiving communication, legal notices and service of warnings and citations on behalf of the owner.

***Real Property*** shall mean any residential or commercial land and/or buildings, leasehold improvements and anything affixed to the land, or portion thereof located in the unincorporated limits of Pasco County.

***Registrable Property*** shall mean:

- (a) Any property that is vacant for more than thirty (30) days or any cancellation of Utility and/or Service as defined herein, whichever occurs first; or
- (b) Rental Property, as defined herein.

***Registry*** shall mean a web-based electronic database of searchable Real Property records, used by the Pasco County to allow Owners the opportunity to register properties and pay applicable fees as may be required in this Article.

**Rental Property** shall mean any improved structure or portion of a structure within the unincorporated area of Pasco County which is occupied by someone other than the Owner of the real property for residential or commercial purposes, including but not limited to the following: any living quarters or accommodations in any roominghouse, mobile home, mobile home park, mobile home space, town home, or condominium. Residents in hotels, apartment hotels, motels, resort motels, apartments, recreational vehicle parks, and apartment motels without another permanent residence are included in this definition.

**Utilities and/or Service** shall mean any utility and/or service that is essential for a building to be habitable and/or is necessary to comply with all state and local codes governing occupancy. This includes, but is not limited to, electrical, plumbing, gas, water, and sewer.

**Vacant** shall mean any parcel of land in unincorporated Pasco County that is not lawfully occupied, whether such parcel contains a structure or building.

**18-61. Establishment Of Registry for Vacant Property and Rental Property.**

Pursuant to the provisions of this Article, Pasco County, Florida or its agent or designee shall establish a registry cataloging each Registrable Property, as defined in the Chapter, within the unincorporated area of Pasco County, containing the information required by this Chapter.

**18-62. Requirement to Register Vacant Property and Rental Property.**

- (a) Every Owner of Rental Property shall, prior to permitting occupancy thereof by any person, register the property with Pasco County, Florida, or its designee, on forms or online in the manner directed by the county. Rental property owned at the time of enactment of this ordinance shall register the property on or before December 1, 2019. A separate registration is required for each Rental Property. Registration shall be required annually becoming due on the anniversary date of the initial obligation to register.
- (b) Every Owner of Vacant property shall within ten (10) days after the property becomes Vacant, or within ten (10) days after assuming ownership of the property, whichever is later, register the Real Property with Pasco County, Florida. Properties vacant at the time of enactment of this ordinance shall register such properties on or before December 1, 2019. A separate registration is required for each Vacant Property. Registration shall be required annually becoming due on the anniversary date of the initial obligation to register.

**18-63. Contents of Registration.**

- (a) Registration pursuant to this Article shall contain the name(s), direct mailing address, direct contact name, telephone number, and e-mail address for the

Owner. If the Owner does not reside within Pasco County, the registration shall contain the name, direct mailing address, direct contact name, telephone number, and e-mail address for a Property Manager who does reside in Pasco County.

- (b) Owners shall give their designated Property Managers the legal authority to receive and act for the owner to receive communications and legal notices (including warning and citations) on behalf of the owner. If the Owner is not a natural person, the Property Manager shall be provided with the name, Date of Birth, Sex, and Race of a natural person responsible for the actions of the entity, or the entity's failure to act when required. If the Owner is a natural person, the Property Manager shall be provided with a copy of the Owner's government-issued identification. Such information shall be provided to Pasco County or the Pasco Sheriff's Office upon demand.
- (c) The registration shall also identify the name(s), direct mailing address, direct contact name, telephone number, and e-mail address for the person or persons authorized by the Owner to occupy Rental Property.
- (d) Any person or other legal entity that has registered a property under this section must report any change of information contained in the registration within ten (10) days of the change.
- (e) If Registrable Property is sold, the new Owner is subject to all the terms of this Article. If the new Owner does not immediately occupy the property, the new Owner shall register the Registrable Property or update the existing registration within ten (10) days of the sale. Any and all previous unpaid fees, fines, and penalties due at the time of the initial registration and/or renewal registrations shall continue to be required and may become the subject of enforcement or collection action. The previous Owner will not be released from the responsibility of paying all previous unpaid fees, fines, and penalties accrued during the time Owner was responsible for the duties imposed by this Article. The provisions of this section are cumulative with and in addition to other available remedies.
- (f) Failure of the Owner to timely and properly register or to modify the registration to reflect a change of circumstances as required by this ordinance is a violation of this Article and shall be subject to enforcement by any of the enforcement means available to Pasco County.
- (g) As part of the registration process, the registration form will indicate that submission of the registration grants the Pasco County Sheriff's Office the authority to issue trespass warnings to individuals who cannot demonstrate written authorization to be on the Registrable Property, including any common areas related to the Registrable Property. The Owner can opt out of or revoke the Pasco Sheriff's Office's authority to issue a trespass warning by notifying Pasco County on the registration form or in writing, directed to the Pasco County Sheriff.

- (h) As part of the registration process, the registration form will give the Owner the option to request that the Owner and/or Property Manager receive by email copies of warnings, citations, or other legal documents issued by Pasco County and the Pasco Sheriff's Office to occupants or persons found on Registrable Properties.
- (i) As part of the registration process, the registration form will give the Owner the option to upload a copy (redacted, if desired) of any rental agreement and/or photos of Registrable Properties.
- (j) Registration of a Rental Property does not alleviate the Owner from obtaining all required licenses, permits and inspections required by applicable code or State Statutes, or with complying with applicable codes.

**18-63. Violations.** The following are violations of this Code: failing to timely register; failing to timely update information; providing false or inaccurate information on the registry; and failing to timely pay the fee, if any, required for registration, re-registration, or updates of information on the registry.

#### **SECTION 4. APPLICABILITY.**

This Article shall be applicable in the unincorporated areas of Pasco County, Florida.

#### **SECTION 5. SEVERABILITY.**

It is declared to be the intent of the Board of County Commissioners of Pasco County, Florida, that if any section, subsection, sentence, clause or provision of this Ordinance shall be declared invalid, the remainder of this Ordinance shall be construed as not having contained said section, subsection, sentence, clause, or provisions and shall not be affected by such holding. In the event any state or federal law is enacted that is more restrictive in nature, then those portions of this article that conflict with the state or federal law will cease to be in effect. In addition, this article will automatically

sunset upon the effective date of any state or federal law that preempts other regulations related to the subject matter and restrictions contained in this article.

**SECTION 6. INCLUSION IN CODE.**

It is the intent of the Board of County Commissioners that the provisions of this Ordinance shall become and be made a part of the Pasco County Code of Ordinances, and that the sections of this Ordinance may be renumbered or re-lettered and the word "Ordinance" may be changed to "section," "article," "regulation," or such other appropriate word or phrase in order to accomplish such intentions.

**SECTION 7. EFFECTIVE DATE.**

This Ordinance shall be transmitted to the Department of State by the Clerk for the Board by electronic mail within ten (10) days after adoption of this Ordinance, and this Ordinance shall take effect within upon filing by the Department.

**ADOPTED** with a quorum present and voting this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

( S E A L )

BOARD OF COUNTY COMMISSIONERS  
OF PASCO COUNTY, FLORIDA

ATTEST:

By: \_\_\_\_\_  
NICKI ALVAREZ-SOWLES, ESQ.  
CLERK & COMPTROLLER, ad interim

By: \_\_\_\_\_  
RONALD E. OAKLEY, CHAIRMAN