

Memorandum

No. 14-276

City Attorney's Office

To: Commissioner Dean J. Trantalis

From: Cynthia A. Everett, City Attorney 

Date: November 19, 2014

Re: Vacation Rentals

The Florida Legislature recently enacted Florida Law 2014-71 (Senate Bill 356) revising the permitted scope of local regulations of vacation rentals. You have asked our office to look into what options are now available to the City in light of this legislative change. Section 509.032(7)(b), Florida Statutes (2014), still prevents local governments from prohibiting vacation rentals, however, effective July 1, 2014, local governments are able to regulate vacation rental use as long as the regulations do not regulate the duration and frequency of the rentals. Section 509.032(7)(b), Florida Statutes (2014) now reads as follows:

A local law, ordinance, or regulation may not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals. This paragraph does not apply to any local law, ordinance, or regulation adopted on or before June 1, 2011.

In 2009, the City Commission established the Short Term Residential Use Committee ("STRU") for the purposes of making "recommendations to the City Commission concerning the use of residentially zoned property. Unfortunately the state legislature prevented the enactment of any of those recommendations. In light of the amendment to Section 509.032(7)(b), the following short term residential unit recommendations may once again be considered for implementation:

- Require short-term residential rental users to register with the City and provide ownership information, identify an individual responsible for the operation, provide a telephone number for 24 hour access, and any other information deemed necessary in the registration process.
- There should be a fee associated with registration to support the implementation of the program.
- A license should be issued indicating that the property is authorized to be used as a short-term residential rental use.

Our office recommends the implementation of a short-term residential rental registry consistent with the STRU recommendations. In addition, the City should enact regulations to address the identified negative impacts of these uses in the community.

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These regulations may address issues such as types of activities, number of occupants, noise, parking and property maintenance.

A full copy of the "Short Term Residential Use Committee, April 28, 2011, Meeting Minutes Summary, Motions for Recommendations" as originally presented may be furnished upon request.

Please do not hesitate to contact me if you have any further questions.

CAE/mr

cc: Mayor and Commissioners
Lee R. Feldman, City Manager
Jonda K. Joseph, City Clerk
John Herbst, City Auditor

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