

RESOLUTION NO. 17-81

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, SETTING VACATION RENTAL REGISTRATION FEES PURSUANT TO SECTION 15-274 OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, PROVIDING FOR THE WAIVER OF THE ANNUAL RE-INSPECTION REQUIREMENT FOR OWNER-OCCUPIED VACATION RENTALS AS PROVIDED IN SECTION 15-279 OF THE CODE OF ORDINANCES, PROVIDING FOR REPEAL OF CONFLICTING RESOLUTIONS, AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, Section 166.221, Florida Statutes (2016), provides that a municipality may levy reasonable business, professional, and occupational regulatory fees, commensurate with the cost of the regulatory activity, including consumer protection, on such classes of businesses, professions, and occupations, the regulation of which has not been preempted by the state or a county pursuant to a county charter; and

WHEREAS, Section 509.032(7), Florida Statutes (2016), preempts the regulation of public lodging establishments to the state, however, does not preempt the inspection of public lodging establishments by local government for compliance with the Florida Building Code and the Florida Fire Prevention Code or any local law, ordinance or regulation that does not prohibit vacation rentals or regulate the duration or frequency of rental of vacation rentals; and

WHEREAS, the City Commission of the City of Fort Lauderdale, Florida ("City Commission") adopted Ordinance No. C-15-29 on August 18, 2015, creating Article X – Vacation Rentals, of Chapter 15 of the Code of Ordinances of the City of Fort Lauderdale, Florida, providing for the registration of any residential property used as a vacation rental; and

WHEREAS, Section 15-272 of the Code of Ordinances of the City of Fort Lauderdale, Florida, provides for the registration of vacation rentals within the city, and

WHEREAS, Section 15-274 of the Code of Ordinances of the City of Fort Lauderdale, Florida, provides that a reasonable fee for registration of vacation rentals be provided for, from time to time, by resolution adopted by the City Commission to compensate for administrative expenses; and

WHEREAS, at its November 15, 2016 regular meeting, the City Commission heard comments from staff and members of the public that the presence of the property owner at the vacation rental may reduce the negative compatibility impacts sought to be addressed by Ordinance No. C-15-29; and

WHEREAS, the City Commission expressed a preference for owner-occupied vacation rentals as a means of furthering the stated goals of protecting the residential character of areas designated for residential use; and

WHEREAS, the City Commission adopted Ordinance No. C-17-07 on April 19, 2017, enabling the City Commission to waive inspections by resolution; and

WHEREAS, the City Commission determined that the waiver of the annual re-inspection for owner-occupied vacation rentals is warranted; and

WHEREAS, the City of Fort Lauderdale ("City") staff has conducted a cost analysis of City staff time and resources expended in the processing of vacation rental registrations and the issuance of certificates of compliance for vacation rentals and has determined the reasonable fees necessary to compensate for these expenses;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA:

SECTION 1. That the City Commission hereby adopts a vacation rental registration fee in the following structure:

Vacation Rental Standard Registration Fee.....	\$350.00
Renewal Registration Fee Non-Owner Occupied	\$160.00
Renewal Registration Fee Owner Occupied	\$80.00
Safety Inspection, Re-Inspection and No Show Inspections	\$75.00
Late Registration Payment Fee	\$75.00
Transfer Rental Agent Fee.....	\$35.00

SECTION 2. That the above fee schedule is derived from a cost recovery analysis based on direct costs of providing service, regulation and administration of the program.


SECTION 3. Provided that the property that is the subject of the vacation rental application has no previous violations of Article X. – Vacation Rental of the Code of Ordinances of the City of Fort Lauderdale, Florida, the annual re-inspection required by Section 15-279 of the Code of Ordinances is hereby waived for owner-occupied vacation rentals if the property owner submits

an affidavit of compliance with their application for renewal of registration in a form approved by the City Attorney's Office.

SECTION 4. That Resolution No. 15-183 is hereby repealed.

SECTION 5. That this Resolution shall be in full force and effect upon Ordinance No. C-17-07 coming into full force and effect.

ADOPTED this the 19th day of April, 2017.



Mayor
JOHN P. "JACK" SEILER

ATTEST:



City Clerk
JEFFREY A. MODARELLI