



Legislation Text

File #: 21-0071, **Version:** 1

VICE MAYOR SCHWARTZ - ITEM 1: MOTION AND POSSIBLE ACTION TO DIRECT THE CITY ATTORNEY, IN CONJUNCTION WITH THE ASSISTANCE OF THE CITY'S COMMUNITY DEVELOPMENT DIRECTOR, TO BRING BACK AN ORDINANCE, AS SOON AS PRACTICABLE, IN ORDER TO ESTABLISH, AMONG OTHER THINGS, A NEW CITY OF PEMBROKE PINES VACATION RENTAL REGISTRATION PROGRAM NOT INCONSISTENT WITH THE APPLICABLE SECTIONS OF CH. 509, FS, AGO 2014-09 AS LATER MODIFIED, AND EXISTING FL CASE LAW'.

"UNDER FLORIDA LAW, SECTION 509.242, FS CREATED A NEW CLASSIFICATION OF PUBLIC LODGING ESTABLISHMENT KNOWN AS VACATION RENTALS, WHICH ARE DEFINED IN SECTION 509.242(1)(C) WHERE IT STATES THAT '...A VACATION RENTAL IS 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'.

SECTION 509.032(7), FS, EXPRESSLY PREEMPTS THE REGULATION OF VACATION RENTALS, EXCEPT THAT THIS PARAGRAPH DOES NOT PREEMPT THE AUTHORITY OF LOCAL GOVERNMENT TO CONDUCT INSPECTIONS OF PUBLIC LODGING FOR COMPLIANCE WITH THE FL BUILDING CODE AND THE FL FIRE PREVENTION CODE, LOCATED IN SECTION 553.80, FS AND SECTION 633.206, FS. FURTHER, LOCAL GOVERNMENTS MAY NOT LEGISLATIVELY PROHIBIT VACATION RENTALS, OR REGULATE THE FREQUENCY OF RENTAL OR VACATION RENTALS. THERE ARE VARIOUS AGO'S ON THIS SUBJECT AS WELL.

UNREGULATED VACATION RENTALS CAN CREATE DISPROPORTIONATE IMPACTS TO ADJOINING PROPERTIES AND NEIGHBORHOODS IN RELATION TO THEIR SIZE, EXCESSIVE OCCUPANCY, AND LACK OF PROPER FACILITIES. FURTHER, THE PRESENCE OF VACATION RENTALS WITHIN RESIDENTIAL DWELLING UNITS IN ESTABLISHED RESIDENTIAL NEIGHBORHOODS, CAN ALSO CREATE NEGATIVE COMPATIBILITY IMPACTS, AMONG WHICH INCLUDE, BUT ARE NOT LIMITED TO, EXCESSIVE NOISE, ON-STREET PARKING, THE ACCUMULATION OF TRASH, AND DIMINISHED PUBLIC SAFETY.