

ORDINANCE NO. 2021 - 45

AN ORDINANCE OF THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, ESTABLISHING SHORT-TERM RENTAL REGISTRATION REQUIREMENTS FOR OWNERS OF SHORT-TERM VACATION RENTALS; PROVIDING FOR CONFLICT AND SEVERABILITY; PROVIDING FOR INCLUSION IN THE CODE OF LAWS AND ORDINANCES; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, pursuant to Chapter 125, Florida Statutes, the Board of County Commissioners may adopt ordinances and resolutions necessary to preserve the health, safety and welfare of the residents of Collier County, except where prohibited by law; and

WHEREAS, short-term vacation rentals situated in single-family residential neighborhoods is a growing interest; and

WHEREAS, these regulations do not regulate duration or frequency of rentals, but are intended to address the impacts of transient occupants on established residential neighborhoods; and

WHEREAS, the Board finds that the measures required by this Ordinance will help maintain residential use and enjoyment for Collier County citizens and residents.

NOW, THEREFORE BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF COLLIER COUNTY, FLORIDA, that:

Section One: Title

This Ordinance shall be known and cited as "The Collier County Short-Term Vacation Rental Registration Ordinance."

Section Two: Legislative Findings and Intent

The Board hereby finds that the use of residential dwellings for short-term vacation rentals in established residential neighborhoods may create community impacts, including, but not limited to, excessive noise, accumulation of trash, on-street parking and diminished public safety; that to lessen these impacts and to protect the quiet enjoyment of neighboring residential units it is necessary to have a known, responsible person to contact who can reasonably address issues that may arise from the use of short-term vacation rentals, many of which are owned by non-residents; and that some owners of short-term vacation rentals may not properly remit required taxes and fees. Accordingly, it is the intent of this Ordinance to collect current and accurate information regarding short-term vacation rental properties and to encourage

the appropriate management of these properties in order to protect the general health, safety and welfare of the residents and visitors to Collier County.

Section Three: Definitions

The following words, terms, and phrases, when used in this Ordinance, shall have the meanings set forth herein:

Designated Responsible Party. The term “Designated Responsible Party” means any person eighteen (18) years of age or older designated by the Owner, tasked with responding to requests or complaints and other problems relating to or emanating from the Short-Term Vacation Rental. An Owner may retain a private property management company to serve as the Designated Responsible Party. The Designated Responsible Party shall be the agent of the Owner authorized to accept County-issued citations and notices of violation arising from the use of the Short-Term Vacation Rental.

Owner. The term "Owner," shall mean the person or entity holding legal title to the short-term vacation rental property, as reflected in the Collier County Tax Collector's records.

Short-Term Vacation Rental. A “Short-Term Vacation Rental” means the rental of any habitable space, including a room, apartment, living quarters, in any residential building, including but not limited to condominiums, single-family or multi-family homes, for a term of six months or less, as provided in F.S. § 125.0104(3)(a), as amended, unless such person rents, leases, or lets for consideration any living quarters or accommodations which are exempt according to the provisions of F.S. Ch. 212. Any Owner who is not required to register with the Florida Department of Business and Professional Regulation, as defined by F.S. Ch. 509, is exempt from this ordinance.

Section Four: Short-term Vacation Rental Requirements

Prior to commencing any Short-Term Vacation Rental, it is the affirmative duty of the Owner to:

1. Register with the Florida Department of Business and Professional Regulation and the Collier County Tax Collector.
2. Obtain a Collier County Registration Certificate for each Short-Term Vacation Rental unit owned. The Certificate must identify that unit's Designated Responsible Party and current contact information. The Owner must notify the County in writing of any changes in ownership or of the Designated Responsible Party within ten (10) business days of such change.
3. Inform all guests prior to occupancy of the Short-Term Vacation Rental unit of all applicable Collier County ordinances, including noise, parking, and garbage.

4. Maintain all Short-Term Vacation Rental units under their control in compliance with the occupancy limits, as specified in the Collier County Code of Ordinances, Collier County Land Development Code, Florida Building Code, and Florida Fire Prevention Code.

5. Be available in person or by telephone or have the Designated Responsible Party available in person or by telephone twenty-four (24) hours a day, seven (7) days a week to address any law enforcement action, emergency response, or County ordinance violation arising from the rental of the Short-Term Vacation Rental unit and be willing and able to be onsite to address violations within the next day of notification.

6. Maintain the Short-Term Vacation Rental unit as specified in the Collier County Property Maintenance Code (Ord. No. 2010-02, as amended).

7. Include the Collier County Rental Registration Number of the Short-Term Vacation Rental unit in all advertising of the availability of accommodations for the Short-Term Vacation Rental unit. Advertising includes, but is not limited to print, radio, video, online, social media, and sharing economy platforms.

Section Five: Penalty for Violations.

Any violations of this Ordinance may be prosecuted and shall be punishable as provided by the Collier County Consolidated Code Enforcement Ordinance (Ord. No. 2010-04, as amended), and shall be subject to a fine or civil citation up to \$500 per violation per day for ongoing repeating violations. Each day of renting a Short-Term Vacation Rental unit without having a valid County Registration Certificate issued pursuant to this Ordinance shall constitute a separate and distinct violation of this Ordinance. Guests and Owners of Short-Term Vacation Rental units may be prosecuted separately and concurrently for a violation of any Collier County Ordinance, including but not limited to noise, parking, and garbage violations.

Section Six: Conflict and Severability.

In the event this Ordinance conflicts with any other Ordinance of Collier County or other applicable law, the more restrictive shall apply. If any court of competent jurisdiction holds any phrase or portion of this Ordinance invalid or unconstitutional, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portion.

Section Seven: Inclusion in the Code of Laws and Ordinances.

The provisions of this Ordinance shall become and be made a part of the Code of Laws and Ordinances of Collier County, Florida. The sections of the Ordinance may be renumbered or re-lettered to accomplish such, and the word "ordinance" may be changed to "section," "article," or any other appropriate word.

Section Eight: Effective Date.

This Ordinance shall become effective as of January 3, 2022.

PASSED AND DULY ADOPTED by the Board of County Commissioners of Collier County, Florida, this 9th day of November, 2021.

ATTEST:
CRYSTAL K. KINZEL, Clerk of Courts

By: [Signature]
Attest as to Chairman's Deputy Clerk
signature only.

BOARD OF COUNTY COMMISSIONERS
COLLIER COUNTY, FLORIDA

By: [Signature]
Penny Taylor, Chairman

Approved as to form and legality:

[Signature]
Jeffrey A. Klatzkow, County Attorney

This ordinance filed with the
Secretary of State's Office the
18th day of November, 2021
and acknowledgement of that
filing received this 18th day
of November, 2021

By: [Signature]
Deputy Clerk



FLORIDA DEPARTMENT *of* STATE

RON DESANTIS
Governor

LAUREL M. LEE
Secretary of State

November 18, 2021

Ms. Martha S. Vergara, Board Minutes & Records Dept.
Office of the Clerk of the Circuit Court
& Comptroller of Collier County
3329 Tamiami Trail E, Suite #401
Naples, Florida 34112

Dear Ms. Vergara:

Pursuant to the provisions of Section 125.66, Florida Statutes, this will acknowledge receipt of your electronic copy of Collier County Ordinance No. 2021-45, which was filed in this office on November 18, 2021.

Sincerely,

Anya Owens
Program Administrator

AO/lb