

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF HOLLYWOOD, FLORIDA, AMENDING CHAPTER 119 OF THE CODE OF ORDINANCES ENTITLED "VACATION RENTAL LICENSE PROGRAM"; AMENDING VARIOUS PROVISIONS OF THE PROGRAM, INCLUDING DETAILING ADDITIONAL REQUIREMENTS REGARDING VACATION RENTAL LICENSE APPLICATIONS, STANDARDS, INSPECTIONS, COMPLIANCE; REMOVING OUTDATED PROVISIONS.

WHEREAS, vacation rentals have caused many problems, particularly in residential neighborhoods; and

WHEREAS, Florida Statutes preempt to the state many aspects of the regulation of vacation rentals; and

WHEREAS, the City Commission has previously adopted and amended ordinances regulating vacation rentals in areas of regulation that are not preempted to the state; and

WHEREAS, the City Commission wishes to amend the existing chapter of the Code of Ordinances in a further attempt to address the problems caused by vacation rentals.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COMMISSION OF THE CITY OF HOLLYWOOD, FLORIDA:

Section 1: That the foregoing "WHEREAS" clauses are ratified and confirmed as being true and correct and are incorporated in this Ordinance.

Section 2: That Chapter 119 of the Code of Ordinances is amended to read as follows¹:

TITLE XI: BUSINESS REGULATIONS

CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

General Provisions

* * *

¹ Underlined text are additions to existing text; ~~struck-through~~ text are deletions from existing text.

§ 119.01 PURPOSE.

The purpose of this chapter is to (i) provide regulations pertaining to vacation rentals to preserve the quiet nature and atmosphere of residential areas and to guarantee to the City's residents tranquility and peaceful enjoyment of their neighborhoods, and (ii) promote public health, safety, welfare, and convenience through regulations and standards for short-term vacation rental properties. These regulations shall be in addition to other provisions in City codes that may apply to vacation rentals. In the event of a conflict between the provisions of this chapter and any other provision in a City code, the more restrictive provision shall prevail. Nothing in this section shall be deemed to create a private right of action against the City. To achieve the purposes of this chapter, the City finds it necessary to monitor and regulate short-term vacation rental properties by providing for:

- (A) A vacation rental license;
- (B) Safety and operational requirements;
- (C) Parking standards;
- (D) Solid waste handling and containment;
- (E) Licensure requiring posting of vacation rental information;
- (F) Administration, penalties and enforcement.

§ 119.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CITY. The City of Hollywood, Florida, as geographically described in the City Charter.

HABITABLE ROOM. A room or enclosed floor space used or intended to be used for living or sleeping purposes, excluding kitchens, bathrooms, shower rooms, water closet compartments, laundries, pantries, foyers, connecting corridors, closets and storage space.

LIFE SAFETY VIOLATION. A violation of any code intended primarily to prevent the loss of life, injury and property damage.

OCCUPANT. Any person who occupies, either during the day or overnight, a vacation rental.

OVERNIGHT. Defined as 10:00 PM to 7:00 AM. Times other than overnight are defined as 7:01 AM to 9:59 PM.

OWNER-OCCUPIED. Shall mean a vacation rental that is the primary and permanent residence of the owner of the property.

PEER-TO-PEER or PLATFORM ENTITY. Any person, service, business, company, marketplace, or other entity that, for a fee or other consideration, provides property owners and responsible parties a platform or means to offer vacation rentals to transient occupants, whether through the internet or other means.

TRANSIENT PUBLIC LODGING ESTABLISHMENT. Any unit, group of units, dwelling, building or group of buildings within a single complex of buildings that is rented to guests more than three times in a calendar year for periods of less than 30 days or one calendar month, whichever is less, or which is advertised or held out to the public as a place regularly rented to guests.

VACATION RENTAL. Any dwelling unit designed to be occupied as the residence or living quarters of not more than one family that is a transient public lodging establishment, but that is not a timeshare project.

VACATION RENTAL REPRESENTATIVE. A vacation rental property owner, manager or his or her authorized designee, as identified in the application for a eCity vacation rental license responsible for ensuring compliance with all regulations related to vacation rentals, and available to respond 24 hours per day, 7 days per week to any issue that arises relating to the vacation rental.

TITLE XI: BUSINESS REGULATIONS

CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

Vacation Rental License

* * *

§ 119.10 LICENSE REQUIRED.

(A) ~~Except as provided in the following paragraph, a~~ A property owner ~~operating a vacation rental shall obtain~~ shall not operate a vacation rental prior to being issued a vacation rental license. The property shall not be advertised prior to being issued a vacation rental license. ~~prior to advertising a property available for short term rental.~~ This requirement includes properties on which the property owner maintains a permanent residence and offers any portion of the property for transient vacation rental. A separate vacation rental license shall be required for each vacation rental.

~~A property owner operating a vacation rental on January 20, 2021 who, prior to January 20, 2021, was not required to obtain a vacation rental license shall obtain a license not~~

~~later than April 1, 2021. If the city is unable to schedule the required inspection on or before April 1, 2021, the city shall extend this deadline to enable the property owner, acting in good faith and in compliance with all applicable laws, to operate continuously from January 20, 2021 to the date a vacation rental license is issued. The grace period plus any city-granted extensions shall be available only during the initial application process after January 20, 2021. No other grace periods or extensions shall be allowed or granted.~~

(B) The advertising or advertisement for the rental of a dwelling unit for periods of less than 30 days or one calendar month, and more than three times a year is direct evidence of operating a property for rent as a vacation rental in violation of division (A) of this section.

§ 119.11 APPLICATION FOR VACATION RENTAL LICENSE.

(A) A property owner seeking initial issuance of a vacation rental license, or the renewal or modification of a vacation rental license, shall submit to the eCity a completed vacation rental license application, in a form promulgated by the eCity, together with an application fee in an amount set by resolution of the City Commission.

(B) A complete application for the initial issuance of a vacation rental license, or for its renewal or modification, shall demonstrate compliance with the standards and requirements set forth in this chapter through the following submittals:

(1) A completed vacation rental license application form, which must identify; the property owner, the address of the vacation rental, the vacation rental representative, and the phone number of the vacation rental representative.

(2) Payment of applicable fees.

(3) A copy of the vacation rental's current and active license as a transient public lodging establishment with the Florida Department of Business and Professional Regulation. Owner-occupied vacation rental properties are exempt from this requirement.

(4) A copy of the vacation rental's current and active certificate of registration with the Florida Department of Revenue for the purposes of collecting and remitting sales surtaxes, transient rental taxes, and any other taxes required by law to be remitted to the Florida Department of Revenue, if applicable.

(5) Evidence of the vacation rental's current and active account with the Broward County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Broward County Tax Collector.

Alternatively, a written statement by the property owner that the vacation rental representative is responsible for and will be remitting all applicable local Broward County

business and tourist development taxes through their Peer-to-Peer or Platform Entity through which the vacation rental is booked. The vacation rental representative shall list on the rental license application the name of all Peer-to-Peer or Platform Entities they will be using and shall promptly notify the City of any changes related thereto. In the event the vacation rental is advertised on a Peer-to-Peer or Platform Entity that fails to remit all applicable local Broward County business and tourist development taxes, the vacation rental representative will be required to promptly secure and maintain an active account with the Broward County Tax Collector for the purposes of collecting and remitting tourist development taxes and any other taxes required by law to be remitted to the Broward County Tax Collector.

(6) A copy of ~~the current~~ active City of Hollywood and Broward County local business tax receipts for the vacation rental.

(7) A copy of the current City of Hollywood and Broward County local business tax receipts for the vacation rental representative, if the vacation rental representative is not the property owner. Alternatively, the vacation rental representative may provide a copy of their local business tax receipt from the Florida municipality where they maintain their principal business.

~~(78) Interior building sketch by floor.~~ A building sketch (may be hand-drawn) by floor shall be provided, showing a floor layout and demonstrating compliance with the standards and requirements set forth in this chapter. The sketch provided shall be drawn to scale, and shall show and identify all bedrooms, other rooms, bathrooms, exits, hallways, stairways, smoke and carbon monoxide detectors, fire extinguishers and exit signage/lighting. The applicant shall provide photos of the interior including all bedrooms, bathrooms, and kitchen indexed to the submitted building sketch.

~~(89) Exterior site sketch.~~ An exterior site building sketch showing and identifying all structures, pools, spas, hot tubs, fencing and other uses, including the number and the location of all on-site and off-site parking spaces for the vacation rental and the location of all trash receptacles. The applicant shall provide photos of all exterior structures, pools, spas, hot tubs, fencing, other ancillary uses, number, and the location of all trash receptacles and on-site parking spaces indexed to the exterior site building sketch. Exterior photos shall include a front view, rear view, and both sides of the property exterior.

~~(910)~~ Acknowledgment that each ~~guest room~~ bedroom, hallway area leading to a bedroom, and kitchen shall be equipped with an approved, listed, single-station smoke detector meeting the minimum requirements of the NFPA.

~~(1011)~~ A section indicating the maximum number of occupants the vacation rental will have, both overnight and at all times other than overnight.

~~(1112)~~ ~~Whether~~ When the vacation rental property is within 1,000 feet of any school, designated public school bus stop, daycare center, park, playground, or other private or

public recreational facility where children regularly congregate, a background check of all occupants as more specifically described hereunder in section 119.39 of this chapter will be required. Proof of background checks shall be provided upon request by the City.

(~~12~~ 13) Acknowledgment that (i) the vacation ~~renewal~~ rental shall be equipped with a one or more noise level detection devices alerting the property owner/representative and ~~tenants~~ occupants to noise emanating from the vacation rental, and (ii) all data produced by this device will be retained for a period of 180 days and made available to the ~~e~~City upon request. In addition to the main gathering area inside, an exterior noise detection device shall be located in the main gathering areas outside of the vacation rental where occupants and guests congregate, including but not limited to patios and pools.

(~~13~~ 14) Representation that the property is in compliance with all applicable codes. A vacation rental license shall not be issued on a property with open violations.

(~~14~~15) Acknowledgment that each lease of the property as a vacation rental shall identify all occupants by name and shall include a copy of Chapter 119 of the Code of Ordinances as an attachment.

(~~15~~16) A certificate of insurance evidencing insurance coverage to cover liability for injury or harm to occupants and other invitees, and acknowledgment that (i) such liability coverage will be in effect at all times while the property is being used as a vacation rental, as evidenced by replacement certificates of insurance to be provided to the ~~e~~City as necessary, and (ii) a standard homeowner's or renter's insurance policy may not necessarily provide such liability coverage while the property is used as a vacation rental.

In the event that liability insurance is provided by the Peer-to-Peer or Platform Entity, a list of the name of all Peer-to-Peer or Platform Entities shall be submitted. The vacation rental representative shall notify the City if there is a change in or if additional Peer-to-Peer or Platform Entities will be used. If any Peer-to-Peer or Platform Entity does not provide liability insurance for the vacation rental, the vacation rental representative shall submit a certificate of insurance evidencing the required liability insurance coverage.

(17) The name and contact information for the Peer-to-Peer or Platform Entity or Entities on which the vacation rental is, or will be, listed for rent.

(18) A statement as to whether the entire property or just a part thereof (i.e., a room or rooms) will be used as a vacation rental.

(19) A statement indicating how many times, and for how many days in total, the property was used as a vacation rental during the previous calendar year.

(20) The property owner's agreement to use his or her best efforts to assure that the vacation rental use of the dwelling unit will not disrupt the residential character of the neighborhood and will not interfere with the rights of neighboring property owners to the quiet enjoyment of their residences.

(21) A property that is sub-leased and used as a vacation rental will require the property owner or authorized designee to apply for a vacation rental license. The property owner will be held responsible for any violations that occur on the premises.

(C) Incomplete applications may be rejected and processing delayed until all missing items are submitted. ~~will not be accepted, but will be returned, with any fees submitted to the property owner, with a notation of what items are missing.~~

(D) Vacation rental license applications shall be sworn to under penalty of perjury. Any false statements in an application shall be a basis for the revocation of any license issued pursuant to that application.

(E) A vacation rental license shall not be issued to any property owner with an open building or code violation. An application submitted will not be approved until such time that the open violation has been resolved. If the building or code violation has not been cured within a year of the original application date, the application will be denied.

(F) A vacation rental license shall not be issued to any condominium, co-operative, or apartment unit within a building with one or more open violations. Additionally, a vacation rental license may not be issued to any condominium, co-operative, or apartment unit where the building has not conducted and passed the required inspections in conjunction with the Broward County Building Safety Inspection Program, as applicable.

(G) If a vacation rental is found to be operating without a City vacation rental, the City Manager or designee may refuse to issue a vacation rental license for a period not to exceed one year from the date of the second finding or admission of guilt.

§ 119.12 MODIFICATION OF VACATION RENTAL LICENSE.

An application for modification of a vacation rental license shall be required in the event that any of the following changes to the vacation rental are proposed:

- (A) An increase in the gross square footage;
- (B) An increase in the number of bedrooms;
- (C) An increase in the maximum occupancy;
- (D) An increase in the number of parking spaces, or a change in the location of parking spaces;
- (E) An increase in the number of bathrooms;
- (F) Any other material modifications that would increase the intensity of use.

§ 119.13 DURATION OF VACATION RENTAL LICENSE.

The vacation rental license shall expire each September 30, and may be annually renewed thereafter only if the property is in compliance with this chapter and a renewal fee, to be established by resolution of the City Commission, is paid. Renewal will be subject to an annual inspection. If, in connection with the rescheduling of an inspection, the property owner fails to reply to three attempts by the eCity to contact the property owner, the license for the subject property shall be revoked.

A Vacation Rental License is non-transferable. The vacation rental representative shall notify the City in writing within 30 days if the property is no longer operating as a vacation rental. Upon City's receipt of such notification, the vacation rental license will be made inactive. A new application shall be submitted and approval obtained prior to advertising or operating the vacation rental.

§ 119.14 RENEWAL OF VACATION RENTAL LICENSE.

A property owner may ~~apply for a renewal~~ renew their license beginning July 1 prior to the expiration of the annual license. Initial applications and renewals received after July 1 of the fiscal year shall be valid for the term expiring on September 30 of the following year. Each application for renewal received after September 30 shall be assessed a late fee of ~~\$100~~ in an amount set by resolution of the City Commission. Failure to remit the renewal payment within 90 days shall result in the vacation rental license being revoked and require a new vacation rental application to be submitted and approved prior to advertising or operating the vacation rental.

§ 119.15 COMPLIANCE AND INSPECTIONS OF VACATION RENTALS.

(A) Inspection of a vacation rental shall be required prior to issuance of a vacation rental license and prior to renewal of a vacation rental license to verify compliance with the laws, rules and regulations of any and all regulatory authorities having jurisdiction, and where such laws, rules and regulations are applicable and are known to the Building Official. The inspection shall consist of criteria established by the City Manager or his or her designee. Such criteria shall be established for the primary purpose of protecting the health, safety, and welfare of vacation rental occupants. If instances of noncompliance with the standards and requirements therein are found, all such instances of noncompliance shall be corrected and the vacation rental shall be re-inspected prior to the issuance of an initial vacation rental license.

(1) ~~An applicant~~ property owner or authorized designee shall sign a sworn statement, included in the vacation rental license application, under penalty of perjury, that he or she believes the subject property is in compliance with the City Code and all Broward County and State of Florida building codes.

~~(2) Once an applicant property owner or authorized designee applies for signs such a sworn statement and all requirements for the issuance of a vacation rental license and pays the required fees other than the inspection and code compliance requirements have been met, an inspection will may be scheduled. All areas of the property shall be inspected. If any area is locked off and/or the representative refuses an area to be inspected, it will result in a failed inspection, the vacation rental application will be denied, and all fees paid shall be forfeited.~~

(B) Inspections shall be scheduled upon completion of the application process. ~~The It is the applicant's property owner or authorized designee's responsibility will sign a schedule form with the representative's contact information, acknowledging the scheduled time for to schedule an inspection.~~

~~(1) If an applicant who is entitled to a grace period pursuant to the second paragraph of § 119.10(A) fails to allow the scheduled inspection to proceed, the grace period shall be terminated and a new application shall be required with all associated fees. No credit will be given for previous fees paid.~~

~~(2) If an applicant who is entitled to a grace period pursuant to the second paragraph of § 119.10(A) reschedules an inspection, a rescheduling fee in an amount set by resolution of the City Commission will be due, and the grace period shall be tolled until the property passes inspection.~~

~~(31) Failure to respond for to a request to scheduled an inspection, ignoring calls pertaining to an inspection, and rental of a vacation rental without an proper active license shall result in the suspension of the license or therefor shall cause the eCity to seek an inspection warrant. If an inspection warrant is issued, a fee in an amount set by resolution of the City Commission will be assessed for the costs related to the obtaining and execution of the warrant. Failure to comply with this section will result in a new application being denied, forfeiting all application fees paid and/or an active vacation rental license being suspended.~~

(42) If an inspection warrant is issued and entry is still refused, the individual refusing entry may be subject to prosecution for the willful refusal to permit an inspection authorized by an inspection warrant issued pursuant to state law – a misdemeanor of the second degree.

(53) If instances of noncompliance with the applicable standards and requirements are found, all such instances of noncompliance shall be corrected, and the property shall not be rented as a vacation rental until it is re-inspected and an initial vacation rental license is issued.

(C) Any unpermitted work on property used as a vacation rental shall be deemed "unsafe" per the Florida Building Code Broward County Amendments section 116.2.1.3, and the property will be posted "Unsafe." No vacation rental property that has unpermitted work shall be occupied until a permit is issued and all inspections are passed, and a

certificate of occupancy or completion is issued. A violation of this section is subject to a fine per occurrence in an amount set by resolution of the City Commission.

(D) Unpermitted work shall be corrected by obtaining a building permit and all work shall be inspected and pass inspection. As provided in the Florida Building Code, a double permit fee for after-the-fact permitting shall be charged. The property owner may request an expedited plan review for an additional fee in an amount set by resolution of the City Commission.

(E) Once a vacation rental passes inspection and is issued a license, ~~such~~ the vacation rental shall be properly maintained in accordance with the standards and requirements set forth in this chapter and all other applicable regulations. In the event a notice of violation is issued, all violations shall be corrected and re-inspected within 30 calendar days after the issuance of the notice of violation, with the exception of life safety violations, which will deem the vacation rental unsafe and not lawful for further occupancy until corrected and inspected. Failure to correct ~~such~~ the violations within the timeframes provided shall result in the suspension of the vacation rental license until such time that the violations are corrected, re-inspected, and found in compliance.

(F) In the event a vacation rental property is found guilty or admits ~~guilt~~ guilt, regardless of adjudication, of a violation, citation, or a notice to appear two times in a 12-month period, the vacation rental license shall be suspended pending the development by the property owner of a written action plan outlining the specific measures that the owner will take to eliminate the reoccurrence of the violation at the property; ~~provided, however, that if the second finding or admission of guilt is for the same violation, § 119.58(D)(2) shall apply and this subsection shall not apply.~~

(1) The property owner shall provide the action plan to the eCity no later than five business days from the date of the second finding or admission of guilt, regardless of adjudication. A fee in an amount set by resolution of the City Commission shall be charged for each action plan submitted to cover review costs.

(2) If the eCity determines that the action plan is adequate to eliminate the reoccurrence of nuisance activities on the properties, the property owner shall implement the plan within five business days from the date the action plan is deemed adequate.

(3) If the property owner successfully completes the action plan within the time period established by the eCity and pays all associated fines and costs imposed by the eCity, the vacation rental license will be restored.

(4) If the eCity determines that the action plan is not adequate to eliminate the reoccurrence of the violations on the property, the eCity may require the property owner to revise the action plan. The property owner shall submit the revised action plan to the eCity no later than five days from the date the action plan is determined to be inadequate. The submittal of an inadequate action plan on three consecutive occasions shall result in the revocation of the vacation rental license.

§ 119.16 (RESERVED).

§ 119.17 LICENSE NON-TRANSFERABLE, NON-ASSIGNABLE.

Vacation rental licenses are non-transferable and non--assignable. If the ownership of any vacation rental is sold or otherwise transferred, any outstanding vacation rental license as to that vacation rental shall be ~~null and void~~ made inactive upon the sale or transfer of the property. Since a vacation rental license is issued to the property owner, the new property owner is required to apply for and be issued their own active vacation rental license prior to operating the property as a vacation rental.

~~§ 119.18 RENTAL AGREEMENT VESTING.~~

~~—It is recognized that, at the time of passage of this chapter, there are likely existing rental/lease agreements for vacation rentals that may not be in compliance with the regulations herein. Rental agreements that were entered into prior to the date of adoption of this chapter shall be considered vested. No special vesting process or fee shall be required to obtain this vesting benefit.~~

TITLE XI: BUSINESS REGULATIONS

CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

Vacation Rental Representative

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§ 119.20 DUTIES OF THE VACATION RENTAL REPRESENTATIVE.

Every vacation rental representative shall:

(A) Be available by landline or mobile telephone answered by the vacation rental representative at the listed phone number, 24 hours a day, seven days a week, to handle any problems arising from the vacation rental; and

(B) Be willing and able to be physically present at the vacation rental within 60 minutes following notification from a vacation rental occupant, law enforcement officer, code compliance officer, emergency personnel, or the eCity for issues related to the vacation rental, ~~and shall actually be physically present at that location in that time frame when requested.~~ The rental agreement, including the date booked and check-in and check-out schedule, for a current guest shall be made available immediately upon arrival to the eCity personnel requesting a response. Any violations resulting in fines issued to a tenant where the property owner was advised shall also be the property owner's responsibility, ~~thereby enabling the property owner to recover the fines via a security deposit; and~~

(C) Conduct an on-site inspection of the vacation rental at the end of each rental period to assure continued compliance with the requirements of this chapter; and

(D) Maintain for three years a log of all guests of the vacation rental to be available for inspection upon request. Any omission of rentals activity shall be grounds for revocation of the vacation rental license.

(E) The property owner, representative, and/or property management company shall be responsible for correctly advertising the vacation rental as specified in the approved application as it was inspected and licensed, including but not limited to bedroom count, bathroom count, and maximum occupancy. Any violation of this section shall result in a fine to the property owner in an amount set by resolution of the City Commission.

TITLE XI: BUSINESS REGULATIONS

CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

Standards and Requirements for Vacation Rentals

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§ 119.30 GENERAL.

The standards and requirements set forth in this subchapter shall apply to the rental, use, and occupancy of vacation rentals in the eCity.

§ 119.31 LOCAL PHONE SERVICE REQUIRED.

Local phone service. At least one mobile, landline, or other telephone with the ability to call 911 shall be available in the main level common area ~~in~~of the vacation rental. The phone number must be provided on the Vacation Rental License application.

§ 119.32 PARKING STANDARDS.

Occupants and visitors to the vacation rental shall comply with all relevant parking codes as found in Chapter 72 of the Hollywood Code of Ordinances. In addition, occupants and visitors shall park motor vehicles only on-site where the property is designed to accommodate on-site parking or off-site where parking adjacent to the property is allowed. In accordance with § 72.022, no occupant or visitor to a vacation rental shall park on the swale area or any unpaved right-of-way adjacent to a paved street, which swale area or unpaved right-of-way abuts the property of another single-family dwelling, without the consent of a person entitled to the possession and use of the property abutting the swale area or unpaved right-of-way. Notice of the parking locations allowed and other requirements shall be posted inside the vacation rental.

§ 119.33 SOLID WASTE HANDLING AND CONTAINMENT.

Requirements for garbage storage and collection shall be as follows:

(A) Trash storage containers shall be provided and shall be screened with a six-foot fence or landscaping, with an opening for container removal.

(B) The vacation rental shall contract with the waste management provider for side-door pick-up service. All solid waste containers shall be placed at curbside or other designated collection area only on scheduled collection days and shall be removed therefrom that same day once collection has occurred.

(C) Properties with alley garbage collection are exempt from divisions (A) and (B).

(D) Notice of the location of the trash storage containers and rules for collection shall be posted inside the vacation rental.

(E) In addition to the trash storage container automatically issued by the eCity, all vacation rentals not using dumpsters that have a maximum occupancy of more than eight shall have at least one additional trash storage container if available from the eCity, whether there is a charge for such additional trash storage container or not.

§ 119.34 MAXIMUM OCCUPANCY.

Requirements for space shall be as follows:

~~(A) Each vacation rental shall have a minimum gross floor area of not less than 150 square feet for the first occupant, and not less than 100 square feet for each additional occupant.~~

~~(B)~~ Every room in a vacation rental used for sleeping purposes ("bedroom") shall:

(1) Pursuant to Florida Building Code, ~~H~~ have a gross floor area of not less than 70 square feet; and when occupied by more than one occupant, shall have a gross floor area of not less than 50 square feet for each occupant. The maximum number of occupants for ~~each~~ any bedroom shall be two.

(2) Have a closet, but closet space will not be considered as space meeting the requirements established in ~~division~~ section (1) above.

~~(3) Have a minimum width of eight feet.~~

(C) Gross area shall be calculated on the basis of total room area, and those exclusions appearing in the definition of "habitable room" shall not be considered in calculation of such floor areas.

(D) Every habitable room in a vacation rental shall have a ceiling height of not less than seven feet for at least half the floor area of the room. Any portion of a habitable room having a ceiling height of five feet or less shall not be included in calculating the total floor area of that room.

~~(E) At all times other than overnight, the maximum occupancy of a vacation rental shall not exceed one and one-half times the maximum overnight occupancy. Up to four persons under four years of age are exempt from and shall not count towards the occupancy limits set in this section.~~ Maximum overnight occupancy for a vacation rental shall be up to a maximum of two persons per bedroom during overnight stays. Three people per bedroom at all other times. Notwithstanding the foregoing, at no time may the occupancy of a vacation rental exceed the maximum occupant load for the property pursuant to the Florida Building Code, the stricter of the two shall apply.

The responsible party and all occupants shall abide by all applicable state and local public nuisance laws and ordinances.

§ 119.35 POSTING OF VACATION RENTAL INFORMATION.

(A) In each vacation rental, located on the back or next to the main entrance door, there shall be posted as a single page the following information:

(1) The name, address and phone number of the vacation rental representative;

(2) The maximum occupancy of the vacation rental based on (i) a minimum of 70 square feet per bedroom for one occupant; (ii) when there is more than one occupant per bedroom, a minimum of 50 square feet for each occupant; (iii) an absolute maximum of two occupants per bedroom; (iv) at all times other than overnight, a maximum occupancy of ~~one and one-half times the maximum overnight occupancy;~~ equal to and calculated as three occupants per bedroom during non-overnight hours. and (v) ~~exempting up to four persons under four years of age;~~

(3) A statement advising the occupant that the volume of noise generated at the vacation rental is limited by the City Noise Ordinance. A noise level detection device(s) alerting the property owner/representative and tenant shall be installed in every vacation rental;

(4) A sketch of the location of the off-street and on-street parking spaces;

(5) The location, days and times of trash pickup, and notice that trash receptacles and the areas where trash receptacles are kept must be properly maintained at all times so as to protect the health, safety and welfare of the neighborhood;

(6) The notice of sea turtle nesting season and sea turtle lighting regulations, if applicable;

(7) The location of the nearest hospital;

(8) The local non-emergency police phone number; and

(9) If applicable, a statement that the vacation rental is located within 1,000 feet of a school, designated public school bus stop, daycare center, park, playground, or other private or public recreational facility where children regularly congregate and shall not be rented to nor occupied by any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, or convicted of a similar felony sexual offense in any other state, Federal Court or military tribunal in the United States, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age.

(10) A statement that all occupants must evacuate from the vacation rental upon posting of any evacuation order issued by local, state, or federal authorities.

(B) A copy of the building evacuation map, with a minimum size of 8½" by 11", shall be provided to the renter upon the start of each vacation rental.

(C) In each vacation rental, located in the backyard and/or pool area, there shall be posted notice that (i) unreasonably loud noise is prohibited, (ii) the City's Noise Ordinance must be fully complied with, and (iii) the property is monitored by a noise level detection device.

§ 119.36 MINIMUM LIFE SAFETY REQUIREMENTS.

The following standards shall govern the use of any vacation rental required to be registered under § 119.10 of the Code of Ordinances, as a permitted use:

(A) Swimming pool, spa and hot tub safety. A swimming pool, spa or hot tub shall comply with the then current standards of the Residential Swimming Pool Safety Act, F.S. Ch. 515.

(B) Smoke and carbon monoxide (CO) detection and notification system. A smoke and carbon monoxide (CO) detection and notification system within the vacation rental unit shall be interconnected with a ten-year battery or ~~and~~ hard-wired and shall receive primary power from the building wiring.

(C) Fire extinguisher. A portable, multipurpose dry chemical 2A:10B:C fire extinguisher shall be installed, inspected and maintained in accordance with the then current NFPA 10 on each floor/level of the unit. The extinguisher(s) shall be installed on the wall in an open common area or in an enclosed space with appropriate markings visibly showing the location.

(D) Compliance with Florida Administrative Code Rule 69A-43.018, "One and Two Family Dwellings, Recreational Vehicles and Mobile Homes Licensed as Public Lodging Establishment."

§ 119.37 ADVERTISING.

The vacation rental shall not be advertised for any commercial or non-residential use, ~~except that~~ Advertising the use of the premises as a vacation rental shall not be prohibited. Any advertising of the vacation rental unit by the owner, representative or any service shall conform to information included in the vacation rental application and shall include at a minimum, identification of the maximum occupancy permitted on the property. The owner or representative shall ensure that the name and contact information for any listing services on or through which the vacation rental is to be offered for rent, which was provided in the application, is updated with the eCity to reflect any changes to ensure that the eCity has a current list of all sites on which the vacation rental is listed for rent. Advertisements for the vacation rental must display the Florida Department of Business and Professional Regulation Transient Lodging license number and the City of Hollywood vacation rental license number. Any advertising of a property for purposes of a vacation rental shall be deemed sufficient evidence of the use of that property as a vacation rental for purposes of enforcing all sections of this chapter. It shall be the property owner's responsibility to cancel any advertisements upon ceasing rentals. Failure to do so is not a defense.

Advertising of occupancy is limited as set forth in section 119.34. Any violation shall result in a fine to the property owner in an amount set by resolution of the City Commission.

§ 119.38 COMMERCIAL USE OF PROPERTY PROHIBITED.

The vacation rental shall not be used for any commercial or non-residential use, except that the use of the premises as a vacation rental shall not be deemed a prohibited commercial use. Specifically, it shall be unlawful to engage in any commercial or nonresidential activity, such as, but not limited to, the following:

(A) Use of the premises for the manufacturing, storing, distribution, or repair of any merchandise:

(B) Allowing clients or customers of the tenant on the premises for the purpose of engaging in activities pursuant to their relationship with the tenant as clients or customers:

(C) Use of the address of the premises for purposes of advertising the premises for a use other than its intended use as a vacation rental;

(D) Allowing an employee of the tenant on the premises for the purpose of providing services to the tenant pursuant to the employment relationship between the tenant and the employee;

(E) Posting or displaying a sign on the premises which indicates that the premises are being used for a use other than its intended use as a vacation rental. All signs that are allowed shall comply fully with Article 8 of the Zoning and Land Development Regulations of the eCity.

(F) Charging an admission fee for access to the vacation rental or any portion of the vacation rental; and

(G) Violation of any other code that regulates or prohibits commercial or nonresidential uses. Any uses of the residential property that (a) produces a public nuisance; (b) does not comply with the residential zoning district regulations; (c) produces noxious gases, odors, or by-products; or (d) would otherwise be prohibited within commercial districts is prohibited. All activities occurring upon or use of the residential property while rented or any violation(s) of any other code that regulates or prohibits commercial or non-residential uses that are not preempted by Florida Statute are prohibited. Rental of all or of any portion of a residential property for any purpose, activity or use, including but not limited to rental for an event (e.g. wedding), rental of pools, tennis courts, yards, or any other ancillary facilities that is not preempted by Florida Statute is prohibited.

The eCity shall deem any commercial or non-residential use or advertising for any commercial or non-residential use as a serious offense and shall seek the maximum penalties allowed by law.

§ 119.39 SEXUAL OFFENDERS AND PREDATORS PROHIBITED.

Vacation rental properties within 1,000 feet of any school, designated public school bus stop, day-care center, park, playground, or other private or public recreational facility where children regularly congregate shall not be rented to nor occupied by any person who has been convicted of a violation of F.S. §§ 794.011, 800.04, 827.071, or 847.0145, or convicted of a similar felony sexual offense in any other state, Federal Court or military tribunal in the United States, regardless of whether adjudication has been withheld, in which the victim of the offense was less than 16 years of age. The property owner or designated representative shall determine, prior to submission of an application for a vacation rental license, whether the vacation rental property is located in an area in which it is unlawful for sexual offenders or sexual predators to establish residence.

The property owner or designated representative will retain and make available for City's inspection all reports conducted as required herein upon request for three years. The responsible party may conduct a free offender search at <https://offender.fdle.state.fl.us/offender/sops/home.jsf>.

TITLE XI: BUSINESS REGULATIONS

CHAPTER 119: VACATION RENTAL LICENSE PROGRAM

Administration, Penalties, and Enforcement

* * *

§ 119.55 ADMINISTRATION OF VACATION RENTAL LICENSE PROGRAM.

The ultimate responsibility for the administration of this chapter is vested in the City Manager, or his or her authorized designee, who is responsible for granting, denying, revoking, renewing, suspending and canceling vacation rental licenses for proposed and existing vacation rentals as set forth in this chapter.

§ 119.56 APPEALS.

Any decision of the City Manager, or his or her authorized designee, appealed by the property owner shall be heard by the special magistrate. All associated fines and costs imposed shall be paid by the property owner. The special magistrate shall have full authority to enforce this chapter.

§ 119.57 NOTICE.

Any notice required under this chapter shall be accomplished by sending a written notification by U.S. Mail, postage paid, to the mailing address of the vacation rental representative set forth on documents filed with the eCity under this chapter, which shall be considered for all purposes as the correct address for service, or by personal service or delivery to the vacation rental representative in compliance with state and local law.

§ 119.58 PENALTIES AND ENFORCEMENT.

(A) By citation. Any violation of this chapter may be punished by citation, as specifically described in Chapter 36 of the Hollywood Code of Ordinances, including but not limited to, the requirements of a reasonable warning prior to issuance of a citation; provided, however, the violation shall be subject to a fine adopted by resolution of the City Commission ~~in the amount of \$250, for the first offense, \$500 for the second and subsequent offenses, plus a suspension of the vacation rental license, as provided hereinafter, for the third offense.~~ Citations, as well as all other means of enforcement of this chapter, may be issued to the property owner, the vacation rental representative, the tenant, or any combination of the three. In that regard, whenever two persons commit a violation, each violator shall be jointly and severally liable for any fine assessed. This applies to situations where a property owner, vacation rental representative or tenant, or any combination of the three, are together responsible for a violation of this chapter.

(B) Other enforcement methods and penalties. Notwithstanding anything otherwise provided herein, violations of this chapter shall also be subject to all the enforcement methods and penalties that may be imposed for the violation of ordinances of the eCity as provided in § 10.99 of the Hollywood Code of Ordinances. Nothing contained herein shall prevent the eCity from seeking all other available remedies that may include, but not

be limited to, injunctive relief, abatement of public nuisance, liens, fines, imprisonment, and other penalties as provided by law.

(C) Suspension of license.

(1) In addition to any fines and any other remedies described herein or provided for by law, the City Manager, or designee shall may suspend a vacation rental license upon the second finding or admission of guilt, regardless of adjudication of the same violation and shall suspend a vacation rental license upon a third finding or admission of guilt, regardless of adjudication, of any violation of this chapter in any continuous 12-month period. The suspension of a vacation rental license shall be for a period not to exceed one year, and shall begin following notice, commencing either at the end of the current vacation rental lease period, or after 30 calendar days, whichever is less.

(2) A dwelling unit may not be used as a vacation rental during any period of suspension of a vacation rental license. If any finding or admission of guilt, regardless of adjudication, is for operating a vacation rental without a vacation rental license, each day shall be considered a separate violation and the amount of the fine for each day shall not exceed the greater of \$5,000 per day and the maximum amount allowed by law. If a second finding or admission of guilt is for operating without a license, the City Manager, or designee, shall refuse to issue a vacation rental license for a period of one year from the date of the second finding or admission of guilt.

(3) The property owner shall not be entitled to any refund of the annual fee paid for a vacation rental license for any portion of the unexpired term of a license resulting from the suspension of the vacation rental license.

(D) Revocation of license.

(1) The City Manager, or designee may refuse to issue or renew a license or may revoke a vacation rental license issued under this chapter, if the property owner has willfully withheld or falsified any information required for a vacation rental license.

(2) The vacation rental license issued under this chapter shall be revoked upon the second finding or admission of guilt, regardless of adjudication of the same violation which occurred on the vacation rental property within any continuous 12-month period.

(3) The property owner shall not be entitled to any refund of the annual fee paid for a license for any portion of the unexpired term of a license because of revocation ~~or suspension~~ of the vacation rental license.

(4) Revocation of a license will prohibit the issuance of a vacation rental license for a period not to exceed one year and will require a new application including all fees in effect at the time of the new application.

(E) For all purposes under this chapter, service of notice on the vacation rental representative shall be deemed service of notice on the property owner and occupant.

(F) No occupant shall occupy a vacation rental, and no advertisement for the vacation rental shall occur during any period of suspension or revocation of a vacation rental's vacation rental license. Any use or advertising of the property as a vacation rental during suspension or revocation shall be subject to the maximum penalties allowed by law for each day the property is so used or advertised.

Section 3: That it is the intention of the City Commission that the provisions of this Ordinance shall be made a part of the Code of Ordinances of the City of Hollywood, Florida, and the sections of the Code may be renumbered to accomplish such intention.

Section 4: That if any word, phrase, clause, subsection, or section of this Ordinance is for any reason held unconstitutional or invalid, such invalidity shall not affect the validity of any remaining portions of this Ordinance.

Section 5: That all sections or parts of sections of the Code of Ordinances, all ordinances or parts of ordinances, and all resolutions or parts of resolutions in conflict are repealed to the extent of such conflict.

Section 6: That this Ordinance shall be in full force and effect immediately upon its passage and adoption.

Advertised _____, 2023.

PASSED on first reading this _____ day of _____, 2023.

PASSED AND ADOPTED on second reading this _____ day of _____, 2023.

JOSH LEVY, MAYOR

ATTEST:

PATRICIA A. CERNY, MMC
CITY CLERK

APPROVED AS TO FORM:

DOUGLAS R. GONZALES
CITY ATTORNEY